

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
2:00 P.M. - 6:00 P.M.
TUESDAY, MAY 16, 1978

The House met at 2:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

The hon. Minister of Health.

MR. H. COLLINS: Mr. Speaker, I would like to take this opportunity to apprise hon. members of the current situation in Daniel's Harbour where a number of cases of tuberculosis have been identified in recent weeks.

SOME HON. MEMBERS: Hear, hear!

MR. H. COLLINS: I would like to thank all hon. members for that.

I am advised by my officials, Mr. Speaker, that seven persons from the Daniel's Harbour area are receiving treatment for tuberculosis and a further three persons are under investigation at the Western Memorial Hospital. The first cases were detected in February and March of this year and the subsequent cases have been uncovered as a result of the follow up contacts of these cases by our public health team. The department is currently arranging to provide additional medical and public health nursing assistance to the area in order that the follow up of all possible contact cases be speeded up as much as possible.

As well arrangements for the provision of transportation for adults from Daniel's Harbour to attend the Bonne Bay Cottage Hospital for chest x-rays are being made. The availability of such transportation will be publicized at the local level.

Mr. Speaker, I would like at this time to advise all hon. members that it is our wish that the public in Daniel's Harbour co-operate with the doctors and the nurses who are in the area so that suitable follow up procedures can be followed. I would also like to reassure the House that the Department of Health and the government can be proud of, and Newfoundlanders should be proud of the fact that the tuberculosis

MR. H. COLLINS: level in Newfoundland is continuing to reduce and I believe with the co-operation of everybody that we will be able to bring this cluster of an outbreak if one would want to refer to it as that, under control.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, just one or two comments on the ministerial statement made by the hon. gentleman, Sir. This is indeed a serious situation and the hon. gentleman said that he would like to get the full co-operation of the people of Daniel's Harbour and I think the reverse is probably true, Sir, the people of Daniel's Harbour would like to get the co-operation of the minister and his officials. Hon. members may not be aware but the situation in Daniel's Harbour reached such grave proportions that they had to form a citizens committee and after sending a couple of registered letters to the minister and to the member they finally had to get in touch with the Opposition to try to bring this matter to a head. And I am glad now, Sir, that their efforts have been successful and that the minister finally has seen the seriousness of the situation in Daniel's Harbour and he and his officials are doing everything they can to try to remedy the situation as best they can under the circumstances.

MR. SPEAKER: Order, please! As I understand it, under Statements by Ministers, the hon. minister may make a statement and then the spokesman for the Opposition may make a brief comment on it and may ask for explanation. In asking for explanation, obviously, a person is entitled to give the explanation asked for.

MR. NEARY: No way (Inaudible).

MR. SPEAKER: Order, please! But when the comments are limited to comments then I do not think under this procedure of ministerial statements that I could recognize the hon. gentleman back again.

SOME HON. MEMBERS: Hear, hear!

PRESENTING PETITIONS:

MR. SPEAKER:

The hon. member for Fogo.

CAPTAIN WINSOR:

Mr. Speaker, I beg to present a petition from the citizens of Fogo Island. The petition is from the Fogo Island Improvement Committee Limited and residents of the Island.

The prayer of the petition is as follows: "The growth of the economic base of Fogo Island is largely dependent upon - one, the rapid transportation of fish and other produce and materials over well serviced dust free roads; the rapid transportation of fish produce going to and from fish plants on or off the Island for further production; as little deterioration of Fogo Island's produce as possible as it is transported on land and sea; and the convenient transportation of residents to and from medical and commercial establishments; the convenient transportation of residents to schools, churches, social gatherings, both formal and informal; the growth of the secondary industries and businesses of Fogo Island are largely dependent upon the convenient and direct transportation of fuel, food and other commodities to the

MR. E. WINSOR: commercial establishments and homes of Fogo Island. We the undersigned residents of Fogo Island do hereby petition the government of Newfoundland and Labrador that the recommendations proposed in the accompanying brief"- I may add, Mr. Speaker, there is a brief attached to this petition - be met and carried out during the present year, 1978 or as soon thereafter as is practical."

Now, Mr. Speaker, Fogo Island has become one of the most productive and prosperous communities on the Northeast Coast and, of course, people are suppressed by not getting the maximum out of the fishing industry that they should get because of a lack of proper transportation facilities. We can think of the road conditions on the island, Mr. Speaker, practically all of the fresh fish has to be transported across Fogo Island on very dusty roads especially during the warm weather season. Consequently that fish cannot get to market in top grade, so therefore, Mr. Speaker, if for no other reason I think it is about time for the government to encourage the people of Fogo Island, by providing them with some of the much needed facilities, especially in the transportation area.

Now, Mr. Speaker, it may be worthy to note that we have in this House the Leader of the Opposition whose ancestors came from Fogo Island and I believe there are relatives living there now. I think the Minister of Social Services came from Fogo Island and I am sure he will back this and support this petition. I am interested in a few notes in the brief, Mr. Speaker, and one deals with the federal-provincial communications relative to Fogo Island, to quote "It has been pointed out by DREE officials in both Newfoundland and Ottawa that there have been no communications or requests for financial backing for upgrading of the island's transportation systems from the Government of Newfoundland and Labrador to any department of DREE. Inasmuch as DREE has held the improvement of Fogo Island roads and docking facilities as a priority for some time we believe it is the responsibility of the provincial government to make whatever arrangements are necessary to release these funds that DREE is prepared to spend on Fogo Island."

MR. E. WILNSOR: Now, Mr. Speaker, I cannot vouch for the accuracy of this statement. However, it is noted in the brief and I am pretty sure that the Minister of Transportation, who I might add is familiar with this brief and with this petition and I might thank him now for accommodating a delegation which I believe he saw on Friday to discuss this whole matter, but, Mr. Speaker, if this is correct then surely there is something wrong with the communications between our provincial government and the department of DREE and if that be the case I would humbly request that steps be taken immediately to overcome this serious obstacle.

In summing up, Mr. Speaker, what they are requesting for Fogo Island is that all roads be brought up to a level of safety and convenience that benefit the majority of Newfoundlanders by rebuilding the unsafe or inadequate portion of the island's roads where necessary, paving of all highway surfaces for which the Province is responsible, paving of roads in the residential areas, installation of suitable guard rails - that is a very important thing, Mr. Speaker, there are very few if any guard rails to protect the travelling public and therefore I would suggest that this too be given government approval.

Mr. Speaker, I support this petition and request that it be placed on the table of the House and have it referred to the department to which it relates.

MR. SPEAKER: Hon. member for Eagle River.

MR. STRACHAN: Mr. Speaker, I stand and support the prayer of this petition. I know the situation well on Fogo Island having first been involved with it in 1967 when at that time there was a process under way to resettle Fogo Island. I am glad to have been involved in that process which maintained Fogo Island as a viable community, and further

MR. STRACHAN: being involved in 1973 when Fogo Island was in a desperate financial situation. Now, five years later, Fogo Island is probably one of the most efficient, one of the most viable community areas in this Province due mainly to the people themselves - not people from outside of Fogo, but the people of Fogo themselves, the fishermen and especially the Co-operative in Fogo and the people in Fogo who work to try to make it a viable and economic community and who try to make their life there.

I understand full well the problems that I faced in 1973 in trying to shuttle fish across the island from the different communities - from Tilting, Deep Bay, Island Harbour, Stag Harbour and the problems that we ran into because Fogo Island had received little commitment in the way of funds from government to try to get them on their feet. They were struggling and have been struggling for many years on their own trying to build up what they have and for that alone they should be given the greatest compliments in the world that they did have the pride and the dignity to stay there and fight and to work and make a good living for themselves and become a very well off group of communities in Newfoundland.

