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SPEAKER: THE HONOURABLE JAMES M. RUSSELL

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

Hon. W. W. Marshall (Minister without Portfolio): Mr. Speaker, as most members of this honourable House know, the mother of the honourable member for Fogo passed away a few days ago and her funeral service is presently being held.

As a mark of respect to the late Mrs. Winsor and as well to enable the other members of the House to be in the Chamber when the business commences today, I move that the House now adjourn until 3:30 this afternoon.

MR. SPEAKER: It is moved and seconded that the House do adjourn until 3:30 o'clock this afternoon, those in favour aye, those against nay, carried.

This House stands adjourned until 3:30 o'clock this afternoon.

MR. SPEAKER: Order!

Gentlemen, before we commence I would like to draw your attention to two gatherings in the galleries today. There are a group of thirty-four grade VIII students from Morris Academy, Mount Pearl with their teachers in charge, Mr. Ralph Collier and Mr. Harvey Hodder. I trust that your stay here will be interesting and informative.

Also in the galleries today are the Mayor of Stephenville Crossing, Mr. Goodyear and the Town Clerk of the Town of Stephenville Crossing, Mrs. Squires. I trust that your stay will be interesting and informative as well.

HON. F. D. MOORES (Premier): Mr. Speaker, I would like to move at this time that this House go on record as sincerely expressing our deepest sympathy to the hon. member for Fogo on the passing of his mother who was buried, I understand, today.

It is always a sad occasion when something like this happens and particularly to one's colleagues in the House. I

know that all my colleagues on this side and certainly Captain Winsor's colleagues on the other side feel exactly as I do, that is that we desire to register a sincere vote of sympathy in this House on the passing of his mother and to go on record that for him and the other members of his family this House feels in this manner.

HON. E. M. ROBERTS (Leader of the Opposition): Mr. Speaker, very briefly, but very sincerely, my colleagues and I would like very much to be associated with the resolution and we are grateful to the Premier for his kindness and for his sympathy in proposing it at this time.

MR. SPEAKER: The proper measures will be taken in the letter expressing the sympathy of the House and will be directed to the bereaved family.

HON. G. R. Ottenheimer (Minister of Education): Mr. Speaker, the pupil enrollment in the schools of the province for the present academic year is approximately 161,666. This is a reduction of approximately 1,200 when compared with the previous academic year. Projected enrollment figures indicate that there will be a further reduction of approximately 1,000 in the total number of pupils to be registered for the next academic year. These reductions are due to a decline in the birth rate.

As was announced in the Budget, the government intend to improve the pupil-teacher ratio for the academic year beginning September, 1974. Related to this, the government have decided to amend the relevant regulations to allow an additional year of grace to school boards before the number of teachers need be reduced when enrollment decreases in a particular school are due to natural causes.

This does not mean that boards will be allowed to attain the same number of teachers' salary units in a school if its enrollment decreases significantly as a result of school reorganization or administrative decisions of the board such as redefinition of

attendance zones.

The purpose of the proposed amendment is to permit school boards to retain teachers who might be displaced because of a slight decrease in enrollment in a particular school due to the declining birth rate. This decision is obviously related to the government's intention to improve the pupil-teacher ratio next year.

In the implementation of the proposed amendment, the school boards will be required to seek the approval of the Department of Education. The amendment is designed to permit the school boards to continue the same level of services during the next academic year as they did during the present academic year in spite of a possible lower pupil enrollment due to natural causes, that is a slight decline in the birth rate.

This is pending the introduction of a new and improved pupil-teacher allocation formula to come into effect in the academic year beginning September 1974 and obviously prior to which further discussions will be held with school boards and The Teachers' Association.

I have copies of that for the opposition and the press and want it to be tabled.

PRESENTING PETITIONS:

MR. SPEAKER: The honourable the member for St. Georges.

MR. DUNPHY: Mr. Speaker, I beg leave to present a petition on behalf of the

people of Highlands. The prayer of the petition goes thusly: "We the undersigned are requesting the assistance of the Department of Highways to obtain upgrading and paving of the main roads at the Highlands." Now these people were promised for years under the previous administration to have this road upgraded and paved. To add insult to injury, two years ago most of the local roads in this area were paved and some of the communities that received pavement were not populated as much so as the Highlands and they feel it is very unjust to deny them upgrading and paving. To justify this petition they are listing some of the needs that depend on a decent road.

Before the area can be developed to any extent there must be a good road. As it is there are periods when the main road is almost impassable. In the summer, these periods, owners of vehicles, people who live there and own these vehicles have refused to use the road for the simple reason that their cars just will not stand up to it. All outgoing and incoming freight must be transported to St. Fintan's which is the nearest railway station. Actually this is one of the communities that did get pavement and that is where the pavement ends and it is from St. Fintan's the road continues on out to the Highlands. St. Fintan's is also the CN bus stop. The children have to be bussed to St. Fintan's to attend school. The school bus must make six trips a day over the road in order to accommodate these children.

You can take my word for it along with the 115 people who signed this petition that they are having a hard time getting through in the wintertime and particularly during the springtime when the roads have broken up. It is very soft, a lot of mud holes, they are scraping along and it is really making for hard times. So I think you can appreciate what some of these people are going through on repair bills.

Now very shortly in the Highland District our lobster

fishery will begin, not only lobsters but also other species of fish and these produce or harvest have to be transported from that area back into the main highway. To add to that then you have the dust which is a problem during the summer months and it is a definite discouragement to the tourists who love to go out in that area but are discouraged from going there because if it is not dust it is potholes and if it is not potholes it is muck and if it is not muck it is snow.

So I think that the department to which this relates should give this very serious consideration because it is a tourist Mecca, it is a fishing Mecca. I do not think this should go on because as far as I can see from going into the District of St. George's and becoming their member I have a strong feeling that these poor people of the Highlands are the forgotten people and I do not feel that my government should let this go further.

Now we could list many, many more reasons as to why Highlands should have upgrading and a paved road but I think it is high time that we got with it. The slogan during our last campaign was "The Time has Come," well the time has come, it is now and it is due for consideration and I mean now that the Highlands receive as soon as possible upgrading and pavement.

I would ask that this petition be placed upon the table and taken to the department to which it relates.

MR. NEARY: Mr. Speaker, it gives me great pleasure to support this petition presented by the hon. member for St. George's and in so doing, Sir, I would like to welcome the hon. member back to this House after several weeks absence. The member made a very strong case in presenting the petition and we on this side of the House, Sir, sympathize with the people in the Highways especially the 1,300 I think who signed the petition. I do not

know if the hon. member was in the House on Friday when the Minister of Finance read his Budget Speech but the minister stated that on new construction this year there would be a reduction of \$3 million. It is down from \$5,090,000 down to \$2,230,000 but in improvements and reconstruction the estimates for the year are up by \$1,800,000. So my advice to the member - and the minister said that he was inflexible, there was going to be no flexibility in the budget this year, no new projects the minister said. So my advice to the member for St. George's is that he go down now and queue up because if he is going to get that road in the Highlands upgraded and paved this year he is going to have to line up early as I am sure that there are other members who will try to get in there before him.

So I do hope that the member will be able to get the road upgraded and paved. I think it is a reasonable request and the member can needle the opposition all he likes about the previous administration but that is one of the reasons we were kicked out, Mr. Speaker.

MR. SPEAKER: Order please! The hon. member has resumed his seat, I presume - Has the hon. member finished?

MR. NEARY: No, Mr. Speaker, the hon. -

MR. SPEAKER: The hon. member is not to be permitted to go into a long harangue or even to commence harangue about the merits or demerits of which administration did. He is to direct himself to the petition and nothing else.

MR. NEARY: I would like to remind Your Honour that I did not start this, Sir. The statement was made by the member who introduced the petition and I have just as much rights in this hon. House -

MR. SPEAKER: If the hon. member would permit. If the hon. member felt that the member for St. George's was being irrelevant he could

have risen to a point of order at that time.

MR. SPEAKER: I am not the Speaker of this hon. House, Sir, and Your Honour knows when somebody is out of order and I do not have to rise every five minutes and bring it to Your Honour's attention that somebody in this House is out of order. That is why we have a Speaker, Mr. Speaker, in this hon. House.

MR. MARSHALL: To a point of order, Mr. Speaker, it is intolerable. Your Honour has made a ruling and the rules are well known with respect to petitions, that hon. members must address themselves to the petitions themselves. The hon. member for Bell Island has chosen to go on a lecture with respect to the Budget Speech and then into a long discourse with respect to Your Honour's ruling. So the point that I am making, Mr. Speaker, is that when the Speaker makes a ruling in this House it is to be accepted or appealed but it is not subject to debate.

MR. ROBERTS: To that point of order, Mr. Speaker, my colleague is not attempting either to debate or to challenge Your Honour's ruling. He is speaking to the petition, without the harrassment that comes from the honourable gentlemen opposite. The point is that the honourable gentleman - Mr. Speaker, I am speaking to a point of order. The hon. member for St. George's has not been in the House for two or three months. He has obviously forgotten the rules. The hon. gentleman from St. George's, Mr. Speaker, in introducing this petition, in speaking in support of it, made certain remarks. My friend and colleague, the hon. gentleman from Bell Island -

MR. SPEAKER: If the honourable Leader of the Opposition would permit me. The Chair will not permit a long discussion on this point of order. The Chair made a ruling with regard to the speech the hon. member for Bell Island was getting into and getting into matters which were certainly irrelevant. That is the ruling. If the hon. member for Bell Island wish to direct himself directly

to the point of the petition, he may address this honourable House again. However, the point is quite clear and the honourable member was completely out of order. The Chair will not entertain further argument on the subject. If the honourable members wish to appeal the ruling, then of course that is their right.

MR. ROBERTS: I was not speaking in respect to the ruling, I was speaking in respect of the point of order. Are we now going to have the system in this House where one side can raise a point of order and the other side cannot comment upon it or may I be permitted to continue my few humble remarks?

MR. SPEAKER: If the honourable member will permit. The device of using the point of order to enter into a long debate which would in effect circumvent the Speaker's ruling is not going to be permitted either. So the honourable member if he wish to direct himself to the petition, he may do so but is not to be permitted to circumvent the Speaker's ruling by the device of using the point of order.

MR. ROBERTS: Mr. Speaker, I am not attempting to circumvent Your Honour's ruling and I rather resent the implication you are making, Sir, to be blunt. You think I am. I understood, unless Your Honour has brought in a new set of rules, that an honourable member was allowed to speak and if he were out of order, Your Honour,

Your Honour would of course call him to order. May I be permitted to continue?

MR. SPEAKER: The Chair has attempted for the past ten minutes or so to do just that and to bring the honourable member for Bell Island to order and the honourable members on each side have had certain liberties in addressing themselves to the point of order. The Chair has ruled and has ruled again and the honourable Leader of the Opposition has chosen to challenge the ruling. If the honourable Leader of the Opposition wish to formally challenge it that of course is his prerogative.

MR. ROBERTS: I am not attempting to challenge the ruling. I happen to think it is correct. But the honourable gentleman for St. John's East raised a point of order and I am wondering whether I am to be allowed to say a word or two with reference to it. That was before Your Honour started topping up and down, and asking if I would permit it. Of course, I shall.

AN HON. MEMBER: Shame on you!

MR. ROBERTS: Listen to them, listen to them saying shame, listen

AN HON. MEMBER: Inaudible.

MR. SPEAKER: If the honourable Leader of the Opposition would permit. So that justice will appear to be done as having been done, the honourable Leader of the Opposition may have as much time as he wishes to make his point.

MR. ROBERTS: Thank you, Your Honour, it took a little while to get that through but I do thank Your Honour most sincerely and I hope the honourable gentlemen opposite with their cries of shame are perhaps a little more tender of the rights of the other side of this House.

Mr. Speaker, as I was saying, the honourable gentleman for Bell Island was speaking in support of the petition. The honourable gentleman for St. John's East Extern leaped to his feet thereby beating out quite needly, as he has so many times, the honourable

gentleman for Placentia West, The honourable gentleman for St. John's East Extern raised a point of order. I have no idea what the point of order was. Your Honour had made a ruling, and my colleague of course had accepted it in good grace and with perfect appreciation of Your Honour's ruling and of the wisdom and the fairness which unlay it and my colleague is speaking in support of the petition. In so doing he is merely saying the same things that the honourable gentleman for St. George's said in speaking in support of it. That surely goes without saying. I do not understand why the gentleman for St. John's East insisted upon inserting himself in here and displaying his ignorance of the rules of the House.

MR. BARRY: On a point of order, Mr. Speaker. The honourable the House Leader made the same point of order I was about to make, namely that the honourable the member for Bell Island was doing what he has done many times before which is, without appealing the ruling of the Chair, questioned the ruling, attempted to argue with the validity of the ruling; and that was the point of order, that the honourable the member for Bell Island was out of order in doing this, in questioning the decision of the Speaker, that the honourable the member for Bell Island was out of order in carrying on a lengthy debate on the petition. That was the initial ruling. That was the initial ruling. Then the House Leader's point of order was that the honourable member for Bell Island was out of order in questioning that ruling without going through the proper procedure.

AN HON. MEMBER: Inaudible.

MR. SPEAKER: The honourable the member for Placentia West has the right to be heard in silence. That ruling has been carried out with equal impartiality throughout this gathering of the House of Assembly and I am sure that the honourable the member for Bell Island should permit the honourable gentleman for Placentia West to be heard in silence. If he has a point to make subsequent to that, he may make it as briefly as he is wont.

MR. BARRY: Mr. Speaker, one thing is clear and that is the business of this honourable House not proceed if Your Honour is not permitted to perform his job the way it has to be performed under the rules. This means that if an honourable member questions Your Honour's ruling there is a procedure laid down for appeal. The fact the honourable the Leader of the Opposition says that the honourable the member for Bell Island has accepted your ruling and is not objecting to it or questioning it is a direct contradiction of the fact that the honourable member for Bell Island was standing up and he was questioning the ruling as was evident to anybody sitting in this honourable House. That was the point of order.

We submit that the honourable the member for Bell Island was out of order. The honourable the Leader of the Opposition spoke to the point of order but I do not think he spoke directly to it. He said that the honourable the member for Bell Island was not questioning Your Honour's ruling when it is obvious to everybody in this House that he was.

MR. ROBERTS: Mr. Speaker, if I may be permitted? The honourable gentleman for Placentia West is being malicious, malevolent, false and other things in saying that the honourable -

MR. BARRY: On a point of order.

MR. ROBERTS: Mr. Speaker, I am speaking to the point of order.

MR. BARRY: On a point of order.

MR. SPEAKER: Order please! Would both honourable gentlemen resume their places. The words malevolent, false and whatever the other words were are, certainly in view of the Chair they have to be viewed in the context which they are stated. In view of the Chair they are unparliamentary in this case. They warrant and indeed they demand the swift intervention of the Chair. If the honourable Leader of the Opposition may care to rephrase the words, his thoughts and to put them in phrases that are more parliamentary - otherwise

of course the honourable Leader of the Opposition can appeal the Speaker's ruling.

MR. ROBERTS: Mr. Speaker, Your Honour has not made any ruling with which I disagree. What I was saying before the gentleman for Placentia West tried to interrupt me was that he is deliberately distorting, and that is a matter of opinion as opposed to words which may or may not be unparliamentary. Your Honour says they are in this context, well that is that, deliberately distorting the remarks of my colleague the member for Bell Island who has been trying for fifteen minutes to say a few words in support of a petition. What we are seeing is a constant stream of harassment from the other side.

Now the honourable gentleman for Placentia West said that my colleague was being out of order. I submit, Your Honour, Your Honour has shown a great tenderness for the rules and if Your Honour thinks that my colleague or any other honourable member is out of order, Your Honour would have no hesitation in intervening to set the matter straight. Your Honour did not see any reason to intervene, the gentleman for Placentia West, who is trying to make his mark as a rookie, and the member for St. John's East, the House Leader on the other side, were both on their feet with points of order. That is their right of course. Of course that is their right. The honourable gentleman agrees with me. For once he is right. He is agreeing with me.

But the point is my colleague for Bell Island surely Your Honour is to be allowed to speak in support of this petition. This whole needless waste of ten or fifteen minutes merely because he wants to say that he agrees that the people in the Highlands should have a bit of road paved. We are all for it.

MR. SPEAKER: While the honourable the Leader of the Opposition, while the Chair hesitates to enter into the merits or demerits of debate, I think the record will show that the honourable member for Bell Island

was in fact disputing the ruling of the Chair. In the opinion of the Chair this gave rise to the point of order raised by the honourable the Government House Leader. I feel that he was completely in order at that time. The member for Bell Island was out of order and all subsequent speaking on this matter has been somewhat superfluous to the real point which was that the member for Bell Island was out of order in challenging the Speaker's ruling.

AN HON. MEMBER: Inaudible.

MR. SPEAKER: In the opinion of the Chair, the honourable member for Bell Island had challenged the Speaker's ruling.

MR. NEARY: All I was doing, Mr. Speaker, was asking for equal rights in this honourable House and I did not challenge the ruling of the honourable Speaker. I had never in twelve years disputed a ruling of the Speaker in this honourable House and I have no intention of doing so. But I certainly would like to have equal rights, Mr. Speaker.

MR. CROSBIE: On a point of order.

MR. NEARY: The point of order has been ruled on.

MR. CROSBIE: On a point of order.

MR. NEARY: Another point of order?

MR. CROSBIE: On a point of order, Mr. Speaker, I have been in this House since 1966 through quite and many a hectic time. I can assure this House that if the attitude of the opposition continues challenging Your authority, sly, nasty remarks, that you are jumping up and down on your feet uncalled for, charges of unfairness, that the honourable the Leader of the Opposition has given then there will be no way of keeping order in this House at all. It never occurred in the last four or five years and it is a disgraceful thing to see happening here now. I believe the honourable the Leader of the Opposition should withdraw any of these imputations, these nasty slurs on the Chair that the Chair is jumping up and down, that the Chair is not being fair, so that this House can operate properly.

MR. ROBERTS: On a point of order, Mr. Speaker, I have been in the House exactly as long as the honourable gentleman for St. John's West and I expect to be here longer than he will be. But, Mr. Speaker, I made no imputations on Your Honour's partiality. That, Sir, is a matter of record. Your Honour did jump up and down three or four times. As for the personal slurs of the honourable the gentleman for St. John's West, he has done more in the past to lower the tone of this House than any dozen men. He raised the point of order just now, Mr. Speaker, which was quite specious, quite superfluous, quite irrelevant, and quite out of order.

MR. CROSBIE: Mr. Speaker, the honourable gentleman needs to be reminded that in this House no member is to point at another and call him "he". We are honourable members in this House. Nor do we need any lectures from the nasty viper, the Leader of the Opposition,

MR. ROBERTS: Mr. Speaker, I rest my case, the honourable gentleman for St. John's West has once again convicted himself out of his own foot and mouth disease. The same man who talked

about the Shaheens and the Doyles until the Premier cut him off.

MR. SPEAKER: Are there any other petitions?

MR. NEARY: Mr. Speaker, I am not finished the speaking in support of the petition presented by the honourable member for St. George's yet.

MR. SPEAKER: As the honourable member is well aware the latitude given in speaking on a petition is a very short speech and the supporters have a very short speech as well. In the opinion of the Chair, the honourable the member for Bell Island has made his points and accordingly we will move on.

Are there any futher petitions?

MR. NEARY: Mr. Speaker, I would like to finish my remarks in support of the petition presented by the honourable member for St. John's.

MR. SPEAKER: The honourable member for Bell Island is certainly not unaware of what the Chair has ruled. The Chair rules that the honourable the member for Bell Island has spoken quite sufficiently on this petition. If the honourable the member wishes to appeal the ruling, it is his -

MR. ROBERTS: - it is closure and it is offensive.

MR. NEARY: I was interrupted on a point of order, Sir, before I finished my remarks.

MR. SPEAKER: The motion is that the speaker's ruling be upheld. Those in favour aye. Those against nay. In my opinion the aye's have it.

DIVISION

MR. SPEAKER: If the honourable members will permit, the Chair is attempting to put the motion to this honourable House.

The motion is that the Speaker's ruling be upheld. Those in favour please rise.

The honourable the Premier. The honourable the Minister of Mines and Energy. The honourable the Minister of Industrial Development. The honourable the Minister of Health. The honourable

the Minister of Manpower and Industrial Relations. The honourable the Minister of Rehabilitation and Recreation. The honourable the Minister of Tourism. The honourable the Minister of Education. The honourable Mr. Marshall. The honourable the Minister of Finance. The honourable the Minister of Municipal Affairs and Housing. The honourable the Minister of Transportation and Communications. The honourable the Minister of Public Works and Services. The honourable the Minister of Rural Development. Mr. Aylward. Mr. Brett. Mr. Peckford. Mr. Senior. Mr. Wilson. Mr. Young. Mr. Evans. Mr. Morgan. Mr. Howard.

MR. SPEAKER: Those against please rise.

The honourable the Leader of the Opposition. Mr. Neary. Mr. Thoms. Mr. F.B. Rowe.

MR. SPEAKER: I declare the motion carried.

Are there any further petitions?

ORDERS OF THE DAY

MR. NEARY: I would like to direct a question to the honourable the Premier. Could the honourable the Premier tell the House what the government policy is concerning paying social assistance to families of employees who have withdrawn their services legally because of labour disputes with their employers? In other words, what is the government policy on paying social assistance to families of workers who are on strike?

MR. MOORES: The Minister of Social Services is out of the House today, Mr. Speaker. He has brought this to our attention. It is presently being studied and until such time as the House is officially advised otherwise, it will be the same as previously.

MR. NEARY: I did not get the last of it.

AN HONOURABLE MEMBER: Same as previously.

MR. NEARY: Same as previously. In other words, it will be paid. Social assistance will be granted.

MR. MOORES: In one form or another as it was done previously. I should

clarify that. This is the understanding as far as I know it. There has been no change in any policy that was submitted before. However, I know that the whole subject is under investigation. There has been no final decision made on it. This House will be advised when there is.

MR. NEARY: Mr. Speaker, I would like to direct a question to the honourable the Minister of Manpower and Industrial Relations. Will the honourable minister inform the House what steps the government or his department has taken to deal with the unusual number of strikes and potential strikes that are in progress in the province at the present time?

MR. DAWE: Who is to determine that the number of strikes is unusual? This is the spring of the year. Generally we find that in the spring of every year there are a number of agreements which come due. Who says that any number of strikes are unusual?

I certainly could not comment on any potential strikes. I would like for perhaps the honourable member for Bell Island to use his prophetic abilities again and let me know how many strikes there will be in the next week or two.

MR. NEARY: Mr. Speaker, I will not go to the mat with the minister, Sir.

I wonder if the Minister of Manpower and Industrial Relations, Mr. Speaker, could inform the House if the minimum wage has been reviewed lately in accordance with a promise made in the Thirty-fifth General Assembly of the Province of Newfoundland Throne Speech given on Wednesday, March 1st.

MR. DAWE: We are considering the minimum wage but we have not drawn any conclusions yet.

MR. NEARY: Another question for the honourable the Premier. Would the honourable the Premier inform the House what is happening concerning the magnesium plant of Sea Mining Corporation at Aguathuna as referred to in the Throne Speech of March 1, 1972?

MR. MOOPES: I would ask the Minister of Industrial Development to answer that question, Mr. Speaker.

MR. DOODY: The Sea Mining Plant at Aguathuna, Sir, is one of the great mysteries of the Province of Newfoundland. We are trying to unravel it at the present time and we have been in conversation with the present management people, Lundrigans. They have informed us that they are discussing it with some interests in the United Kingdom. Until we have something definite we will not make any pronouncements at this time in the House. When the definite course of direction in regard to this industry (excuse the expression) is developed we will certainly present it to the House.

MR. NEARY: A supplementary question, Mr. Speaker. Is there any foundation then to the rumor - I presume there is no foundation to the rumor that it is going to be taken over by the Linerboard Mill?

MR. DOODY: The honourable member for Bell Island can assume anything he wishes. Many rumors that he hears are not in our province. They are just fiction, Sir.

MR. THOMS: Mr. Speaker, I would like to direct a question to the honourable the Premier. Do we have at this time a Deputy Minister of Fisheries? I know that we have no minister. Do we have a Deputy Minister?

MR. MOORES: The answer, Mr. Speaker, is no.

MR. THOMS: Mr. Speaker, I would like to direct a question to the Minister of Industrial Development. In view of the fact that we are on the verge of embarking upon the second oil refinery, has there been an ecological study taken of the area in question. If not, is there a study being carried out? If not, will there be a study carried out?