I support the prayer of the petition because I believe that until Fogo Island does have the facilities and is encouraged by funds and availability of funds to develop further processing, the finished product processing, they will continue to have to send off Fogo Island, elsewhere, the fresh fish in fillet form. And I was involved in 1973 in getting to the fillet form and to the skinless form, and in fact, we were at that time supplying the fish plant in Twillingate.

MR. STRACHAN: And I believe in Fogo Island unless they move to the finished product, that is, to the frozen product, and obtain their own markets then the Co-operative on Fogo Island will always continue to struggle, to try to make ends meet and keep moving ahead.

I think that the roads and the situation in which some of the fish is carried across from Fogo Island to the main plants in Seldom and Joe Batt's Arm need to be remedied and should be remedied if only as an act of faith of this government on behalf of people on the island who have worked extremely hard over the last ten years to remain on Fogo Island and to create a viable community.

MR. BRETT: Mr. Speaker.

MR. SPEAKER: The hon. the Minister of Social Services.

MR. BRETT: Mr. Speaker, I feel it is incumbent upon me to support this petition presented by the hon. the member for Fogo (Capt. E. Winsor). It is true that I was born on the island, Barr'd Island, and I have seen it come from a very remote part of our Province to a very successful and viable island.

It is interesting to note that the island was slated for resettlement some years ago and up until approximately a year ago a large number of the residents of the island were in receipt of some form or other of welfare - not necessarily social assistance, but various forms, and I understand from my officials that during the past year there has been practically no welfare whatsoever on the island, or none of any significance. So it has come a long way, mainly,

MR. BRETT:

I suppose, because of the emphasis placed on rural Newfoundland by this government and also, as the hon. the member from Labrador mentioned just now, the initiative of the people themselves. I think they have more or less pulled themselves up by their bootstraps. There is no question of the need for improvement in the transportation system, particularly in roads. I take great pleasure in going back there at least once a year to visit the old homestead, and the dust, as on all gravel roads, is annoying to say the least, and I am sure that this government will continue to place emphasis on rural Newfoundland, and as far as I am concerned I would like to see them place a little bit extra on Fogo Island.

MR. SPEAKER:

The hon. the member for Conception Bay South.

MR. NOLAN:

Mr. Speaker, I rise very briefly to support the petition as presented, together with the brief attached, by my hon. friend from the Fogo Island Improvement Committee. As has been indicated by my hon. friend opposite, the Minister of Social Services and the member for Eagle River (Mr. Strachan) who are very, very familiar with the community as a whole over

Mr. Nolan: a great number of years plus, of course, the work that has been done in the last few years. I think we have a situation here where the people have demonstrated by their own initiative and drive when in some instances perhaps there were those who may not have given them even a break-even chance. Who would have thought a few years ago that they would have come to the point where they are today in spite of some adverse circumstances, some very real genuine difficulties? And I think that the people there had to face a very important decision, and that was where would they go from where they were at that time? How would they improve their community, not only for themselves but for their families?

Now people, of course, not only in Fogo Island but in other communities as well can only carry the ball, as it were, so far on their own, and then it goes to those of us who are involved in public life to demonstrate (1) to what extent we are aware of the problems they have, the work that they have done on their own. And to what extent- we are familiar with it here in this House of Assembly or in government departments and are prepared to give the back-up to help them increase their situation even better than it is at the moment. The lack of proper transportation as has been mentioned by my hon. friend is outlined in the petition as one that we have to look to. If in fact, as has been stated, there is a breakdown in communications between the Department of Transportation provincially, on the one hand, and DREE on the other. well we have to get to the bottom of it to find out if what is implicated or implied here is a fact. I mean, has there been no approach from the Department of Transportation provincially, to the Department of DREE; if not, why not? And let us find out exactly what the situation is there.

But the people in Fogo Island beyond the shadow of a doubt have indicated quite clearly that they are prepared when the chips are down to do their share. And we are all familiar with that. And now I think it is up to us to do our share to, first of all, acknowledge the fact, and to record the fact of what they have done for themselves, with some, of course, provincial and federal assistance, but principally because of their own initiative. And now it is time for us to demonstrate that, one, we appreciate what they have done, we are aware of what they have

Mr. Nolan: done, and not only that, but we are prepared to back them even further so that the facilities there will be improved, and so that we will have a greater utilization of our fish stocks and so on. And I am sure the Minister of Fisheries would certainly endorse that. I believe there are some twenty-odd miles of road approximately, dirt road at the moment that need improvement. And I hope that we can look forward to something concrete coming forward to give the people heart that their petition is not one that is laid on the Table of the House so that a few like myself can stand up and say a few words and then it is filed away.

So I hope that we will hear others present address themselves to this petition so ably presented by my hon. friend, and it is also acknowledged by our friend the Minister of Social Services today who was born in the area.

MR. SPEAKER: The hon. the member for Trinity Bay de Verde.

MR. F. ROWE: Mr. Speaker, I would like to support the petition presented by my friend and colleague, the member for Fogo (Capt. Winsor), Sir, for the improvement of transportation facilities on Fogo Island. The member for Fogo, Sir, mentioned a number of reasons why these transportation facilities should be improved, amongst them the people getting back and forth for medical purposes, schools, churches, social gatherings and different jobs sites and so forth.

But, Sir, I think the most important point that the member mentioned was this, the fact that Fogo Island, obviously, exists as such because of its closeness to the sea and the fisheries itself. So, Sir, the improvement and the paving of the dirt roads on Fogo Island is certainly not pavement for convenience sake, it is pavement out of necessity. Now, the Minister of Fisheries has mentioned on a number of occasions that the fishery, and we agree with him entirely on this, is one of the salvations for this Province. And he, in fact, Sir, said that it is the desire of his administration to make

Newfoundland and Labrador the fishing capital of the world which is a plagiarism from the Leader of the Opposition, I believe, Sir. But besides that, Sir,

MR. F. ROWE: The fact is that if we are to make this Province the fishing capital of the world, and I think we can, one of the most important things we have to do with respect to the fishery is quality control. And I submit, Sir, that trucking fish over miles of dirt road with the dust and the vibration and the heat in the middle of the Summer certainly does a lot of harm to the quality of the fish even before it reaches the processing plant, and any transportation off the Island after processing must cause further damage and the quality of the processed fish must be further damaged. So, Sir, it is in that sense that I submit that this is not pavement of convenience but pavement of necessity if we are to keep quality control with respect to the processing of our fish and the export of our fish, Sir. So I, without any hesitation whatsoever, give my full support to this particular petition.

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

MR. W. ROWE: Sir, I would like to add a brief word of support to the petition. It is not an ordinary petition merely asking that the government pave a road for the convenience of the people as my hon. colleague from Trinity - Bay de Verde (Mr. F. Rowe) said, the normal type of petition, it is a petition which goes right to the heart of the need for the upgrading in the quality of our fish production in this Province, among other things. Also, of course, it would be a great convenience to the residents of the area. So I would like to support this petition sent in by the Fogo Island Improvement Committee and backed by the residents of the various communities on Fogo Island.

It holds a dear spot in my heart, that Island, Sir, As the hon. member for the district said, ancestors of mine on both sides of the family, my grandfather came from Seldom Come By and my grandmother, the woman he married finally in Lewisporte, came from Joe Batts. And I try to get out there whenever

MR. W. ROWE: I can, have a visit and talk to -

MR. NEARY: Little did they know that they were going to spawn the next Premier of this Province.

MR. W. ROWE: That may be right, Mr. Speaker. I never thought of that. I must go down and tell them. As a matter of fact the hon. member and I are going to go down in a week or so and attend, as we have done, it is becoming a bit of a tradition, as we have done before go down and attend the speech night of the Central High School on the Island there, right in the middle of the Island and that is always an enjoyable occasion and also meet with friends and relatives down around there.

The rapid transportation of fish, Sir, over good roads is a vital necessity. Anyone who has driven over the road where the fish has to be transported from, right around the arm there -

CAPTAIN WINSOR: The fishermen are losing thousands and thousands of dollars.