MR. DOODY: The area of the environmental control is the responsibility of the Minister of Provincial Affairs and Environment.

MR. THOMS: Mr. Speaker, I will wait until the minister arrives in the House, seeing that he is absent.

Could I now direct a question to the Minister of Tourism? In view of an article in Friday's "Telegram," March 30, in which it states that

a French tourist received the run-around by officials of his department, I believe the minister was involved, could the minister explain to us why this happened or is this an example of the shambles that his department is in presently?

MR. SPEAKER: The honourable member has asked enough questions in the proper manner to know that the last phrase which he used is not the proper manner in which to direct a question to a minister. The honourable the Minister of Tourism may answer if he wish. However, if he does not, the Order Paper of course will be used.

MR. DOYLE: Mr. Speaker, I will be making a statement on that article tomorrow. At this time all I choose to say is that any relationship between the facts and what

appeared in the "Evening Telegram" as usual bore no resemblance whatsoever.

MR. THOMS: Mr. Speaker, is the minister informing the House that the facts as reported by the "Evening Telegram" are incorrect? Could you say that over the mike so we can all hear it?

MR. MARTIN: Mr. Speaker, I would like to direct a question to the hon. Minister of Rehabilitation and Recreation. Would the honourable minister inform the House what progress has been made in his departmental plans to head off the food shortage which is now threatening along the Labrador Coast?

MR. ROUSSEAU: Further to the Premier's direction and subsequently at a meeting with you, I dispatched Mr. Max Tiller, Director of Field Services to the Coast of Labrador last week. Mr. Tiller returned to St. John's on Friday and the report was prepared this morning. He visited the area from Lodge Bay to Paradise River to look at the existing problems and as well to anticipate any problems which may occur between now and the spring breakup. Action is now being taken on his report and we have some reason to believe that there will have to be supplies flown in there in the very near future.

ORDERS OF THE DAY

MR. SPEAKER: Order I - Address in Reply. The hon. member for Bell Island has the floor.

MR. NEARY: Mr. Speaker, when I moved the adjournment of the debate, on Thursday I think it was, the day prior to the bringing down of the budget, I was speaking to the amendment that was moved to the Address in Reply by the hon. member for White Bay South. I would like to point out to honourable members, Mr. Speaker, that this amendment to the Speech from the Throne is more than a mere academic exercise. Since the damage, Mr. Speaker, to the reputation

of the former Liberal Administration and to that of the Newfoundland Refining Company and to the reputations of many others companies and individuals has already been done and since the former opposition, Mr. Speaker, scrambled to power on a basic platform of libel, misrepresentation and misinterpretation of the facts, the people of this province, Sir -

MR. SPEAKER: Order please! The honourable member is well aware that the words he is using are unparliamentary. They may indeed be included in the motion. However, they are carefully considered in the motion and in the context in which they appear while they are before the House. The honourable member will have to bear with the Chair in being interrupted when in the context in which he uses them they may appear to be unparliamentary. The honourable member should keep that in mind.

MR. NEARY: Mr. Speaker, you realize, of course, that I am talking about statements made outside the House in two provincial general elections. Is Your Honour aware of that?

MR. ROBERTS: Mr. Speaker, if I may? I do not challenge Your ruling but I wonder if Your Honour would be good enough to ask the clerk to refer me to the appropriate citations in Beauchesne. Again it is a bit of a new field that we are not allowed to be able to comment on statements made outside the House. The rules seem to be designed for purposes that I have not quite understood. Let me leave it at that. If Your Honour could direct the clerks to that end.

MR. SPEAKER: The references are in Beauchesne. If honourable members will permit, the Chair does not particularly relish having to participate as frequently in debate as it has today. How I would ask honourable members to keep in mind that the House is the arbiter of its own rules. The Chair may make whatever rulings

it wishes and appeal them to the House. We are not bound by Beauchesne or any of the authorities as far as this is concerned.

MR. ROBERTS: With respect, Your Honour, of course that is correct, that we are the arbiter of our own rules but that is not an arbitrary thing. There is such a thing as a body of parliamentary practice and precedent and our own Standing Orders say specifically in Order 1. " In cases where our rules or precedents are silent, recourse shall be had to Beauchesne and then beyond Beauchesne to such great men as Sir Erskin May and Sir John Bourinot and the other parliamentary commentators." I am somewhat affrighted by that bald statement that the Chair will do what it wishes and the majority will then rule. That is the clear prescription for tyranny, Your Honour.

MR. NEARY: May I carry on, Mr. Speaker? What I was saying is that the people of this province really have no recourse to deal with this matter until the next provincial election when they can approach the ballot box. This amendment, Mr. Speaker, will serve a useful purpose, whether the majority will permit it to pass or not, in that, Mr. Speaker, it will serve as a reminder not only to the public of this province, Sir, but also to aspirants to political power. The campaigns, Mr. Speaker, that are built on vilification and appearances of libel, Sir, can result in the propagators of such vilification and libel, even if they con their way to success, having to eat their own words afterwards.

MR. BARRY: Mr. Speaker, to a point of order. The rules say that abusive and insulting language is unparliamentary. Now if the honourable member is referring to honourable members on this side of the House when he refers to the libels or the misrepresentations or whatever he is referring to there, then the honourable member is out of order. This point was raised on Friday. I believe it was the hon. member for White Bay South who said, "granted this sort of

Mr. Barry.

thing may be unparliamentary. However when it is the subject matter of a resolution - when a resolution is moved to castigate an honourable member or honourable members for a particular course of action, then the argument was that it is no longer unparliamentary." That may be so, Mr. Speaker, if a resolution is to move to correct or to chastise an honourable member or honourable members from doing certain things. That is not the body of the resolution now before the House. I submit that the use of these terms by the honourable member is out of order and this honourable member, for one, is not going to sit and listen to this abusive, contemptuous and insulting language.

MR. ROBERTS: Mr. Speaker, to a point of order. The resolution before the House, Sir, (the hon. member for Placentia West has either totally misunderstood or deliberately misrepresented) is to declare the House's lack of confidence in the administration and if that is not chastisement of a group of honourable members, being the ministry of this province, there is no more effective chastisement. As for this constant harrassment, it is obvious, Mr. Speaker, that the parliamentary rules, which I do not pretend to understand in all of their implications but which are laid forth in such authorities as Beauchesne, May and all the others, are being stretched to new limits. What we are seeing, Mr. Speaker, is a deliberate attempt by the majority in this House to garrot any debate and they are all equally part of it. They are all equally guilty of an abuse of the parliamentary process. The honourable gentleman from Placentia West is a leader in it because he hopes thereby to gain and curry some favours.

MR. HICKMAN: Mr. Speaker, to a point of order. I have been a member of this honourable House now for several years. There has been

more latitude, far more latitude in the interpretation of the rules in this House during the last sitting, last year and this sitting, than any time since I have been here in 1966, by far Mr. Speaker. We were not allowed to question points of order all the time. If language is used, it is unparliamentary. Mr. Speaker, no one is trying to stifle debate by trying to restore decorum to this House and respect of this House, in this House and for this House by the people of Newfoundland. That is precisely what the hon. Minister of Mines and Energy is doing, in my opinion, when he raises this point of order. The comments of the hon. Leader of the Opposition are quite unwarranted. They are quite unwarranted, Mr. Speaker, when you look at the record of latitude that this administration has shown in the House of Assembly during the past two years, two sittings.

MR. ROBERTS: Mr. Speaker, with respect to the homily delivered by the hon. the Minister of Justice, I have been in the Chamber as long as he has. We were elected at the same time. I think he is completely wrong and I repeat what I said. What we are witnessing in this House this day, (it started on Friday and on Friday they did not succeed) is a deliberate attempt by the majority to stifle the opposition. Unparliamentary language is unparliamentary language and it shall not be permitted. There is no argument from any of us. But I have been in this House, Mr. Speaker, for seven years and I have never seen a speaker cut off on a petition

MR. ROBERTS: before. The gentleman from St. Georges went on at some length and was allowed to and so he should have. I have never seen ministers deliberately and shamefully try to stifle debate which is what they are trying to do now.

MR. SPEAKER: The honourable Leader of the Opposition, as I am sure the Hansard will record it, it was the Speaker who cut off the member for Bell Island in his debate on the petition. It was the opinion of the Chair that the honourable member was addressing himself to things that were irrelevant. Upon Mr. Speaker resuming his Chair, the honourable member for Bell Island then resumed the debate as to whether or not the Speaker should have ruled in this way. This is what precipitated the whole debate. I am sure that Hansard will bear this out.

MR. NEARY: May I carry on now, Mr. Speaker?

MR. SPEAKER: The honourable member may carry on bearing in mind that if he uses phrases that are unparliamentary that he will be interrupted unmercifully.

MR. NEARY: Let me go back over what I said. I would like for the honourable member for Placentia West in particular to pay attention to what I am saying before he stands in this honourable House to use the technique of a point of order to interrupt the Speaker.

What I said, Mr. Speaker, was this, and the honourable member better listen to what I am saying, no reference to members on the opposite side of the House at all, or on the government benches, what I said was that there was a lesson to be learned in this. The lesson to be learned is this, not only by the public of the province but also to aspirants to political power, that is what I said, Mr. Speaker, that campaigns that are built on vilification and libel can only result in the propagators of such vilification and libel, even if they do manage to con their way into power, that they will have to eat their own words afterwards. That is what I said, Mr. Speaker.

MR. BARRY: Are you referring to members of this honourable House?

MR. NEARY: I am referring, Mr. Speaker, to aspirants -

MR. BARRY: As vilifiers -

MR. ROBERTS: Mr. Speaker, to a point of order, does not my colleague have the right to be heard without the deliberate and unwarranted harrassment from the gentleman from Placentia West. Mr. Speaker, my colleague did not yield the floor, the honourable gentleman will either observe the rules or he will have to learn else.

MR. SPEAKER: Order please. If the honourable members will permit, the member for Bell Island has the right to be heard in silence. The honourable member for Placentia West is quite out of order in interrupting him without having the floor. It is a process which has developed and probably has historical precedence, indeed probably millions of historical precedence for verbal jives being carried back and forth across the floor. It is very unlikely that any Chairman, unless he is a very powerful physical creature, is going to enforce the rules to that extent and certain latitude is permitted. However, they are not to be permitted so that an honourable member's speech may be interrupted unmercifully. The honourable member for Bell Island is therefore permitted to resume his speech.

MR. NEARY: Mr. Speaker, I am most grateful for your ruling because I just repeated the statement that I made about fifteen minutes ago and Your Honour heard it, the whole House heard it and obviously the statement is in order and I would suggest to the member for Placentia West that he go somewhere and take a course in listening.

Sir, the Minister of Fisheries' resignation is a symptom of the weakness of building a party around something that is completely negative.

MR. SPEAKER: Order please. The honourable member must direct himself to the point of this motion which deals with industrial development. In the opinion of the Chair he is directing himself to things that are irrelevant to this motion.

MR. ROBERTS: Mr. Speaker, if I may be permitted, I have never heard the like of it. The honourable gentleman is about to speak about the Minister of Fisheries who has left the Cabinet and unfortunately also left the House, the former Minister of Fisheries, Mr. Cheeseman. We are talking here about the industrial development policy. Now I have never heard of this, Your Honour. Never! Never in the seven years I have been in the chamber, in the two or three years I watched it before then. What Your Honour appeared to say was that you were anticipating my colleague's argument. Your Honour, I submit that that is wrong. Your Honour may or may not be corrected in what one anticipates, but I have never heard of a man ever being convicted before, before he ever committed a crime.

I suggest that while Your Honour is very tender of the rules of the House, and quite properly so, my colleague should be allowed to make his argument and then if he is out of order, that is the time for Your Honour to intervene. But are we to say merely that because my colleague refers to the fact that the Minister of Fisheries declared his disgust with the administration and severed all connections with it, on a resolution where we are dealing with industrial development, Sir, surely that is in order.

MR. SPEAKER: The opinion of the Chair is — it may or may not be correct, the honourable member for Bell Island had not progressed very far but had progressed into things that were irrelevant. However, I feel quite sure that he will make whatever comments relevant to the point that is under discussion.

MR. NEARY: Oh my, Mr. Speaker, the Reichstag is back again, Sir.

Sir, the only thing in my opinion that united members of the present Tory Government was their hatred of former Premier Smallwood and Mr. Shaheen. Any points of order.

MR. BARRY: You are close.

MR. NEARY: With their reversal in policy, Mr. Speaker, on the Come By Chance development, there is no real and honest reason

MR. NEARY: to hate these gentlemen any more, so as a consequence of this, Mr. Speaker, there is bound, in my opinion, to be an erosion of government loyalty such as Mr. Cheeseman's resignation and the attitude of the member for St. John's South, Sir, when he spoke in this debate on Thursday, when he warned his colleagues in the government, to deal with Mr. Shaheen at arms length.

What a statement for a member sitting in the government benches to make. "Deal with Mr. Shaheen at arms length." Mr. Shaheen is being provided from the public treasury of this province, how much?

MR. ROBERTS: \$78.5 million plus \$30 million.

MR. NEARY: \$78.5 million plus \$30 million, \$108.5 million, Sir and we got a warning from a gentleman, member for St. John's South, who aspires to someday becoming a cabinet minister, to deal with Mr. Shaheen at arms length.

Mr. Speaker, this surely is another sign of the wide variety of internal dissension and distress within the ranks of the Tory Administration. By reversing their policy on the oil refinery project, the present administration, Mr. Speaker, is showing itself empty of new ideas and any semblance of original planning and are just going back after a wasted year to taking up where the former Liberal Administration left off.

Mr. Speaker, surely the spectacle of the present government so completely reversing its attitude to the very matter upon which it based two general provincial election campaigns is not one, Sir, that is going to instill confidence of the public in such a political party or indeed, Mr. Speaker, in the democratic process which has been so foully manipulated.

Mr. Speaker, I appeal to members of this honourable House to support this amendment as the only way that would appear to come close to members on the opposite side making amends to the

MR. NEARY: electorate of this province for the enormous fraud which has been perpetrated upon them.

MR. SPEAKER: The motion is, it is moved by the member for White Bay South and seconded by the member for Labrador North, that the Address In Reply be amended by adding thereto after the words, "which Your Honour has addressed to this House," the following words: "while this House has welcomed plans to build a new oil refinery at Come By Chance as a continuation of the policy of the Smallwood Administration, this House records its lack of confidence in the present administration because, by this complete reversal of their publicly stated and oft repeated policy against association with Mr. Shaheen and developments in which he was involved, the present administration have now admitted that by their earlier public statements they have utterly misled the people of Newfoundland and Labrador and had totally misrepresented to the public what their position would be on such industrial projects and the developers connected with them."

MR. SPEAKER: Those in favour of the motion please signify in the customary manner. Those in favour "aye." Those against "nay." In my opinion the "nays," have it.

HON. MEMBERS: On division.

MR. SPEAKER: Call in the members.

DIVISION

MR. SPEAKER: Is the House ready for the question? Those in favour of the motion please rise:

The honourable Leader of the Opposition, Mr. Neary, Mr. Thoms, Mr. F. B. Rowe.

MR. SPEAKER: Those against the motion please rise:

The honourable the Premier, the honourable the Minister of Mines and Energy, the honourable the Minister of Industrial Development, the honourable the Minister of Health, the honourable the Minister of Manpower and Industrial Relations, the honourable the Minister of Rehabilitation and Recreation, the honourable Minister of Tourism, the honourable Minister of Justice, the honourable Mr. Marshall, the honourable the Minister of Municipal Affairs and Housing, the honourable the Minister of Transportation and Communications, the honourable Minister of Public Works and Services, the honourable the Minister of Rural Development, Mr. Aylward, Mr. Brett, Mr. Peckford, Mr. Senior, Mr. Wilson, Mr. Young, Mr. Evans, Mr. Morgan, Mr. Howard.

MR. SPEAKER: I declare the motion lost.

ADDRESS IN REPLY

MR. SPEAKER: The honourable the member for Burgeo Lapoile.

MR. A. EVANS: Mr. Speaker, I feel that this debate would not be complete without a few words from Burgeo Lapoile. Before I deliver these honeyed phrases mostly for the benefit of our friends opposite I would like to make a few things clear. First, I would like to

advise the honourable the Leader of the Opposition who has frequently hinted that George McLean writes my speeches, that George McLean or no one else, I am willing to swear to it if necessary, has ever seen or heard anything that I am going to say here today or on any other occasion. I know that this province owes an unending debt of gratitude to the McLean people for the small part they played in giving this province its first government since Confederation, but they are not knowledgeable enough in some of the areas, to which I am about to refer to even follow, much less advise me.

Furthermore since the honourable member for Bell Island has been so kind as to offer our Premier so much advice on several occasions, I think I will help the Premier in repaying him by offering him a bit of advice. There is no need to hide your wallet or your cheque book because believe it or not this is free, as priceless as it is.

I wish to congratulate the member for Port au Port on his appointment to the honourable position of Deputy Speaker. Right at the present time, of course, he is Acting Speaker. I have known him for some time and I have long since held him in the same degree of affection reserved for stray orphan waifs, stray cats and so on.

MR. SPEAKER: Order please! The honourable member for Burgeo Lapoile must of course keep his phrases, they must be parliamentary in reference to the Chair.

MR. EVANS: Mr. Speaker, I cannot take it.

I would also like to add my welcome to the honourable member for Labrador South. I do not believe he is here at the present time. I would like to congratulate him on making one of the finest speeches that I have heard in this House since I have been here. I am sure that Labrador South will be well represented by the present member and in fact he looks and even sounds intelligent enough to be Progressive Conservative.

I consider the Speech from the Throne to contain more for the

benefit of the people of this province than any that have been brought down since Confederation. Of course, we expect some disagreement on that from the other side but you can put that down to one phrase, sour grapes - that will explain why.

We have heard criticism of our restructuring policy and the delays in implementing some of our policies. Anyone who has any experience in planning knows that these things cannot be done overnight and God knows we have all seen the results of twenty-three years of non-planning.

We have also heard some raving and ranting from the other side that the people of this province are still living in fear. That is impossible. Fear is a product of the darkness and our people have seen the light since October of 1971. I had held great hopes for our future from the discovery of offshore oil, but these hopes were dashed recently by a statement from the member for Bonavista North, in which he stated that the waters offshore comes under federal jurisdiction whereas the bottom of the ocean floor which will be drilled for the oil is provincial. It will be a shame if we strike oil there and cannot bring it to the surface of the federal waters. I noticed he came up with one good suggestion though, in setting up fish breeding ponds, if he gets them in Bonavista North, when the sea freezes to the bottom we could have a brand new ice cream, fish flavoured.

I have heard criticism regarding the dragger fleet to be financed by this government to the effect that it is designed to put money into the pockets of the plant owners. Have the critics concerned thought about the dollars that would be earned by the crewmen of the draggers and by the workers who will be employed ashore as a result of the dragger fleet operations

I have also heard a ridiculous statement from the opposition that we cannot go into reprocessing in the fishing industry, as the United States will not accept the finished product from us. Up to a few years ago this was true, when the New England States had quite a number of fishermen, large stocks of fish and continual lobbying in congress for higher tariffs on imported fish. That is not the case today. Although they may do a bit of hollering at first, they had no other choice than to accept the finished product if we were to ship it that way.

A few years ago it was usual for our longliners to bring in from 25,000 to 30,000 pounds of fish, cod, in one day. I have even known them to have 40,000 pounds. Today 10,000 pounds is a big catch. However the fishermen are able to make as much money on this smaller catch due to the increase in prices. But everyone knows that the amount of labour has been lessened considerably. What we have to do is reprocess the fish being brought in to our plants, so that a plan formally requiring 200,000 pounds of fish per day will be able to provide the same number of man hours on 40,000 to 50,000 pounds per day.

I have heard statements from across the floor that certain ministers are inaccessible. One who was mentioned is the Minister of Municipal Affairs. I can assure anyone that I have not had any trouble in reaching him or his deputies. My district has benefited quite well from that department. As a matter of fact, my district has benefited quite extensively since this government came into office. Previous to that time it was one of the most neglected areas in the province. In the short space of time that I have had the honour of representing it our people have seen that this is no longer the case. In the area of road building and maintenance we are progressing rapidly. I am certain that within the next two years or so the road to Burgeo will be complete, so that people in all

parts of my district can become much closer to each other.

Another area in which our people have seen improvements is in the availability of modern fishing boats or motors for existing ones. Today any fisherman in my district who is qualified has no problem in securing either. Fish is not a dirty word to this government as it was to the former incumbents, some of whose remnants now try and criticize our improvements in this direction when actually their only qualification lies in the fact that their dads probably bought them trout fishing rods in their childhoods.

Mr. Speaker, it is strange that when things are supposedly wrong we get the blame from our opposite members whereas anything good there is a carry over from the Liberals. It strikes me as being very odd if they only thought of these things and we had to bring them into being. The honourable member for St. Barbe North is a classic example of a story told to me by a former parish priest regarding his housekeeper who was a born procrastinator. He would probably have to tell her to do a certain thing up to one dozen times and always received a standard reply, I was just going to do that Father.

AN HON. MEMBER: Procrastinator.

MR. EVANS: Procrastinator. A born procrastinator.

As for the critics of the Shaheen deal we have heard so much about I will simply state that the present deal was consummated through sharper dealing. In other words this government had better horse traders. As for Mr. Shaheen himself, if he is wearing a Progressive Conservative hodge by the time the next election rolls around it will only demonstrate how much improvement can take place in a man over such a short space of time.

Mr. Speaker, I have no quarrel with the media. However, I was amused recently by an article carried by the "Evening Telegram" which hinted that I among others had my loyalty secured by the \$2,000 paid to me as party whip. I am glad they found out that such an office exists. I thought that would be a part of every government in Canada down through the years. They omitted to point out that the opposition

also has a party whip, though what he would have to render loyalty to I could not imagine. Probably he is like some of his colleagues who pray to Joe Smallwood at night.

I do not need any incentive to be loyal to my party, as my record has shown down through the years, I do not think I would be presumptuous if I stated that my party owes me more than I owe it. Mr. Speaker, they say that politics breathes some strange bedfellows. That is really borne out by the contrasting types found across the floor, ranging from the sublime to the ridiculous, from some of the finest gentlemen to others whose sole purpose is to create confusion and obstruction in this honourable House.

We hear so many queries as to whether a member of the House of Assembly earns his salary or not - but let me assure anyone that one day's encounter with kiddies corner merits the sum that we net. It would not surprise me at all, Sir, that if either two or more of our opposite numbers rose to his feet and announcing that he had arrived at the ear-shattering deduction that he has ten toes or some similar event, we should be prepared for this at any time, considering some of the remarks that have emanated from over there.

The one thing that worries me, Sir, is the thought that useless debate may hold up the passage of the estimates again this year, to the detriment of our work programme. We should all realize what a short season we have for construction work in this province, so it is imperative that we get started as soon as possible in the spring. I trust that everyone will realize this fact and will get on with the job as soon as possible for the good of all our constituents.

Mr. Speaker, how many times during this session have we been charged with arrogance by the members across the floor. That is a mistaken concept of theirs. We are only being forced to remind them of something that they should already know, namely that we, not they, are the government of this province. They showed their arrogance for twenty-three years and have taken it across the floor with them

but unfortunately for them it does not work over there. However, they find it hard to understand why this is so.

Mr. Speaker, the good book says "Blessed are the meek." "Blessed are the long suffering ...". I think the Leader of the Opposition has taken these admonitions too seriously, as evidence by his defence of the former so-called administration. They in that party were responsible for the give-aways in this province, such as intending to pay Mr. Shaheen and his group a fortune for coming into Come-by-Chance, getting virtually nothing from the Upper Churchill development, very little from IOC and what would have been nothing from the Linerboard Mill. Then he says "I was proud to serve in the government led by Joe Smallwood, His ambitions are not too hard to fulfill.

As for the honourable the member for Bell Island, we could not do without him. I will even campaign for him in the next election and if that does not restore him to this honourable House, I will institute a movement to have him made an honorary member, It is much easier to listen to him than to read the comics.

As for the honourable the Leader of the Opposition, we definitely want him too to be part of this scene here. If he stays here forever, that is the length of time this government will be in office.

We are hearing everyday from the minister of the so-called Environment - they did not like the sound of fish in Ottawa. Mr. Davis wants to ban the whale, The seal first and then the salmon, now it is the whale. However there is still an open season on Liberals, Canada's worst enemies, so all is not lost yet.