MR. W. ROWE: That is right. Losing thousands of dollars, as my hon. colleague says, Sir, having to transport that all the way around the arm and up through the Island to get it to the Mainland portion of Newfoundland here, Sir, is a very - first of all a very expensive and second of all I cannot see how fish can survive it in one hundred per cent shape and therefore we should try to do whatever we can to help in that regard.

The other point I would like to say about Fogo Island, Sir, is the way the people, as other hon. members have mentioned, the way the people of the communities there determine their own fate. When I took over the Department of Community and Social Development the turn had already come really but for the years before that, several years before that, there was a definite drive on the Island, as my friend has mentioned, my friend from Eagle River, for a lot of the people to move off the Island. They

MR. W. ROWE: felt remote. They felt they did not have the services. They were going to move off the Island and also, of course, because of the low standard of economy there at the time. The economic life of the area was not all that good.

The people themselves, aided and abetted by people like my friend from Eagle River (Mr. Strachan), the Extension Department of Memorial University played a role there as well with these movies and films and so on that they put out which I believe played a large role in giving the people there a sense of identity, a feeling that they could, in fact, determine what was going to happen. By the time I took over the department I think the dye had already been cast and the people there had decided that they would not move off, they would continue to try to provide a good livelihood for themselves and their families where they were and, of course, that was a wonderfully sensible and good decision made by the people there and we are seeing it now with that Island and the communities there being one of the more prosperous parts of our Province, on the Northeast Coast.

A word, Sir, about the breakdown in communication between this Province and DREE according to the Fogo Island Improvement Committee. Perhaps the minister might have something to say about that. Why that should be? Why are we not getting DREE funds for the roads there especially since it would appear to be an economic necessity? And secondly, Sir, finally I should say, in the last

MR. W. ROWE: election, and I am reliably informed by the winner of the election in that district in the last election the Progressive Conservative candidate made a speech, read a telegram in which he said the government was going to spend \$1 million starting right after the election on that road, Sir, to upgrade and pave the remaining roads on the island. As far as I can determine - the hon. member can correct me if I am wrong - not anything near \$1 million was subsequently spent on the island on those roads. Would that be true?

CAPT. WINSOR: No, Mr. Speaker.

MR. W. ROWE: No, Sir, I have not seen any evidence of it myself. So perhaps we could see a combination of two things here - the minister and the government themselves keeping their commitment to spend the \$1 million on upgrading and paving the roads, and a better effort made to attract federal funds since we are talking about an economic necessity as well as a social convenience so DREE could get in there with its funds as well and thereby upgrade and pave the remaining roads on that island, not only, as I say for the social convenience, but also to make sure that the quality of the fish produced on that island is preserved as far as transportation is concerned.

I wholeheartedly support this petition, Mr. Speaker, and think it is the kind of a petition which should have the support of every member of the House of Assembly.

AN HON. MEMBER: Hear, hear!

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

MR. CALLAN: Mr. Speaker, I want to rise in support of this petition presented by my colleague from Fogo (Capt. E. Winsor).

MR. CALLAN: We have heard about the possibility of having DREE funds do this road. It reminds me again of a section of my district where I feel - have felt for the last two or three years - that DREE funds should have had the road upgraded and paved because it is so vital to the fisheries on Fogo Island as it is in my district.

Mr. Speaker, the Minister of Social Services in supporting the petition mentioned the fact that hardly any welfare cases exist on the island. We are glad and happy to hear that. Again I am reminded of a section of my district where there is 100 per cent employment. I am thinking of the town of Adeyton again where pavement, of course, and upgrading is needed.

Mr. Speaker, I had the privilege of teaching school on Fogo Island twenty years ago, in Stag Harbour. I was principal; I spent ten months there or a year, whatever you call it - a teaching year. I spent a year twenty years ago when I was eighteen years old - I was principal of a three room school in Stag Harbour. At that time, Mr. Speaker, there were a lot of fishermen there - a lot of shepherds even though there were not nearly as many sheep as there are over in the district of Harbour Grace - a lot of Sheppards, the surname of the families - a lot of fishermen - but at that time. Mr. Speaker, only two cars. I remember there were just two cars in the community. One of the reasons for that, of course, was because of the poor road system. But I remember, Mr. Speaker, that a lady used to come up from Joe Batt's Arm - a lady who used to teach at Joe Batt's Arm who had some friends at Stag Harbour used to drive up in her car. So twenty years ago a road existed between Joe Batt's Arm and Stag Harbour, through Seldom, of course, or just tipping

MR. CALLAN: the edge of Seldom as you drove by. The daughter of the late Ted Russell used to come to Stag Harbour and visit periodically in her car. So those were the only vehicles that existed in that particular part of the island twenty years ago.

So I am a little bit surprised, Mr. Speaker, to hear that here, twenty years later, they still do not have an adequate and a good paved road system throughout the Island of Fogo.

Mr. Speaker, I remember the road between Stag Harbour and Seldom was a rather poor road. I remember, a friend and myself went down in February, as a matter of fact. We did something that today is only done during Christmastime, we travelled on a one horse open sleigh down from Stag Harbour to Seldom. And if it were not for the moonshine we had with us I think it would have been a much, much colder trip. But the road system at that time, Mr. Speaker, was bad. Cars could barely get over it, but here, we have it twenty years later and still the people are crying out for an improved road system.

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MR. CALLAN: Mr. Speaker, I cannot help but support the prayer of this petition.

MR. SPEAKER: Hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I support the petition so ably presented by my hon. colleague the member for Fogo, Sir. I cannot say that I have any relatives on Fogo Island and neither did I teach school there but it is interesting to note that every member who has spoken so far I, think, had some connection or some relationship with Fogo Island. I think I can claim some kind of a connection with Fogo Island. When I was Minister of Social Services, Sir, that is where we carried out the pilot project for a year before we implemented one of the greatest reforms ever implemented in this Province and that was paying people by cash instead of by voucher, the people on Social Assistance.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker, I am rather shocked to hear - well I suppose I should not be, that there was a telegram read at a political rally down there prior to the 1975 election -

CAPT. WINSOR: Not a rally.

MR. NEARY: Just a telegram read out?

MR. W.N. ROWE: Just read out.

CAPT. WINSOR: To the people on strike.

MR. NEARY: - that the government would spend \$1 million in upgrading the roads on Fogo Island. I do not know who signed the telegram, Sir, on the government side. If it were the hon. the Premier then we can understand why the project was never carried out. We have a similar situation in my own district of Port au Basques. My hon. friend wrote me the other day in reply to a letter about the road to Grand Bay West and said there were no commitments. Well there was a commitment made by the Tory candidate and by Mr. Crosbie who was campaigning on behalf of the Tory candidate that the road to Grand Bay West would be paved. So, Sir, this is just another example of a broken promise on the

MR. NEARY: part of the administration. It is a project that is badly needed. I am also amazed, Sir, that they have not approached DREE for help to upgrade the roads on Fogo Island, Having been born and raised and worked and lived on an island practically all my life, Sir, I can understand the feelings of the people of Fogo Island. I would like to hear now if the minister - yesterday none of the ministers took part in any of the debate that took place on petitions, I hope the minister today will rise in his place.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Not debate, Sir, but discussion, dialogue, communication. I hope the Minister of Transportation will not act under instructions from the Premier and act as a mute, that the minister will get up and tell the people of Fogo Island -

MR. SIMMONS: Like he did^{on} the boat last Summer.

MR. NEARY: On the boat, that is right. That he will get up and tell the people of Fogo Island that there is help on the way, that assistance is forthcoming and that their roads are going to be upgraded and put in a safe condition so that people can transport their fish back and forth and take their kids back and forth to school in busses and so forth and so on. So I have no hesitation at all, Sir, in supporting the prayer of the petition.

MR. SPEAKER: Hon. member for Terra Nova.