Mr. Speaker, in conclusion let me say that I celebrated my fifty-sixth birthday last month. Oh, do not worry I am going to be around to look after Burgeo Lapoile for quite awhile yet. But, however, I have one major regret, It lies in the fact that I will not be around to see what a Garden of Eden this province is going to be after its first fifty years of Progressive Conservative Government. Thank you.

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

The motion is that the Address In Reply, entitled as follows
"May it please Your Honour we the commons of Newfoundland in
Legislative Session assembled beg to thank Your Honour for the
gracious speech which Your Throne has addressed to this House."

Robert Wells, Q.C.,

Aubrey Senior,

Paul Thoms.

MR. SPEAKER: Is it the pleasure of the House that this Address In
Reply be submitted to His Honour? Those in favour "aye" those against
"nay." Carried, on division.

Motion, second reading of a bill, "An Act Respecting Allowances
For Certain People In Private Homes For Special Care."

HONOURABLE J. G. ROUSSPAU (MINISTER OF REHABILITATION AND RECREATION):

Mr. Speaker, this bill would enable the Director of Homes For
Special Care to pay allowances to persons in need in homes operated
by churches or

groups or in homes or institutions licensed under the Welfare Institutions Act. As Mr. Speaker knows, the two government operated homes, The Hoyles Home and the Harbour Lodge, of course, are being paid as are others. The effect of this bill would only allow the director of homes for special care in the Department of Rehabilitation and Recreation to grant these funds rather than now the Department of Social Services where the money is now being forthcoming. So, the bill itself is really simple in its outline. It merely provides for this changing of the method of payment from the Department of Social Services to the Department of Rehabilitation and Recreation.

MR. NEARY: Mr. Speaker, this is just a housekeeping bill. We have no hesitation on this side of the House in supporting it.

On motion a bill, "An Act Respecting Allowances For Certain People In Private Homes For Special Care, " read a second time, ordered referred to a Committee of the Whole House presently.

MR. ROBERTS: Mr. Speaker, on that - I want to do it presently. I do not know if it requires leave or not. I wonder if perhaps the House Leader could indicate at this juncture what he envisages is the schedule of business for the remainder of this day and perhaps while we are at it for the week? I am out of order. I can see it quite readily.

MR. MARSHALL: I might state now and I can state, now that the motion has been passed, that the opposition took us a little bit off guard today, we thought. We are going to be a little bit more garrulous on the Address in Reply but we are going to do motions, we are going to do some legislation now for the remainder of the afternoon. Then this evening we will be getting into the estimates and continuing on with the estimates and the Budget Speech for the remainder of the week.

AN HONOURABLE MEMBER: Are we going to be getting into the budget in the afternoon's estimates -

MR. MARSHALL: Well, it is at the present time planned to do the estimates principally for the afternoon and the evening for a while

to see how we get along. We will be bringing in the Budget Debate after a while. We will just see how we can play it, Mr. Speaker, or how the House can play it, not how we can play it.

Motion second reading of a bill, "An Act To Amend The Welfare Institutions Licensing Act."

MR. ROUSSEAU: The bill, bill no. 71, is another housekeeping bill. As honourable members know that a number of premises in the province, private boarding homes for senior citizens, child day-care centers and the like are inspected by the department and are given approval to operate. Now previously the Welfare Institutions Licensing Board operated under the Department of Social Services and Rehabilitation. The members of the board were the assistant deputy minister, the director of homes for special care and the director of administration in the Department of Rehabilitation and Recreation. It also makes me, as Minister of Rehabilitation and Recreation, responsible for the licensing board. It has indicated that these three people, the Assistant Deputy Minister of Rehabilitation, the director of homes for special care and the director of administration would serve as ex-officio members of the Welfare Licensing Board.

In addition there will be two other members appointed by the Lieutenant Governor-in-Council and they serve during pleasure. Now, previously the two other members were the director of child welfare and the director of social assistance. These officers are now in the Department of Social Services. It does not mean that these two officers could not continue to serve on the board since any two members could be appointed with the three from the Department of Rehabilitation and Recreation. So, in effect this bill then gives the Department of Rehabilitation and Recreation responsibility for the Welfare Licensing Board and it suggests that three individuals from the department would serve as ex-officio members of the board and two other members would be appointed by the Lieutenant Governor-in-Council, who

may or may not be the two who previously served on the board.

On motion a bill, "An Act To Amend The Welfare Institutions Licensing Act, " read a second time, ordered referred to Committee of the Whole House presently.

Motion second reading of a bill, "An Act Respecting Proceedings Against The Crown."

MR. HICKMAN: Mr. Speaker, the title almost sets forth what the bill is intended to do. It removes a disability in effect or a protection is a better way to put it that the crown has enjoyed up until and will continue to enjoy until this House sees fit to pass the act. Heretofore any action against the crown was proceeded with by way of a Petition of Right. In other words, one of Her Majesty's subjects would have to petition the crown and say, "Do you want to be sued. Do you have any objection to being sued. I believe that I have a good cause of action." In most cases the Petition of Right was granted by His Honour the Lieutenant-Governor, upon the advise of his ministers.

In other cases the actions would be taken against the individual, the servant of the crown. The cases that come to mind most frequently are motor vehicle collision cases where a motor vehicle belonging to government is involved in a collision on the highway. There the action would be instituted against the employee in his capacity as the driver of the vehicle. The crown for all practical purposes defended the action but yet it was the public servant himself who was the main defendant.

This bill which follows the bill recommended by the Conference of Commissioners on Uniformity of Legislation in Canada repeals the Petition of Right Act, makes the crown liable in tort. In particular this is the area where most liability is liable to occur and gives any subject the right without the grant of a fiat by the Lieutenant Governor to institute proceedings against the crown, the same as that person can institute proceedings against any other individual or corporation in the province. It is not the

most major piece of law reform that has come before this House but it is law reform and slowly but surely, Mr. Speaker, we are getting before this House and this House is approving legislation in the field of law reform. This is simply another. I move second reading.

MR. ROBERTS: Mr. Speaker, this bill is certainly a step forward and my colleagues and I shall support it. As the minister has said all the bill really - well, it does two things. It repeals the old Petition of Right proceeding and it also makes the crown liable in tort. There are enough learned members in the House to know what tort is. What is it? It is a action other than breach of contract in respect of which damages are awarded under the law.

I suppose the most common tort action would be the running down cases, the motor vehicle cases but there are others. The most encouraging thing about this bill, Mr. Speaker, is not just the recognition by the crown. I suppose this right of the crown that they are above the law goes back as far as there has been a law. It is a very old tradition in English law. The English removed it a number of years ago. The most encouraging thing about the bill is not simply that the crown now in Newfoundland are waiving this right that they are allowing themselves, the crown can now be sued by people in respect of these things. Really the most encouraging thing is that this is uniform legislation. This bill apparently was not drafted ab initio by the draftsman working for the Minister of Justice. Rather it was a model act, a uniform act produced by the Commissioners on Uniformity who are basically the Deputy Ministers of Justice from across Canada with academic backing in support.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: No, no.

MR. ROBERTS: I certainly would not short-sell our draftsman but what I am pointing out Mr. Speaker, is that the basic lines of the bill are those of the commissioners not our own draftsman. For example section (3), which says that there are a number of acts in respect of which one will not be able to sue in tort or in contract, that is obviously the creation of our own officials, our own government. It applies only to Newfoundland.

Mr. Speaker, I hope that we see more of this uniformity legislation. There has been a fair bit put on the books the last eight or ten years. But we still have too many pieces of legislation in this province which are unique to Newfoundland without there being a reason for the uniqueness other than historical.

This is not the time to go into a treatise. We are going through bills at a fantastic rate here today but we should not lose sight of the fact that these are the laws under which people will live. From now on, for example, if a man driving a truck for the Minister of Transportation runs down somebody and that person feels that the truck driver has been negligent and has not acted properly, he will be able to issue a writ and to sue and he will be able to go against the crown. He will not have to go, as he had to hitherto, against either the truck driver as an individual, in the hope that if the judgement were rendered against the truck driver the crown would compensate him, or if he could not do that, give up because the crown may or may not make an award. Usually the last few years was following the practice of crown's lawyers, if a law officer said that the official was liable, as a rule an ex gratia award would be made in lieu of damages, but that is unsatisfactory, it is very one-sided justice.

This bill is a substantial change in the law, I do not know how many cases a year there are. In my experience, there are very,

MR. ROBERTS: very, few of the negligence type, because generally they are settled. The Highways Department's policy has always been if, for example, a fence is knocked down in snow clearing, and if it is the snow plow operator's fault, well the department goes back and replaces that fence; and that is a sensible rule. If somebody slip walking into one of the hospitals and break his leg, normally, if it were a private institution, a claim would lie. In the past the practice with the crown has always been, as I said, if the law officer said, "Well, we think there was some negligence there, we think you would be liable," the crown just ex-gratia make the award.

Now it will be a matter of right. The person will be able to go before the courts, the crown will appear in a normal way and defend the action or not, if it sees fit, and if the judgement is rendered, the Minister of Finance has no option except to pay out of the Consolidated Revenue Fund whatever the amount of the judgement is; a step forward.

I hope we will not stop with this. I hope the minister will go on, and there must be twenty or thirty uniform acts that we have not as yet adopted. In particular our company law is hopelessly outdated. We had some discussions earlier in this session on a bill, "An Act To Amend The Companies Act." Our Mechanic Lien legislation, I am told by my friends downtown, is out of date.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: The new one is in. That shows the perils of not practicing at the Bar, Mr. Speaker, but rather being in political life as opposed to the legal life.

But a lot of our legislation is badly out of date. Much of our land legislation is outdated. We adopted the English Law of Property Acts shortly after the United Kingdom adopted them, but then we seemed to have stopped. It has been thirty or forty years, Mr. Speaker, since we really had a long hard look.

MR. ROBERTS: In this connection, I wonder if I could raise with the minister and perhaps when he closes the debate and he will very shortly get the opportunity to do that, at least as far as I am concerned, where is the Law Reform Commission? We have in Newfoundland an act placed on the books giving the Governor in Council, the Cabinet, the authority to appoint a law reform commission.

This is envisaged. It is not unique to Newfoundland, Sir, as Your Honour knows, Ontario has a similar commission, Alberta has one, I believe - yes there is one in Canada, Mr. Justice Patrick Hart is the Chairman of it. This commission is charged with having a look at the laws, not the laws that the politicians get interested in, not the ones that cause concern and controversy, but the ones which effect people in an ongoing way but do not seem to get much attention. I am willing to bet, for example, this bill would not have come in if the honourable gentleman for St. John's South had not put a motion down on the Order Paper which asks for precisely what this bill does.

The Law Reform Commission is charged with having a long quiet look at legislation, statute law, and saying, all right, this act is out-of-date and here are some proposals we put forward. They are usually put forward publicly and then there is discussion and in due course the government brings a bill before the House.

Now our sale of goods legislation I believe is out-of-date. It is certainly not as modern as we have in Canada. Our securities legislation is hopelessly out of date. We are still I believe wide open for unscrupulous securities promoters and the fact that we have had so few is, I submit, more good luck than good judgement. Our companies legislation is badly out of date, much of the legislation in which the commercial life of this province is governed.

So I wonder if the minister could tell us if there are any plans to appoint the law reform commission. It was a bill which we

MR. ROBERTS: brought before the House when we were the government and I think the thought then was that there would be one full-time person, probably a couple of practicing lawyers downtown who would sit in on a part-time basis and bring their expertise, much as, for example, the revised statutes were done by a number of lawyers working part-time. They put in a lot of work but nobody was at it full-time.

So I wonder if the minister could tell us where we are on that. The bill itself, well I think it is a tribute to the member for St. John's South. He is not here today. I do not know where he is. He is not in the Chamber but he put a motion down on the Order Paper. The motion asks for precisely what the bill does. The bill came up speedily afterwards. Maybe it was in the drafting stage for a number of years, weeks, months but I find it an amusing coincidence. I am very glad that the member for St. John's South put down the motion. I am equally glad that the Minister of Justice now brings this bill before the House.

It can only help but make work for the lawyers in town and that is a good thing, Mr. Speaker. There are far more lawyers at the Bar now, even with the eight or ten of us in the House, far more lawyers at the Bar than there have ever been before in Newfoundland's history. I suspect they need all they can get. Now with legal aid and with this, the field is wide open and if the government ever move on no-fault insurance, and it will come, no-fault insurance will come and indeed we may even move to a system comparable to that of Workmen's Compensation, where you no longer would have to sue, it is just merely a matter of establishing your damages and collecting from an insurance fund. But when the lawyers - when we move to that, as we will in due course, if the present government do not, Sir, the next government will - the lawyers will complain that they are having the bread taken literally

MR. ROBERTS: out of their children's mouths.