MR. LUSH: Mr. Speaker, I feel it my duty to rise and support this petition. I had not planned to in view of the yeoman effort that my colleagues and I made in the past couple of days in presenting petitions -

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: - and attempting to get members from the government side to rise and support these petitions. We could not do it, Mr. Speaker. But in view of the great similarity in the petition presented today and the one that I presented yesterday asking for similar requests that the road be paved from Port Blandford to Musgravetown, Cannings Cove and Lethbridge to Portland Brook and that area, the same reasons given, Mr. Speaker, economic

MR. LUSH: reasons and social reasons. The economic reasons being to facilitate the fishing industry on Fogo Island, to be able to get all the economic benefits from that industry that we can get. Certainly the upgrading of the roads and the paving of the roads is necessary so that we can get the full benefits from the fishing industry there so that we can have good quality fish to insure, Mr. Speaker, that the fish is not chowder before it gets to the marketplace. So this is the emphasis of this petition, that we reconstruct, pave these roads so that the fish can be moved over the roads without any harm, certainly a most reasonable request, a necessity. And also, of course, for the social reasons, for the convenience of the people who have been suffering hardship and inconvenience for year after year due to the bad conditions of these roads.

Mr. Speaker, I wholeheartedly support the petition.

MR. SPEAKER:

Hon. member for Lewisporte.

MR. WHITE:

Mr. Speaker, I beg leave to present a petition

signed by -

AN HON. MEMBER:

It is a new one is it?

MR. WHITE:

It is a new petition. If anyone else wants to

speak on this one -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Did you send it collect?

AN HON. MEMBER: There were no promises. No commitments.

MR. SPEAKER: Order, please!

The hon. member for Lewisporte.

MR. SIMMONS: The Premier will not let him stand up, Sir.

MR. WHITE: Mr. Speaker, I have a petition here that is signed by 321 people in the area of Campbellton and Loon Bay, and I will read the petition, Mr. Speaker, just to make sure it complies with the rules: "Whereas the Integrated Elementary School of Loon Bay which accommodates students from Campbellton, Gayside, Birchy Bay, and Loon Bay will lose a well qualified physical education teacher thus depriving all students in the aforesaid school the opportunity to have a very enjoyable and much needed physical education programme. The loss of teachers and thus programmes in our school system shows the apparent regression of educational opportunities in rural Newfoundland of which we are a part."

AN HON. MEMBER: Shame! Shame!

MR. WHITE: "We the undersigned concerned parents and citizens of the towns of Campbellton and Loon Bay strongly request that the Progressive Conservative Administration now in power take immediate steps to provide the Norte Dame Integrated School Board with the necessary salary allocations so that they can reinstate the now redundant physical education programme at the Loon Bay Integrated Elementary School. And further take the necessary steps to ensure that the children of our Province do not suffer because of the government's financial restraints through cutbacks in our children's educational opportunities."

SOME HON. MEMBERS: Hear, hear!

MR. WHITE: Now, Mr. Speaker, that petition is signed by a lot of concerned people in an area where the cutbacks in education is probably being felt more than in any other single section of the Province, in one small area, Mr. Speaker, in the area of Campbellton-Loon Bay, and taking Comfort Cove and Newstead into the same area, two teachers will go there this year. And it is a very serious thing. It means no physical education programme at all. It means a combination of Kindergarten and Grade I in one school, and the people there are very, very upset

Mr. White: It is not just a matter of teachers being upset, and, Mr. Speaker, I do not even know if a teacher's name is signed to this petition. But I do know that the people there are very upset. They had to wait years for quality education to come to that area. And now after being there for just a few years down goes the quality again.

MR. SIMMONS: Shame!

MR. WHITE: - in the same area, Mr. Speaker, in the same area. The fact that the government's cutback or the additional 5 per cent that boards are going to be required to pay with respect to school busing is being very seriously felt in the Lewisporte district and also in Twillingate district, Mr. Speaker. It is a board that probably buses more students than any other school board in Newfoundland, and the effects are very serious.

I just want to give an example here, and I will do it time and time again, Mr. Speaker, to make the point. The per pupil increase in cost to an urban board, and using the urban board in St. John's in question, is about \$7.00. And since the cost to boards will be 10 per cent of the total cost next year based on those figures the urban board will pay about \$4.50 per pupil for transportation, whereas the Norte Dame Intergrated Board will pay \$14.00 per pupil, \$4.00 as compared to \$14.00. What this actually means is that the urban board has, in effect, an extra \$9.50 per pupil, an extra \$9.50 per pupil to spend on school supplies and equipment and other services beyond the amount that is available to our board.

Now, Mr. Speaker, I brought this up before in the House. The Minister of Education has indicated to me that he will be naming a committee to study this very serious discrimination towards the rural school boards in this Province. And I hope that that committee is formed quickly and gets on with the job of straightening out this.

And to end my few remarks, Mr. Speaker, I will quote a document here presented to me by the Superintendent of Education for the Norte Dame Integrated Board a Mr. John Hunt, and Mr. Hunt says, "What I find difficult to understand is why a government which says that it is dedicated to the development of the rural areas of the Province has

Mr. White: decided to cutback on the one item in the education budget which it has done, and is doing more than anything else to help develop the rural areas."

SOME HON. MEMBERS Hear, hear!

MR. SIMMONS: Resign, 'Wallace', Resign, Resign.

SOME HON. MEMBERS: Shame! Shame!

MR. SPEAKER: The hon. the member for Port au Port.

MR. J. HODDER: Mr. Speaker, what the government did in this budget was to take the easy way out. It is easy to look at the figures and cutback on teachers. It is easy to say you have ten more per cent of the school busing than you had - or five more percent than you had before. That is very easy. The difficult thing,

MR. J. HODDER: Mr. Speaker, is to - if the Province is in troubled times, is to cut back where it is really needed. Now I believe that money can be saved where it is required. But it needs careful study and it needs to be done effectively. Now everything I have seen about the last budget, particularly as it concerns education but as it concerns the rest as well, shows me that the thing was thrown together quickly, perhaps in London, perhaps in Los Angeles. But in a society like Newfoundland there are many areas in government where bureaucracies grow up, where positions become redundant, and it takes a competent administration to find them.

We on this side of the House understand that at this present time we have financial difficulties in the Province. But we also said here that we can very well see that the government has not taken any innovative steps to look after this particular problem. Instead of that a bureaucracy builds up both in the teaching profession and in other professions but the government takes the simple step - the \$3 for hospital patients - the easy way out, not to really look into the source of the matter.

Now, Mr. Speaker, I believe that even if there had been no teacher cutbacks, with the school board, no change in busing with the school boards, that this Department of Education, this minister, this government, would still be guilty because of omission, guilty by omission. At the present time the Minister of Education and the Minister of Fisheries should be working together because I believe that education must be tied to the development of the province. I believe that the people of this Province must become more aware of the industries that we have, the fishery and the forests. And I also think, Mr. Speaker, that they should perhaps learn a little bit about their political system. And just to digress for a second, I believe if all Newfoundlanders understood how the House of Assembly worked, then

MR. J. HODDER: the Premier and members on the other side would not be able to make the stupid statements that they have been making about the House of Assembly not working when indeed it is working very, very well.

But anyhow, Mr. Speaker, I feel that this whole education thing is one of the biggest blunders that this government has ever made and I feel that by this time they must be getting the message.

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

MR. W. ROWE: Mr. Speaker, I rise as well to support this petition so well presented by my friend, the member for Lewisporte district (Mr. F. White), signed by 321 people, mostly, as I understand it, parents, if not exclusively at least mostly, merely concerned parents of students and pupils in the area of Campbellton and Loon Bay, that area coming under the Notre Dame Integrated School Board.