Well as we hear that, at the same time we can think that because of this bill and legal-aid and these other things, it is not going to be such a bad year for lawyers after all.

So we support the bill and we would like to know what has happened to the law reform commission.

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

MR. HICKMAN: Mr. Speaker, the act creating the law reform commission has not yet been proclaimed for the very good reason, if there is a good reason for not proclaiming any act, that the act envisages there be a full-time chairman of that commission.

Honourable members are, I am sure, aware and I am sure the honourable Leader of the Opposition is, of the almost insurmountable problems of attracting senior, experienced solicitors into the government service. We pay or offer salaries now to experienced lawyers comparable to those payable in any province in Canada, by any Attorney General's Department in Canada, but to-date we have not succeeded in attracting the senior people. I am encouraged by the number of young Newfoundland law graduates who are now coming into the government service. When I can solve the problem of getting three or four senior legislative draftsmen and senior counsel, then hopefully we will be able to find someone who will accept this position. He has to be a particular type of individual, Mr. Speaker, a man who is somewhat academically inclined, as opposed to the barrister who revels in court work, and he has to be a bit of a legal scholar. In fact he has to be not only a bit of a legal scholar, he has to be an outstanding legal scholar.

But in the meantime, as the estimates of my department will indicate this year, Mr. Speaker, we are embarking upon three or four major pieces of law reform this year, along the lines referred to by the honourable the Leader of the Opposition. Government has appointed a committee under the chairmanship of Mr. E. J. Phelan, Q.C.,

to draft a new Judicature Act and new rules for the court. That in itself is a very massive job. It took three years in Nova Scotia for Professor Maher and a committee of lawyers to come up with theirs. Hopefully their work will help us a great deal and the committee's work will not take so long.

In the vote this year, money will be asked of this House to enable me to appoint a committee or a person to draft a new Companies Act. It is also the plan, it is in the works now, to draft a new Securities Act. The three Maritime Provinces now have uniform securities legislation and the anticipation is that it would be desirable if we followed that uniform act, if applicable. Again the plan is to retain a solicitor. I am hoping that those involved will be given the opportunity to make representation.

That is what we are doing this year in the field of law reform. This bill and bills of like nature do not have to await the law reform commission. The draftsmen in my department from time-to-time prepare acts such as these and this is how this act came to pass. I have pleasure in moving second reading.

On motion, a bill: "An Act Respecting Actions Against The Crown." read a second time, ordered referred to a Committee of the Whole House presently, by leave.

On motion, second reading of a bill, "An Act Further To Amend The Highway Traffic Act."

DR. FARRELL: Mr. Speaker, this bill would further amend the Highway Traffic Act in certain respects and I will run down through them briefly. Clause (2) would provide for the issue of one identification plate instead of three for a motorcycle. Clause (3) as read with (16) would provide a realistic scale of fines for operating a vehicle, which is quite unrealistic at the present time, depending on weight. I am going to impose fixed fines for operating a vehicle with certain other difficulties, without identification etc. Clause (4) would provide for beginners' licences in respect of motorcycles and

would also extend the duration of learner drivers' licences to three months where presently it is thirty days. Sometimes the applicant cannot get their examination within thirty days, we have to extend it. Instead of doing that we would extend the duration of the learner drivers' licence from thirty days to three months. Clauses (5 and 6) would add certain references to the Criminal Code, (7) would repeal the provisions relating to the suspension or cancellation of vehicle licences where a driver has been convicted of certain offences. This can be a hardship on the family etc., if the vehicle licence is also suspended. Clauses (8, 9 and 10) are just amendments to sections (75, 77 and 79) to increase certain monetary limits which were skipped in the original amendments. Clause (11) would amend the act to permit restoration of a driver's licence following the write-off by treasury board of a debt due to the unsatisfied judgement fund. Clause (12) has to do with helmets which at the present moment is under the discretion of the minister. I feel that this should be a helmet which would conform to the standards of the Canadian Standards Association.

Clause (13) would provide that new motor vehicles must comply with the Motor Vehicles Safety Act of Canada and all provinces unless they, Sir, are amending their legislation to conform to federal standards on this one. Clause (14) is just some minor adjustments to simplify accounting procedures in collection of parking fines etc. and (15 and 16) are consequential amendments. Sir, I would like to move second reading of this bill.

MR. SPEAKER: The honourable member for Bell Island.

MR. NEARY: Mr. Speaker, the bill, bill (73) "An Act Further To Amend The Highway Safety Act." as introduced by the Minister of Transportation and Communications, seems to be in order. It seems to provide some improvements on the existing legislation. We have no hesitation, Sir, in supporting the bill on this side of the House. I am not quite sure if I understood the minister correctly but I believe under clause (11)

no, clause (11) would amend section (96) to permit the restoration of a driver's licence following the write-off by treasury board of a debt due to the unsatisfied judgement fund.

I do not know under what circumstances a debt would be written off, whether it would be an uncollectable debt...

DR. FARPELL: Uncollectable and perhaps for humane reasons.

MR. NEARY: The minister says, Mr. Speaker, because of humane reasons and maybe because of economic reasons. The head of the household may want to earn his living and he cannot get his licence because of this outstanding debt and so the...

DR. FARRELL: (First part inaudible) at the present time has not been paid regularly, someone whose licence is gone, he may overlook it for a day - there are a lot of difficulties.

MR. NEARY: Yes, Mr. Speaker, this makes a lot of sense, because I had here on three or four occasions, two gentlemen who came to see me who felt that they were being unjustly dealt with by the unsatisfied judgement fund. They lost their licence, I think it must be about six or seven years ago now and there was some dispute, actually over some technicality which caused the dispute over whether or not they were liable for this amount. In the meantime they were not able to work in their trade, which was driving a truck I think. One gentleman was driving a cement mixer.

This will allow now the minister and the department to give these gentlemen back their licences if they meet all the other criteria.

DR. FARRELL: Yes, I presume.

MR. NEARY: As far as helmets for motorcyclists are concerned, Mr. Speaker, I think it is a generally known fact that motorcycles, the popularity of motorcycles is on the upswing in Newfoundland as well as across the rest of North America. I think this is a necessary clause, clause (12), to make it compulsory I presume for the motorcycle operators to use helmets. Is this...

DR. FARRELL: They do already but this is at discretion. The type of helmet basically is the one that would conform to the Canadian Standards Association. It is now at the discretion of the minister, the type of helmet. We want to have it uniform...

MR. NEARY: So this really applies to the type of helmet and not...

DR. FARRELL: Yes.

MR. NEARY: So this only really applies to the type of helmet and it does not necessarily make it compulsory to wear helmets?

DR. FARRELL: Yes it does.

MR. NEARY: It is?

DR. FARRELL: Yes.

MR. NEARY: I would say that that is an improvement, Mr. Speaker. Also, the duration of a learner drivers' licence from thirty days to three months I think makes a lot of sense. After all, most of the drivers of these motorcycles are young people and as I indicated to the minister last Wednesday in another debate in this honourable House, Sir, that I would not object really to having the same condition apply to drivers of bicycles. I refer to my own children who are learning how to ride a bicycle on a very busy street and I would like for the minister to reconsider his position on this matter and maybe at some future date when we are getting amendments to the Highway Traffic Act, the minister might bring in a regulation covering bicycles. I think that is long overdue, Sir, and I certainly for one would be very reassured and have more confidence in my kids going out riding bikes on city streets, than I am at the present time when they are just learning on their own and they do not learn anything about the rules and the regulations of the road.

That is about all we have to say about this particular bill, Mr. Speaker, we will be having more to say about highway safety on private members' day when the private members' resolution, introduced by my honourable colleague, the member for White Bay South, comes up in the House. In the meantime, we concur with the bill, Sir,

and we will have more to say about the Highway Traffic Act, probably, on private member's day.

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

Motion second reading of a bill, An Act To Amend
The St. John's Housing Corporation Act."

HON. H. A COLLINS (Minister of Municipal Affairs and Housing): Mr. Speaker, it gives me pleasure to move the second reading of this bill. The main purpose of the amendment is to permit government to pay the members of the St. John's Housing Corporation, that is the chairman of the board and the members. Mr. Vardy, who was the previous chairman of the board of the corporation, suggested in his annual report last year that the job was indeed a full-time job. In view of that recommendation and in view of the onerous responsibility which has been placed upon the people who are members of the board, government have seen fit to bring forward this amendment. The amendment would also change the financial year for the corporation to March 31, in line with the government's financial bookkeeping year as opposed to the calendar year.

MR. ROBERTS: Mr. Speaker, we will support the bill. It is a reasonable enough thing. When the St. John's Housing Corporation was set up (I believe it was 1944) the original bill which became law and has been on the books ever since, for some reason, whatever it was, provided that the members of the corporation would serve without any pay whatsoever. That may very well have been reasonable in 1944, which is thirty years ago, but since then though the work has changed considerably and as the honourable minister has said, Mr. Vardy was chairman for I suppose twenty years, when he resigned from public life. The member for St. John's West in 1951, and I think he was appointed chairman following that. He, of course, drew a salary as Director of Tourist Development and then latterly as Deputy Minister of Economic Development, so he was not contributing

his services in respect to the housing corporation nor should his successor.

I have only one or two points that I want to make. I would like to know what salary is purported to be set. Mr. O'Leary is the present chairman. I assume he is full-time. I would like to know if there are any other full-time members. I would like to know what other members are being paid. What amount they are being paid? Are they being paid annual stipends? Are they being paid so much a meeting? Also I do think that there should be some provision for the House of Assembly becoming involved in this.

Now I have not looked through the estimates which the minister has presented. I have not looked through them in detail. I assume there is no vote in there for the St. John's Housing Corporation. There should not be. It is a fairly self-financing operation. As a rule the government's only involvement is Mr. Speaker, if there is a guarantee of some sort needed or if there is some major financing. Generally the corporation generates enough cash to pay for its operation. I assume it is run on a non-profit basis. The only way we can get involved at all, Sir, is when the Auditor General receives the statements, as he is required to. He will publish them in his report. The appendix to his report has the statements of all the crown corporations and that includes St. John's Housing Corporation.

This means, Mr. Speaker, that in theory and I realize that this would not happen but it could happen, the government could pay the Chairman of the Housing Corporation \$100,000 a year and yet no way would this House be involved in approving that expenditure. True, a motion could be put down or a bill could be brought in but the control by the elected members over the expenditure of public funds

in no way is involved in the St. John's Housing Corporation. I would ask if the honourable minister would entertain an amendment. I do not have one drafted but if he likes the idea, perhaps he could arrange to have it drafted to provide (one could do it a number of ways) that these reports which the Auditor General has to submit to the Governor-in-Council, that these be given to the House. There is no provision in the bill for that now. They merely go to the cabinet and there they could stand. Whether it might be an idea to put a token vote in of \$100 in his estimates each year - this is one of the reasons why the Liquor Commission had a head. I do not know if it has a head this year or not. One of the reasons that it was always in was that then it could be debated. The Workmen's Compensation Board similarly, I believe, there is a \$100 token item in for that. There always has been. I have not checked this year but there should be. The Medical Care Commission, there is a substantial amount of \$2.5 million in the health estimates I have noticed.

The point I am making is that these crown corporations have large sums of money. The ministers are accountable to the House but there is no point in our procedure when the matter comes up. I think there should. The minister might undertake to entertain an amendment and there might be a number of ways to do it.

I wonder also if the minister would perhaps tell us a little about the apartments at Elizabeth Towers which have been rented on a furnished basis. I am not a tenant of the towers. My mother is a tenant. I suppose she or my father - I am not sure who signed the lease. They are tenants and I sort of board with them. There are I understand apartments which have been

rented on a furnished basis. Now there is nothing wrong with that. All of the apartments down there - they are not low-rental housing Mr. Speaker. They are administered by the St. John's Housing Corporation. Elizabeth Towers Limited is a wholly owned subsidiary of the corporation. I believe the corporation have their offices down on the ground floor of Elizabeth Towers, out on the back. All of the apartments there are rented with I suppose a fridge, a stove, a dishwasher, I guess that is it. That is the basic equipment. The tenant supplies whatever he wishes in addition. But apparently there had been some rented with carpets and with the heavy items of furniture in them. There is not necessarily anything wrong with that. It would depend entirely on what has been done and on the circumstances in which it was done. So I ask the minister quite genuinely: I would like to know how many apartments there are. I am not interested in who the tenants are. I would like to know how many apartments there are. I would like to know when this policy was changed, because it is a change in policy. Up until now the Housing Corporation have not rented any apartments to my knowledge in a furnished state. There are apartments at Churchill Square and down here at Pleasantville which have always been rented unfurnished other than the things such as stoves and fridges. Those, of course, do come with the basic apartment.