As my hon. friend said, Sir, it is not teachers merely trying to further their own cause, it is parents who recognize the vital necessity for a decent education as part of the overall development, economically and socially of this Province of ours. And they see now something which can no longer be considered a luxury but a vital necessity being taken away from them because of the shortsighted policy of the Minister of Education and his colleagues. We are now seeing, Sir, something which did not look too bad on paper perhaps. The minister could stand up and say, "Oh this is not going to affect anything or anyone. This is not going to make the quality of education in our Province decline." Maybe it will not in St. John's or Corner Brook or Grand Falls, I do not know. Maybe it will not. But I can assure Your Honour that in the rural parts of this Province it is certainly going to affect the quality of education in a very adverse fashion and we see now the tip of this iceberg where a physical education teacher, so vitally needed in this area for the development of body as well as minds, the minds of our students, a physical education teacher

MR. W. ROWE: is now apparently forced to be dropped from the school in that particular area. And, Sir, it is a discrimination against rural Newfoundland.

My hon. friend from Lewisporte (Mr. F. White) cited figures to substantiate that. It is a discrimination. It is the kind of cutback that in the more sparsely populated areas the schools and the boards are less able to absorb as they might be able to do by doubling up and so on in more densely populated areas like St. John's,

MR. W. N. ROWE: Corner Brook, Grand Falls and so on. Education, Sir, is the single, most important aspect of government policy, more important than anything else, because no matter what you do, Mr. Speaker, no matter what kind of a health service you will provide, no matter what kind of employment opportunities are developed, no matter what kind of transportation system you may have, if our young people are not educated and trained to take advantage of all these other opportunities, then, Sir, the Province will certainly wither economically. It is the single, most important element. It is the sine qua non of development, economic and social, in this Province. And, Sir, it is disastrous, as has been pointed out and as will be pointed out at every possible opportunity on this side of the House - it is disastrous at this time in the history of our Province for any cutbacks or any downgrading in the quality of education to be permitted to take place let alone forced upon the people by an unconcerned government.

Now, I do hope the Minister of Education will get up and have a word to say about this. The Minister of Transportation could not seem to drag himself out of his seat, Sir, to talk about a very important petition which was presented before this one, concerning Fogo Island. Perhaps the Minister of Education will have a word to say. Perhaps he can give us an indication here that he is relenting in his Draconian policy of cutbacks in education, of all places, Mr. Speaker.

MR. SIMMONS: What sort of construction is that - 'not to'?

MR. W. N. ROWE: The Premier told him not to get up. Well, that would be par for the course. Mr. Speaker, I do hope he gets up and indicates to us that

MR. W. N. ROWE: he is relenting in his Draconian measures that have been taken to cut back, of all things, Sir, education, the education and training of our young men and women, the youth of this Province, Sir - of all other government programmes, Sir, the thing that can best give our young people a life of quality in this Province and outside of this Province wherever they may want to go to further their careers.

I support the petition, Sir, so ably presented by my friend from Lewisporte and I do hope that other members of the House - on this side I know they will, Sir, but I hope on the other side as well - will get up and show that they are concerned, show that they are not cowed and puppet-like on these matters, show that they are concerned about the adverse effect on education in rural Newfoundland as a result of the short-sighted, not to say idiotic policies by this present administration regarding the education of our young people.

MR. SPEAKER: The hon. the member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, I want to voice my support of the petition from the 321 petitioners in the Campbellton - Loon Bay area.

Mr. Speaker, just an observation on petitions - it might be an interesting exercise to check back and see how many petitions have been presented this session and the total number of signatures. I would guess without doing the checking that we have never had as many petitions in any session of the House since Confederation as we have had in this particular session about roads, about education, about the cost of living,

MR. SIMMONS: about a number of issues.
That alone, Mr. Speaker, is indicative of the dissatisfaction of the people of the Province with this administration. And what, Mr. Speaker, symbolizes that dissatisfaction more than the issue we are on right now, the issue of the cutbacks in education?

Now, Mr. Speaker, I sincerely hope that the Minister of Education will not be intimidated by the instructions he just got up the line and that he will stand up, nonetheless, as a member of the House - it is his individual right, he does not have to take orders from anybody else over there. As a member of the House he is allowed to get up and say a few words on the subject. The Minister of Municipal Affairs is grinning. I know he will not get up, Mr. Speaker. He got up at Holy Heart and after his weak and cheap and stunned attempt to use that meeting for political purposes he will not get up for a long time to come.

MR. SPEAKER: Order, please! Order, please!
I must point out to the hon. gentleman that remarks should be confined to the allegation of the petition -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: - Order, please! - as it relates to education and the possible effect of cutbacks.

The hon. member.

MR. SIMMONS: Mr. Speaker, I was being harassed by the Minister of Municipal Affairs, and I apologize, Sir.

Mr. Speaker, I was hoping that the Minister of Education would get up and I hoped he would not tell us that there is no loss of quality - I hoped he would not tell us that; he came close at Holy Heart Auditorium that night to admitting there was some loss in quality.

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MR. SIMMONS: I hoped he would not tell us there was no loss in quality, because the documentation here today from my friend from Lewisporte and the documentation all over is to the contrary. And for the minister to assert that there is no loss in quality, it is a case of House misleading the House. Worse still, Mr. Speaker, - and this I think is of far more concern - not only would he be

Mr. Simmons: misleading the House, Mr. Speaker, but he would be misleading himself- a case of House misleading House- because he knows the difference, he knew the difference as a Superintendent of Education. And I submit he still knows the difference. I submit that he did not mean this when he said it. We do not need remedial reading specialists, the minister said that, we do not need remedial reading specialists he told the audience at Holy Heart. He told the audience at Holy Heart forty-two students is not too large if they are bright.

SOME HON. MEMBERS: Oh, oh, oh!

MR. F. ROWE: What an insult.

MR. SIMMONS: Mr. Speaker, the minister may well, Mr. Speaker, on this issue.

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: - he may well have lost his perspective on it. He may well have lost his perspective to the point that he is now misleading himself.

MR. SPEAKER: Order, please! Order, please! I must point out that the precedents of the House with respect to petitions are, obviously, no debate and one supports the material allegations thereon. and also, in my understanding, precludes sort of a confrontation of views. I do not say a comparison of views, or a reference to another person's view, but the type of confrontation of views which, as I understand it, is probably part of the essence of debate. I draw this to the attention of the hon. member.

MR. SIMMONS: Thank you.

Mr. Speaker, what is this I hear about another committee, another committee did the member say? Another committee. Does it not illustrate, Mr. Speaker, that the government bungled on this one about a task force? Instead of getting a couple of fellows with a fairly narrow viewpoint on education, the minister ought to have enlarged it to include some of the parents. I say to the minister, Mr. Speaker, that he is going to have to pull up his socks, Mr. Speaker, he is becoming a painful embarrassment even to his friends in Education as we heard today. They gave him time first when he became minister to establish himself, they stuck

Mr. Simmons: up for him, and now they realize just how badly they were taken in. And now on top of everything else we hear once again today he is giving the complete shaft to rural Newfoundland. I do not know how he can do it. I do not know how he can live with himself. And I appeal to him as a friend to get off this kick he has been on recently and to begin taking up his first love the protection of the youngster in rural Newfoundland to see that that youngster gets a quality education.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMONS: If he were more busy mouthing the concern of that youngster than mouthing the concern of that youngster over there who sits to the left of the Minister of Justice we would be a lot better off.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the member for Trinity-Bay de Verde.

MR. F. ROWE: Mr. Speaker, having spent twelve years of my life in school and five years at university and back again to the schools teaching school for four years, and seven years teaching at the University one thing that we used to always talk about with respect to the quality of education was a sound mind and a sound body.

SOME HON. MEMBERS: Hear, hear!

MR. F. ROWE: As a matter of fact, I think it is written into some manuscript in the Department of Education.