I would like to know how the rental rates are set. Are they compensatory? In other words, i.e., \$5,000 had been laid out on carpets and on furniture, is the rent - presumably the rent is higher for a furnished apartment than for an unfurnished one, is the amount of rent enough to pay the cost, including the interest on that cost over the reasonable life of the furniture in question? The reasonable life of the furniture in question,

Mr. Speaker, would be perhaps three years because one does get quick write-offs on this sort of thing. Perhaps the minister could indicate this.

I would also like to know whether this furniture was bought on tender. You know this is public money. These are crown corporations. I would assume they are bought on tender. I would like to have the honourable minister's assurance that they were. I would be interested to know how much furnishings - I do not want them for each apartment - I would like to know. We, the people, now have \$10,000 worth of furnishings at Elizabeth Towers or whether we have \$1,000 or \$100,000? How many apartments are there? What is the extra rent? Is this policy widely available or is it just in Bill No. 43 or is it just in respect of the apartments, however many there be, (I believe there are four) which have already been rented as new apartments? As apartments become available in the Towers will they be rented furnished? Will it be extended to Churchill Square? Will it be extended to the Pleasantville Apartments? I think these are the only ones the Housing Corporation run. That are a lot of apartments, four or five hundred. They are probably the largest single landlord in St. John's and the largest single landlord in Newfoundland, Mr. Speaker.

I think these are relevant questions. We will be asking the minister doubtless a few more on his estimates because, of course, as he will tell us, quite rightly, he is the minister responsible and this is an area within his administration. We will want some more. I wonder if he could indicate to us how many apartments there are, on what basis they were allocated to the tenants in them. I am not interested in the names of the tenants.

I do not think that that is relevant at this point anyway. I would like to know what the cost is of the furniture and furnishings that have gone into it. Indeed what sort of furniture has gone into them; carpets, sofas, beds? I do not know. I really do not know. I would like him to indicate whether this furniture was bought on

tender or not. I would like him to indicate whether the extra amounts which I assume are being charged will recover the expenditures involved. I would like to know whether this is a change of policy going on in the future. Merely to say that it is an experiment will not suffice at this stage. We have had that answer. I think the experiment has now been on for a number of months and perhaps the minister could indicate whether the experiment has been considered a success or a failure? Will other apartments be made available, maybe five per cent or ten per cent, the apartments they are offering, maybe twenty per cent or maybe all of them. I do not know. Perhaps the minister could tell us a little about that.

Also, as I have said, I would appreciate some assurance from him that he would work out a procedure whereby, up until now the St. John's Housing Corporation has not needed because the members of the corporation has not been paid, but now we are in the area and I do not think it is any disservice to Mr. O'Leary to say that the fact that he has certain political leanings did not hinder him in his rise to be Chairman of the St. John's Housing Corporation. I do not find that offensive and I do not find it wrong. You know when the wheel changes the Chairmanship will change. The administration now made it a political job and maybe they can say that Mr. Vardy was not exactly the least partisan deputy minister this province has ever known. I think that would be a fair observation. But it is obviously becoming one of the plums now that the government of the day will hand out. Well, okay I do not quarrel with that. But I think there should be a provision of some sort whereby the House of Assembly can exercise some check on that because there is literally nothing now when this bill is passed, and it will be, we will support it and the government will support it, there is nothing now to prevent the Governor-in-Council approving a salary of \$100,000 a year for the Chairman of the St. John's Housing Corporation. Now that is ridiculous, one says. One would say it cannot be done. But, Mr. Speaker, it can be done because this bill

will give the Governor-in-Council the power to pay a member, any member of the corporation, such salary or other remuneration in expenses as the Governor-in-Council may see fit. So there is literally nothing to prevent the cabinet meeting some morning and saying, "Well, Mr. Claude Dawe and Mr. Burt Butt and Mr. Frank O'Leary estimable gentlemen all of them, princes of all mankind, politically of the right stripe by heavens they are working there they are carrying a terrific burden, we will give them \$1,000 a meeting." Absurd one may say. It is absurd, but it could happen and surely it is reasonable to take steps to ensure that it is not going to happen. I do not suggest putting a ceiling in the bill, but the normal suggestion that does not happen, the normal check that goes with this power, and this is the same power as, for example, the Governor-in-Council has with respect to the public service generally. The normal check is the annual estimates procedure.

Now an assurance from the minister that we have an item in the estimates each year of \$100, a token vote for the Housing Corporation would do it, if not perhaps the requirement of the matter shall be laid before the - this corporation reports in secret to the cabinet, these would not be public documents, the Auditor General would publish them one year or so later. You know, anything could be done. If the minister merely wanted to put in the standard clause, that when the report is received it shall be laid before the House within fifteen days if the House is then sitting and if not within fifteen days after the House meets, that would take care of it. But I think we do have a valid point in this and it is something to which I would ask the minister's attention and hopefully his support.

But having said that the bill is relatively straightforward, it is a sad commentary that people are no longer willing to volunteer for public service but I think that is true just not in Newfoundland but across Canada, and if we wish people to attend to

and to run the corporation, it must be \$10 million or \$12 million a year business now to run, then I think we have to expect to pay them. I do not find that at all bad and I will have no hesitation in voting for the bill, but I do think it could be improved along the lines I have indicated.

MR. NEARY: While the honourable minister is getting the information that the honourable Leader of the Opposition asked him to provide in Committee of the Whole, I wonder if the honourable minister would also find out if

Mr. George McLean who occupies suite 211 at Elizabeth Towers, if his rent is up-to-date because I have been told that he is running several months in arrears? Honourable members know what happens when a poor little client, tenant down in one of the apartments at Pleasantville or over here at Churchill Square, goes behind a couple of months in the rent, he is evicted, his furniture is confiscated or it is confiscated and stored somewhere and he has to pay to get it out, whereas I am told that Mr. McLean can run several months in arrears in his rent over at Elizabeth Towers and then, Mr. Speaker, tries to make a deal with the St. John's Housing Corporation. He tries to make a deal to do some public relations work for the St. John's Housing Corporation and square up the rent that way. Take it up in time, Sir. I would like for the minister to advise the committee as to whether this is true or not. If so, why has not any effort been made by the St. John's Housing Corporation to collect the rent from Mr. McLean? I would like to know if Mr. McLean is getting a special rate over at Elizabeth Towers.

I would also like to know, Mr. Speaker, and perhaps the honourable minister can tell us this, if there is a waiting list now at Elizabeth Towers because Your Honour might remember all the bellyaching and criticism that the former Liberal Administration received for constructing Elizabeth Towers. For a long time it was only operating at thirty per cent capacity. Now I understand that it is one hundred per cent occupied, thanks probably, Mr. Speaker, in large measure to a change of government since most of the ministers from out of town are living at Elizabeth Towers. This may be one good thing that came out of change of government, Sir. I would like to hear the minister comment on this. Does the St. John's Corporation have any plans to put up another apartment building? What is the St. John's Corporation doing in the way of low rental apartments this coming year? Are there any plans to build some badly needed houses and apartments in St. John's?

What about land? I understand the St. John's Housing Corporation is heavily involved in the disposition of land in this city, Sir.

Who is doing Satellite City? Is that the Newfoundland and Labrador Housing?

AN HONOURABLE MEMBER: Newfoundland and Labrador Housing.

MR. NEARY: That is the Newfoundland and Labrador Housing. Well, I will deal with that matter at a later date because I understand that the going rates for lots down there is anywhere from seven to fifteen thousand dollars. This is too much for the ordinary common man, Sir.

There is a price tag on them, Mr. Speaker. I have had a number of complaints. There is a price tag on them. The honourable minister better check because there is a price tag on them. In the meantime, Sir, we will discuss that when we get to the estimates on the Newfoundland and Labrador Housing Corporation. I would like to know what plans the St. John's Housing Corporation have for expansion, if they have any, Sir, what are they going to do? I understand they have a waiting list now of several hundred, I believe. Last figure that I heard was six hundred. That is probably up to about eight hundred now. Poor people in this city are looking for apartments.

MR. SPEAKER: The honourable member - the Chair will accept argument on this point, I think the honourable member may be straying somewhat away from the principle of the bill. However, the Chair stands to be corrected on it.

MR. ROBERTS: Correct, Your Honour, but the principle of the bill is to amend the St. John's Housing Corporation Act in respect of the management thereof. Clause 2 of the bill speaks specifically of the membership of the corporation and I would submit that a discussion of the policy of the corporation is rather in order particularly, Your Honour, as we have no other opportunity at some length to say so, no other opportunity to my knowledge to debate this matter unless one

puts down a motion or something.

I think surely that this might be compared to the(001) vote in a department to whether general administration of the department may be looked at. We will hear a lot of chatter about that, I have no doubt, Sir, when we go into committee on the estimates but I think surely my colleague is in order to have a general discussion in a general way on the policy of the corporation.

MR. MARSHALL: Mr. Speaker, it relates to the payment of members on the board of directors of the St. John's Housing Corporation. As the honourable Leader of the Opposition indicated, under the specific heading of the minister's salary in the Department of Municipal Affairs and Housing there will be opportunity I would submit to ask the ministries responsible for the St. John's Housing Corporation to answer such questions. I do feel that the honourable the member for Bell Island is running a little bit astray of the principle of the bill when he talks about what apartments are going to be available, etc., because this bill is not a bill

with respect to the authorization or the provision of housing as such but purely and simply it relates to the payment of stipends to people who are on the board of directors.

MR. NEARY: Mr. Speaker, does Your Honour want to give a ruling or something?

MR. SPEAKER: The honourable the member for Bell Island may proceed. I would respectfully request that the honourable member stay as close to the principle of the bill as possible and bearing in mind that in the discussion of the estimates that the members are permitted and perhaps even obliged to wander as far afield as to cover as much territory as is necessary to be covered. However the honourable member is permitted to carry on hopefully to the point of the bill.

MR. NEARY: Mr. Speaker, we are asking here for approval to provide for payment of remuneration to members of the St. John's Housing Corporation. We are asking these gentlemen to administer the St. John's Housing Corporation and they will be paid a salary. Well, Sir, one of the reason I believe, and I was out at the time that the minister gave the reason for asking for payment for these gentlemen as the fact that they could no longer get people to volunteer their services because of the workload I presume that one of the contributing factors to the increased workload, Sir, is the number of apartments that the St. John's Housing Corporation have opened in the last few years. It is a pretty big business now, Mr. Speaker. I think the St. John's Housing Corporation own apartments at Churchill Square, Pleasantville, Elizabeth Towers, over here on Anderson Avenue -

AN HON. MEMBER: No, no, that is the Housing Authority.

MR. NEARY: That is the Housing Authority. Well they own apartments at Pleasantville, Elizabeth Towers, and they own some houses, I believe, around St. John's.

MR. ROBERTS: Inaudible.

MR. NEARY: The Leader of the Opposition pointed out that they developed a lot of land so I would say that the work load has been one of the major contributing factors to the minister coming into this House and asking us to approve payment for Mr. O'Leary, Mr. Butt and Mr. Dawe. Are there only three members of the St. John's Housing Corporation?

AN HON. MEMBER: There are six.

MR. NEARY: There are six.

MR. ROBERTS: Who are the others?

MR. NEARY: Perhaps the minister could tell us who the six are when he winds up the debate, Mr. Speaker. But we are asking these gentlemen, who are asking for payment for these gentlemen to administer the St. John's Housing Corporation, and one of the matters that comes under their jurisdiction, Sir, is land. But I am prepared to forego any discussion on that now until we get to the Newfoundland and Labrador Housing Corporation.