Sir, physical education is not a frill, it is not a bit of fun like it used to be ten or fifteen or twenty years ago, It is a very important aspect of the whole educational system. Sir, when you come to the spirit within a school I would submit, Sir, that the physical education teacher is probably the backbone of any spirit that exists in school. Because as we all know, Sir, most of the activities in school are related to sort of bookwork and academic brainwork and this kind of thing, and one of the few releases that you get is become involved in physical educational activities whether it be in the school or outside of the school. And, Sir, I have seen physical education teachers work all after school hours, during the school day, and in the evenings

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Mr. F. Rowe: coaching various teams, and I have seen them work many a weekend assisted by other teachers working with hockey teams, soccer teams, basketball teams, softball teams, and what have you.

MR. F. ROWE: and, Sir, it is a very important aspect of education in our Province, both from the physical release from the mental activity that goes on in the school and the very important aspect of keeping the body in shape and not even thinking of the competitive aspect of sports that I think is too often overemphasized in some schools and some school systems, the competitiveness between the various schools. It is healthy, there is nothing wrong with it but, Sir, it is very important from the point of view of keeping the body in shape. And, Sir, I would like to see the member for Kilbride (Mr. Wells)-

SOME HON. MEMBERS: Hear, hear!

MR. F. ROWE: Sir, I would like to see the member for Kilbride (Mr. Wells) who took part in the Boston Marathon get up and speak in support of this particular petition because he knows full well the importance of keeping in shape. And, Sir, also I understand the Minister of Loggers and Energy - Mines and Energy, Sir, I am sorry, the Minister of Loggers, Sir, the Minister of Mines and Energy, I understand that that minister, Sir, does get up and go trotting around the gymnasium at the Rec Center to keep in physical shape. And, Sir, I would submit that these two hon. gentlemen should stand in their places and give their wholehearted support to this petition because physical education I submit, Sir, is no frill, it is not just fun, it is a very important necessary and integral part of the whole educational system in our schools.

And, Sir, having been a student and a teacher in university and in the school systems I know the importance of physical education to the students - this is outright discrimination against rural Newfoundland. I understand, I stand to be corrected, there is a gymnasium out there in that school.

MR. LUSH: It is going to go to waste.

MR. F. ROWE: What is going to happen to the gymnasium out in that school, Mr. Speaker? Is that just a complete waste now or what? I just raise that question, Sir, and I wholeheartedly support the petition in the hope as well that the two hon. gentlemen that I just mentioned - I have given up on the Minister of Education - will get up and support this

MR. F. ROWE: particular petition.

MR. SPEAKER: Hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I do not want to delay the proceedings of the House, Sir, I just want to merely support the petition so ably presented by my hon. colleague the member for Lewisporte (Mr. White). In supporting the petition, Sir, I want to say how disappointed I am that the Minister of Education is not allowed to get up and have a few words on this petition. His colleagues have all been silenced apparently in order to try and get the House closed up as fast as they can. This probably, Mr. Speaker, would be a classic example of why the House is failing when the word would go out and the whip would be cracked that the members are not allowed to speak on petitions. But this is again, Sir, the kind of petition that we have seen so often in this session of the House. Apparently, the government in its policy, the minister especially, has completely demoralized the teachers in this Province -

AN HON. MEMBER: Hear, hear!

MR. NEARY: - demoralized the parents, demoralized the students, demoralized the taxpayers and they just sit back, Sir, again and try to ride it out and just laugh and scoff at this which is a very serious situation. And then the minister has the gall to say "What does the hon. gentleman know about it?" Well the hon. gentleman happens to have four children in school and I am a taxpayer and I believe I should have some knowledge of the situation and I am very concerned as I am sure all other hon. gentlemen are. Mr. Speaker, I am surprised that the hon. member for Kilbride (Mr. Wells) should allow the Premier to crack the whip and the hon. gentleman would not get up and have a few words.

MR. WELLS: As soon as you are finished.

MR. NEARY: Well I will yield, Sir, to the hon. gentleman if the hon. gentleman wishes to have a few words. I will just merely say that I am going to support the petition and I yield to the hon. gentleman.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Hon. member for Terra Nova.

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MR. SPEAKER: I am sorry the hon. gentleman -

MR. NEARY: He did not rise.

MR. WELLS: It really does not matter to me, Mr. Speaker, whether
it be now or after the hon. gentleman over there, so as you wish.

MR. NEARY: Go ahead!

MR. NEARY: You are the only one who is allowed to speak.

MR. WELLS: First I must lay to rest one myth, there is nobody over here to my knowledge who has told me or anybody else not to speak on petitions.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! Order, please!
I must ask hon. gentlemen not to interrupt when another hon. member is speaking.

MR. WELLS: Anyway, Mr. Speaker, yes I do have something to say on this and something which I think is important. I went to school as a lot of members did in this House, in outports and grew up and went right up through, in my own case finished grade ten in outport schools. And I remember when we tried to play a game of hockey it was on harbour ice or on a pond and when the puck got away it was likely to go a mile. And I remember coming in here to St. John's to take grade eleven and, obviously, in that day, in 1948, had absolutely no training in sports whatsoever. It was whatever we picked up or could pick up and that was next to nothing because there was nobody in a one or two room school to teach us anything. And as much as anybody in this Province I am pleased to see the strides that have been made in outport Newfoundland in physical education.

I will tell you one small anecdote which happened very recently to me. A son of mine in grade ten went out with a volleyball team which was the champion in the school system here in St. John's and played in Conception Bay and I was interested to see what happened, and to tell you the truth, as an outport man and a bayman myself, I was delighted when the team from Conception Bay won. I asked my son about it afterwards and I said, "How did this - you know what happened? Were they better volleyball players than you?" and he said, "I do not know if they were better players or not, " but he said, "I will tell you this, they had more

MR. WELLS: "desire to win." And I was delighted, as a bayman myself, and a man who grew up in the outports, I was delighted to see that and delighted that that has come to pass in Newfoundland.

Now, on this question of the cutbacks in education. I had the advantage there only a week ago to have a two hour conversation with one of the most prominent educators and knowledgeable men in the school systems in Newfoundland and he explained to me much of what goes on in these areas and in the question of specialty teachers and I would say this, as I understood it from him, it is not that the cutbacks in education are necessarily going to result in the short-term, in a year or two, in serious damage to education in Newfoundland, what he said, and I think this makes some sense to me, is that the fact that specialty teachers have to be cut back, if it goes on in the long-term, will destroy our at least hurt the morale in the school system and that I think would be an awful shame. And my feeling, and what I express here and what I have expressed to the Minister of Education, what I have expressed in letters to constituents of mine and to the NTA here in St. John's is this, that I know and we all know that the government has got to curb wherever it can, expenditures. But the one area which the government must be most careful in and I think everybody recognizes that, is in anything to do with education and in particular anything which would tend to hurt the morale of the school system.

Now, the point I wish to make is this. If it had to be done, and I accept from the minister that it had to be done this year, I would hope that in the coming years and in future, steps can be taken to rectify that so that we are not looking at a long-term thing. I would hope that we are only looking cutbacks in this case which would be for a matter of a year or two at most. And that it can be brought back because I think it would be a shame

MR. WELLS: and I think we all agree on that, anything which would demoralize the school system or anything that would harm it in any way. Now I do not say this will hurt in the short run, I hope it will not, But I sincerely hope and ask and request of the government that it be put back in the future so that no harm can result from the system, as I am assured that in a matter of a year or so no great harm will be done. But more than anybody else, and as much as anybody else I should say, I want to see the school system in Newfoundland prosper, prosper in the sense that our children, whatever fate befalls them in life, whether they have to stay here or wherever they might choose to go, that they are as well prepared mentally and physically as anybody can be to compete in the twentieth century.