But, Sir, I would certainly like to know, I will be very brief, I would certainly like to know what plans they have for expansion? Because when I was the Minister of Social Services, Mr. Speaker, there was a waiting list of over 600 trying to get apartments in the St. John's Housing Corporation, that has probably gone up now to 700 or 800. So the point I am trying to make, Sir, there is a desperate need for apartments in this city, especially ones that come under the jurisdiction of the St. John's Housing Corporation. I would like to ask the minister what plans these gentlemen that we are going to pay now to administer this corporation, what plans they have for expansion, if any?

MR. MARSHALL: Just a quick word, Mr. Speaker, on this particular bill. I would like to point out that the members involved, I was vice-Chairman with the honourable the Minister of Municipal Affairs for a while, the personnel on the Board of Directors at present are Mr. O'Leary as Chairman, I think Mr. Alex Henley as Vice-Chairman,

Mr. Claude Dawe as a member, Mr. Burt Butt as a member, Mr. John Palfrey who is a member, Mayor Adams, the Mayor of St. John's, in his capacity, I emphasize, as Mayor of St. John's, and in that capacity, Mr. Eric Mercer the City Engineer, and Mr. S. J. Hefferton in his capacity as Chairman of the Community and Planning Association, and Mayor Ashford of Mount Pearl.

Now there is one thing that I would like to point out about the appointment to this board

and I think it should be drawn really forcibly to the attention of this House as to what works can be wrought by appointing conscientious businessmen to positions such as this. Of course, the business repute of Mr. Alec Henley, Mr. Claude Dawe, Mr. Burt Butt, Mr. John Palfrey require absolutely no farther elucidation to this House. As an example, by the simple nature of adopting business techniques and calling for public tender with respect to insurance that was required for the units of the St. John's Housing Corporation, and surprisingly I might state that tenders had not been called before - open public tenders were called and the net results, as I am informed, is that there is a net saving to the Housing Corporation as a result of this to the tune of approximately \$6,400 in the total premium that was paid, which I think is substantial and bears witness to the wisdom of the policies that have been adopted by this government with respect to the calling of public tenders.

Another point I would like to bring to your attention. Probably, Mr. Speaker, for the first time in the history of this province, these men, acting in their business capacity, also called public open tenders with respect to the letting of contracts for the development of areas in and around St. John's.

AN HON. MEMBER: This is relevant?

MR. MARSHALL: Oh, yes it is just as relevant to the performance (I am talking, Mr. Speaker, to the principle of the bill) of these worthy gentlemen in their present offices.

MR. NEARY: (Inaudible).

MR. MARSHALL: The hon. member for Bell Island gets very tender when we talk about public tenders. But, Mr. Speaker, there are two

areas in the Cowan Avenue Area. There is a contract I think in the vicinity of about \$200,000 and in the first stage of the Virginia Water Subdivision, which was a much larger contract, where tenders were called, they were advertised in the paper. Persons submitting tenders were given a time in which to submit them and a place when they would be open, Mr. Speaker. I am happy to advise that most of these people who tendered at that particular time saw the tenders publicly opened. They were quite satisfied that it was granted to the lowest tender. The net result was a considerable, I would say, saving to the Housing Corporation. In speaking in support of this bill, I also speak in support of the wisdom of the hon. Minister of Municipal Affairs in appointing such responsible people to this position of the Board of Directors of the Housing Corporation which has materially saved a tremendous amount of money of the St. John's Housing Corporation which, of course, is a public corporation.

So, Mr. Speaker, if the honourable members on the other side would care to look, they would discern many other like instances of adoption of policy like this by the present administration.

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

MR. COLLINS: Mr. Speaker, in response to the hon. Leader of the Opposition, the amount which is proposed to be paid to Mr. O'Leary is \$10,000 per year which is certainly not a big lot of money for what he is making practically at a full-time job. The members of the corporation are being paid \$35 per meeting, which is about a meeting per month, I would assume. That is a uniform rate which is being paid to most boards such as the Metropolitan Area Board and others.

With regard to the furnished apartments, this is a change in policy. How many apartments are furnished, I am sorry I cannot tell the hon. Leader of the Opposition but there are a number furnished and the leases have been changed whereby you assume some further responsibilities with regard to the furniture and the monthly cost has increased to reflect the cost of the furniture, amortising the total cost over a period of not more than five years, which would be the normal -

MR. ROBERTS: Are they five year leases?

MR. COLLINS: Well five year leases in regard to the payment of the furniture.

MR. ROBERTS: Are the leases for the tenants for five years or could the tenant walk out after a year and then the Housing Corporation gets stuck with furniture which the tenant picked?

MR. COLLINS: That is taken care of. There is an option there. For instance, should a tenant want to buy the furniture, there is a scale which we can use to let him buy the furniture if he moves out.

MR. ROBERTS: If the tenant does not want to buy the furniture, that is the problem.

MR. COLLINS: Well, Mr. Speaker, there is an arrangement then whereby the tenant is responsible for the furniture

one way or the other, either by paying for it over a period of five years, by buying it when he leaves, or paying the full amount when he leaves.

MR. ROBERTS: Would the honourable minister table a copy?

MR. COLLINS: Well I cannot table it this afternoon but I can get them.

Whether that policy will be extended to other apartments, I suppose, Mr. Chairman, it would be decided on the basis of need. How many requests we might get and so on, but I do not know how many requests have come in. I do not get all of them.

AN HON. MEMBER: Inaudible.

MR. COLLINS: I do not know how many ministers are at the Towers. I lived there for a while myself. I am not there any longer. It was not too bad. It was a little bit rich for my blood, I do not mind saying. It is the best place ever I had to live in in my life.

With regards to Mr. McLean, I would presume that Mr. McLean has got his bill paid. If he has not got it paid, he should be getting in touch with the manager down there, and I presume he would have done that. Had he not paid his bill, the manager would be in touch with me, saying, "Look we have a gentleman down here who is supposed to be making all this money off the Government of the Province and he is not paying his rent, now what are we going to do about it?"

I have heard nothing about Mr. McLean being in arrears in rent and I am sure, knowing Mr. McLean as I do and knowing Mr. Pottle as I do, as the manager of the corporation he would not permit it for one moment. I am sure that the rents are paid and Mr. McLean is in his good books.

AN HON. MEMBER: Inaudible.

MR. COLLINS: I will get around to it sometime.

AN HON. MEMBER: Inaudible.

MR. COLLINS: For the estimates? Yes, okay.

On motion a Bill, "An Act To Amend The St. John's Housing Corporation Act," read a second time, ordered referred to a Committee of the Whole House presently by leave.

Motion second reading of a Bill, "An Act Further To Amend The City Of Corner Brook Act."

MR. COLLINS: Mr. Chairman, this bill would permit the wife or husband of a person liable for real property tax or municipal service fee to qualify to be elected as a mayor or councillor provided he or she meets the other qualifications set out in section (14) of the principal act.

This is a provision which came forward some years ago as an amendment to the local government act and now we are applying the same procedure, the same commission to the City of Corner Brook Act.

It would also extend the period under which taxes can be paid where arrangements can be made for installment paying, increasing this from fifteen years to twenty years and it would also authorize the imposition of a municipal service fee, not exceeding forty dollars. That is a request which we received from the City of Corner Brook. The maximum amount now is twenty dollars for a service fee, in the local government area as well as the City of Corner Brook.

They have asked for an increase in the ceiling of \$40,000, which government feel we should grant to them.

MR. ROBERTS: Mr. Speaker, the minister has elusively elucidated the principles of the bill. I only want to say one or two things. I support the provisions with respect to the qualifications for eligibility for election to office. These are not new, I believe similar ones were brought in by us for St. John's, local government generally.

The raise in the service fee, as he says, has been requested by the City Council of Corner Brook, and all the administration are doing and all they are asking the House really, is to ratify

MP. ROBERTS: or to permit the council to do what they wished to do.

That is fair enough. The Council in Corner Brook will answer to their electorate and if their electorate are unhappy with what they propose to do, then the electorate know full well what steps to take.

The Council in Corner Brook at the same time, Mr. Speaker, if my memory serves me correctly, asked authority to levy, I am not sure what name they put on it, it is a form of work tax. They are concerned as a Council, Mayor Murphy has said so publicly, that they have many people living outside Corner Brook who are employed in the city and the feeling of the Council is that these people do not contribute sufficiently, if they contribute at all, to the tax revenues of the City of Corner Brook.

Now that is obviously a complicated question and a thorny one. The minister could get up and say, "We are studying it," and I could not really fault him, but I would like him

would like him to indicate in closing the debate on this bill, Mr. Speaker, whether the administration have rejected that, whether they are studying it or whether they are prepared to see it go ahead. I suspect if the principle is adopted it will not be confined to Corner Brook, we have many other situations in this province. Perhaps the most notable would be here in St. John's. I am told that people come from as far as Whitbourne every day to St. John's, back and forth to work. Certainly many people living on the South Shore of Conception Bay come back and forth to work. There are I am told people from such places as Bay Roberts, Port de Grave who come back and forth every day and certainly many people coming from as far as Bonavista North to spend the week in town to work, Skilled carpenters down there, they will come in and they will work the week and go home. So it is not a uniquely Corner Brook problem. But perhaps the minister could favour us with an exposition of some of his - if you want to call it six o'clock I am game, but I will be only a moment or so drawing my remarks to a close.

It is quite a field of municipal taxation. These people do take advantage of some of the services being provided by the municipal governments and thus there is a case for them paying taxes. Equally one can make the counter case that in this province, at least up until now, the Whelan Commission may recommend a change. I rather hope they will. I do not see how we are going to solve the problems of our municipalities otherwise. But up until now at least municipal taxation in this province has been exclusively based on property or a poll tax which is really a variation of the property tax, the way in which we apply it.

It could be said that people living in, for example, Steady Brook, as does the honourable member for St. George's, outside of Corner Brook, pay taxes to the Steady Brook Community Council, therefore, they should not have to pay to the Corner Brook Council just because they work in Corner Brook. There are arguments either way. I do not know which should prevail. But the minister might perhaps indicate

the administration's feeling on this matter now. I can give him a number of ways to get off the hook, if he think it is a hook. He could say they are studying it. He could say they are waiting for the Whelan Commission. These are legitimate and sound reasons.

I wonder if the minister would also tell us a little about the financial situation of the Corner Brook Council. I had like most people thought they were on reasonably good ground, not exactly looking for ways to spend money, Like every government in this province, there are far more opportunities to spend money than money to spend. But it seems that they are not on sound ground and I would be interested in that, because the City Council of Corner Brook was put in commission in 1962 I guess, It was there for a period of five or six years, a three man appointed commission ran the affairs of that town. This has been the second council that has been elected since then, Mayor Murphy and his council were elected in 1969 and took office. There was a council elected before that for a part of the term, but apparently they are in somewhat dubious financial circumstances, I understand. I mean I had not known it, I am surprised, but I go only by what I hear on the radio and the television. I wonder if the minister could comment on that. I mean are they in dubious financial position or are they in quite a sound financial position? I realize they probably owe a lot of money and they have a lot of demands upon them but then again the government of this province owes a lot of money. We do not hear any more suggestions, particularly from honourable gentlemen opposite these days, that the government of the province are bankrupt. We used to hear that from them, now they know a little better.

But generally the bill is straightforward so we will have no trouble supporting it.

MR. NEARY: Mr. Speaker, I rise to support this bill, if for no other reason than to support another victory for womens lib because really that is what section (1) really means, Mr. Speaker, prior to

this and I have not checked the City of Corner Brook Act but I assume that the wife of a taxpayer could vote but could not run for elected office. So this permits now the husband or wife, Sir, of a person liable for real property tax or the municipal service fee to qualify to be elected as mayor or councillor. This is another step forward, Sir, another victory for womens lib and I am all for it.

As far as the financial condition of the city itself is concerned, well, Sir, only today, I do not know if the Leader of the Opposition heard the comments of the honourable the Premier or not,

MR. ROBERTS: That is maybe why I raised it.

MR. NEARY: That may be why he raised it, but I was not quite clear because the Leader of the Opposition has been quite busy all day attending funerals and what have you. But the Premier did indicate today, Sir, in his public utterances, that the City of Corner Brook was in a bit of a sticky financial position. But I am inclined to believe with the Leader of the Opposition that the attack that was made today, Sir, and maybe the Premier is having another off day, the attack that was made on the Mayor of Corner Brook today by the honourable the Premier was in my opinion unwarranted and unjustified. It was an attack, Sir,

MR. SPEAKER: Order please! It now being six o'clock I do leave the Chair until eight o'clock this evening.