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

MR. LUSH: Mr. Speaker, when the first petition was presented in this House of Assembly this year related to teacher cutbacks I wrote down a few notes on a piece of paper here. Little did I know at the time how accurate these notes were. Little did I know how much on target they were. Little did I know how keen my observations would be. Because day after day

MR. LUSH: the petitions that come in have proven this. And any man who is aspiring to become Minister of Education, any person, could take this and become the most aggressive, the most dynamic, the most progressive and the most innovative Minister of Education this Province ever had. I am going to hold on to it, Mr. Speaker.

At that time, Mr. Speaker, I talked about three effects. Today I am only going to talk about two, because this is what the petition speaks about, two effects of teacher cutbacks, reduction in programmes which is illustrated in this petition, losing a physical education programme, a most important programme, and the multiclass situation, one teacher teaching two and more classes, I think, in this one here. It said they were going to have to put together kindergarten and Grade I - a most undesirable situation, Mr. Speaker.

These teacher cutbacks, Sir, are arrived at through a student-teacher ratio. I think they were arrived at this year by applying the twenty-six to one. For a long time we have been trying to reduce the student-teacher ratio in this Province to give us more teachers so that we can provide more specialty services to students, more special services to insure quality of education and equal educational opportunity, but this year the government applied the twenty-six to one student-teacher ratio very stringently -

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: -and the result was 120 teachers laid off.

Now, Mr. Speaker, just about in every area we try to aspire to parity with the rest of Canada, and I have referred previously to the teacher ratios

MR. LUSH: across Canada and what it means to this Province. And let me do it once more. In British Columbia, for example, the student-teacher ratio there is 18.61 students per teacher; in Alberta it is 18.65 students per teacher; in Saskatchewan 18.75 per teacher; Quebec - amazing, in Quebec 15.91 students per teacher; Canada - the average is 18.67; in Newfoundland last year, 1976-1977 our average is 19.72 students per teacher - that is dividing all of the educators into the total students.

If tomorrow the government were to say, We are going to reach the Canadian average, that would mean hiring 475 teachers, Mr. Speaker. Instead, we have laid off 120, which means we are just about 600 teachers behind getting to the Canadian average, because the average is not going to change since it was done on the twenty-six to one, so the average will basically remain the same. So this means that in order to gain parity, equal opportunity with the rest of Canada means hiring 600 teachers instead of laying off 120. Right now it would be 475, but counting next year the 120 that we are going to lose we would have to hire 600 additional teachers. Mr. Speaker, the implications of that are incredible. Imagine if we were to apply that same ratio to any other field - to medicine, to the police force - there would be an uprising in the Province to know that we were going to lose so many doctors, so many policemen. In education, just imagine the impact.

MR. SIMMONS: That is why they picked
education -

MR. LUSH: Just imagine what that is going to do to the future of education in this Province. How long is it going to take us to get up to that parity? Next year

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MR. LUSH:

we are going to need to hire
600 teachers to reach it.

Mr. Lush: Where does this place us? Where does this place us in relationship to equality of educational opportunity in this country? Where does this place us? Mr. Speaker, this was a drastic move by the government, a drastic move by the Minister of Education. And I would hope that he is soon going to reverse, is going to see the light, and is going to see what drastic effect this is having on education as it is illustrated in this petition presented by my hon. colleague, cutbacks in physical education, putting two and three classes in with the one teacher. It cannot be done effectively, Mr. Speaker, there is no way that this can be done. And I would hope that the minister will shortly see the light of day and reverse the decision that his government has made.

Mr. Speaker, I support the petition and I hope that the minister will get up and speak frankly and tell us what he intends to do.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Before recognizing the hon. gentleman for Carbonear followed by the hon. gentleman for Conception Bay South, I would like to welcome to the Speaker's gallery a former member of the House of Assembly and a member of the Executive Council in the person of Mr. Charles Ballam.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I would also like to welcome on behalf of hon. members twenty Grade 10 students from Stella Maris High School in Trepassy accompanied by their teacher Mr. Ted Winter. I know hon. members join me in welcoming these students and expressing the hope that their visit will be an interesting one.

SOME HON. MEMBERS: Hear, hear!

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

MR. R. MOORES: Mr. Speaker, since the inception of Confederation in this little Province in 1949 no greater social tragedy has occurred than the present government policy of teacher cutbacks in this Province. And that, Mr. Speaker, can be no better exemplified than the material content of the petition so ably presented by my colleague for Lewisporte, (Mr. F. White), wherein it states, de facto, that the teacher cutbacks

Mr. R. Moores: in this Province promoted and encouraged and forced upon the people of this Province by the Minister of Education and the government he represents will deny the students of this little school a physical education teacher which is absolutely essential to proper educational development.

We have been told, Mr. Speaker, from the day that we entered Kindergarten to the day that we die, in fact, that in order to have a properly developed child that child must be subjected to proper physical development as well as proper mental academic development.

SOME HON. MEMBERS: Hear, hear!

MR. R. MOORES: Now, this minister, the Minister of Education repeatedly and continually rises in this House, I doubt if he will do it today, although you will never know if he got permission from the Premier he probably will rise, if he did not get permission from the Premier as I saw a couple of weeks ago, "Sit down, Mr. House", he probably will not speak. But he has in the past repeatedly spoken and defended a policy by this government -

DR. KITCHEN: He is probably reading the Want Ads.

MR. R. MOORES: - that is definitely going to harm the children of this Province, and harm the teaching profession as a whole.

DR. KITCHEN: the Premier.

MR. R. MOORES: The quality of education, Mr. Speaker, as expressed in this petition has to be affected. If there is no physical education teacher, and a child must be developed physically as well as mentally, then does that not logistically affect the quality of education?

AN HON. MEMBER: Of course it does.

MR. R. MOORES: In this school system or in this particular school is the quality of education not affected?

I challenge, Mr. Speaker, the Minister of Education who has backed down on almost every public meeting in this Province that he has been invited to, including one in Carbonear where there were 600 parents and teachers, backed down, ran away, and will probably do the same in the House today, he probably will not speak, will probably run away again from his responsibilities,

MR. R. MOORES: and he will not take the step that he should take, that his credentials as Minister of Education say that he should take and get up in this hon. House and say, "Look, we have made a mistake. We have wronged the teachers in this Province. We have adversely affected the quality of education and the development of children in this Province and we are going to withdraw the policy. We are going to reverse it. We realize our mistake and we realize that we must now amend the wrong that we have done."

Mr. Speaker, I whole-heartedly support this petition and I trust that the Minister of Education will have the responsibility, the courage, to get up and shrug off the hon. Premier's dictatorial policy of disallowing him to speak, get up and defend what he believes in his own mind to be right.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. member for Conception Bay South.

MR. NOLAN: Mr. Speaker, if I can interfere with the - if the hon. minister has the green light I would like to address myself to this but just briefly, Mr. Speaker. We find amongst those who are involved in education sometimes a lot of figures bandied about, but the fact is that with many of the parents in this Province they have for some time come to the conclusion, no matter what the minister says, no matter what any member of the Cabinet says, or no matter what any member of the Opposition says, that their children are being short changed as a result of this latest educational cutback. And you can be as mealey-mouthed about it as you like, but you are not going to sell the parents on this and perhaps this may be an indication of why we do not have parents representing a part of the committee that the minister has set up.

I find it aggravating in more ways than one when we talk about a sound mind in a sound body and so

MR. NOLAN: on, if we really believe what we are saying.

Not too long ago, a physical fitness superintendent or director of one of the largest school boards in Newfoundland told me that in spite of facilities and so on, because of our modern way of life, that young people today are in worse shape than ever before. The member for Kilbride (Mr. Wells) referred to the fact that they had to go skating on a pond, I suggest he also had to walk to school, however far that was, and that was true of most of us in this House.

MR. MCNEIL: What kind of shape are the fellows in in the House?

MR. NOLAN: Right. And this is why, not that we were any better than the kids of today, far from it, but all I am saying is that because we did not have school buses, because we were not driven to hockey, we were not driven to dancing classes, we were not driven here, there and everywhere, the fact is we were in fairly good shape for our age in spite of ourselves if you like, because of the way in which we lived.

DR. KITCHEN: Cut out the buses.

MR. NOLAN: No, I am not saying as my friend, the hon. member for St. John's West (Dr. Kitchen) suggests, in jest I am sure, to cut out the buses. But it is difficult for me to believe when I look across the House at the hon. Minister of Education, a man for whom I have always had a great deal of respect, and I believe he held a great deal of respect within the educational fraternity, if you like, a man who went to school for some time, high school and so on, I believe worked in the lumber woods for some time and then decided to go back at it again, and I cannot help feeling now as those whom I have talked to in the educational business, they cannot understand what has happened to him. I mean, is he really taking these press releases seriously? I mean here you have a self-made man obviously, but the trouble with the self-made man is when he starts adoring his creator, Mr. Speaker. And here we have a situation

MR. NOLAN: that is a very, very challenging one for that minister today. He cannot be governed merely by the dictates of those who look at the balance sheets in the Treasury Board. They are not the conscience of education in this Province, no matter what anyone tells the minister.

I mean, what happens to a man who becomes a superintendent of Education, a very fine educator apparently, he becomes the Minister of Education and all of a sudden we in the public life and in education and parents and so on, happen to look upon him now as though he is behaving like an educational kamikaze pilot. Is he trying to destroy himself and his own credibility?

MR. NOLAN: One day, I suppose, he is going to go back teaching in education and so on again.

DR. KITCHEN: (Inaudible)

MR. NOLAN: Next year?

DR. KITCHEN: Next year.

MR. NOLAN: Has he applied?

DR. KITCHEN: I cannot say.

MR. NOLAN: You are not prepared to say. If, as the hon. the member for Terra Nova (Mr. Lush) suggests, we are 600 teachers less than the Canadian average, how can we sit around being mealy-mouthed about a few figures here, there and everywhere to try to justify a position that is short-changing the kids of this Province? The parents know it. Now, the Minister of Education cannot, I suggest, stand still on this matter. He must rise, in my opinion, no matter what anyone tells him, and acknowledge what has been said here today and reply to this petition from the integrated elementary school of Loon Bay, and also, of course, representing the students from Campbellton, Gay Side, Birchy Bay and Loon Bay.

It is a very, very serious matter we have here. It is not merely a partisan one. We are not talking about P.C. kids or Liberal kids, we are talking about Newfoundland students - that is what we are talking about. And this is what we have to face up to. I suggest now, Mr. Speaker, that the Minister of Education has no choice on two things, one, to rise immediately in this House and address himself to this proposition and this petition here and now, permission or no permission; secondly, he must also boldly strike out and indicate quite clearly for the benefit of his fellows

MR. NOLAN: in the educational fraternity and also to the parents and the students, exactly what his position is. And if he is being muscled by the Treasury Board and some of the other fiscal giants let him say so and we will be amongst the first to sympathize with him and to express our feelings, even perhaps, support him in certain instances, I do not know, but he must come out and tell us, Mr. Speaker.

MR. SPEAKER: The hon. gentleman's time has expired.

The hon. the member for
St. George's.

MRS. McISAAC: Mr. Speaker, I just want to say a few words in support of this petition because I think that it applies to the rural areas in general, and while we may have teacher cutbacks, and it may very well be justified in some areas of the Province, in the rural areas teacher cutbacks is definitely not justified. And I am not telling the Minister of Education anything when I say that it is just not justified and there is no way it can be. For instance, the district of St. George's to compare it with the district that my hon. friend is speaking of, the minister was superintendent in that area for a number of years and he is quite familiar with the physical fitness programmes that are not available in that district. We have about three areas, Stephenville Crossing, St. George's and Codroy Valley that have gymnasiums and are able to avail of the physical fitness programmes. Other than that, we have no physical fitness in any of the schools, and that takes in the area from Gallants right out to the Codroy Valley. And I am maybe getting away from the petition, but I am certainly not getting away from the spirit or the prayer

MRS. McISAAC:

of it.

MR. HODDER:

Material allegation.

MRS. McISAAC:

And I think that you just cannot take this thing and cut it back or across the board. You may be able to cut back on it in St. John's, Corner Brook or the bigger areas where they have too many physical fitness teachers, but if you have too many here, we do not have too many in the rural areas. We have none in a lot of areas. So I think that this thing has to be taken out and looked at, it has to be seriously considered, and where you have areas and districts where you have no physical fitness programmes whatever, then some effort should be made to make this programme available to those students to give them the same opportunities that we have in the larger sections. And I keep harping on this, because it seems as though every time I get up I speak about the rural areas in comparison with the bigger cities, and this is the only way that I can compare it, because this is what is happening. In the rural areas our children are being neglected. There is no way in the world that they can come in here to college or go anywhere else and compare with or compete with the children who have those programmes available. Now if there are too many in the larger centres then send them out to the rural areas. We will take all you have. And I support the petition. Thank you.

MR. SPEAKER:

The hon. the member for Bellevue.

MR. CALLAN:

Mr. Speaker, once again, as a former schoolteacher, I rise in support of a petition, that has to do with educational cutbacks in this Province, as presented by the hon. the member for Lewisporte (Mr. White).

MR. CALLAN: Mr. Speaker, in supporting this petition I have to admit first of all that I lied to the House, not deliberately. Earlier in rising to support another petition I said it was twenty years ago that I taught in a school on Fogo Island. I have since ascertained that it was eighteen years ago actually, because I know that it was the following year, seventeen years ago that I had the privilege again of being principal of a three room school in none other community than Gayside, a community which is apparently affected by the cutback of a physical education instructor in the school that serves the communities of Campbellton which I know quite well. Comfort Cove is in there, I do not know if students come from there or not but Campbellton, Loon Bay, Birchy Bay and Gayside which was formerly known as Birchy Bay as well. Since there were two Birchy Bays they called one Gayside, I am familiar with all of them. I have travelled over that road many times and know something about the educational facilities which existed in these communities some seventeen years ago. And now, Mr. Speaker, over the seventeen year period since I taught school there we moved from three room schools to two room schools and four room schools in these small communities, we moved from that over seventeen years to a position where we had a regional or a central school, a high school or elementary school or what have you. And now, Mr. Speaker, after the growth of that seventeen year period, now we see a retrogressive step, Mr. Speaker, taking away from them facilities that are so badly needed by the students who attended this particular school, here we see them losing the services of their physical education instructor.

Mr. Speaker, as I said I taught school, I was principal of a three school in Stagg Harbour on Fogo Island with no facilities at all for physical education. I taught school at Gayside, a three room school again with no facilities for physical education. It is interesting to note, Mr. Speaker, that the following year, the very next year, sixteen years ago I taught school for the first time in a central high school - it was the first year that the high school was open as a matter of fact, the only high school that existed at that time

MR. CALLAN: on New World Island. I was on an island, came back to the mainland and then went back to the island again. Mr. Speaker, after spending one year in a central high school I never went back again to that position where you had three and four classes in the same classroom, where I formerly spent my time teaching all subjects in grades VIII, IX, X and XI. Then when I went into a subject teaching position I never wanted to go back.

Mr. Speaker, we have here today a physical education instructor being lost to this school. As I said on earlier occasions in supporting petitions of this kind, Mr. Speaker, the physical education teacher or the physical education instructor, Mr. Speaker, is an integral part of our school system today, an integral part of our school system. He provides the recreation in many schools, Mr. Speaker, and I daresay this school is no different. In many schools not only does that physical education instructor teach physical education and therefore break up the school day as far as subject teaching and subject learning is concerned for the students, but I daresay that this instructor probably does some classroom teaching himself. I know in the schools that I am familiar with the physical education instructor spent at least five or six or seven or eight periods a week out of the thirty odd periods that we have in the school day and the school week, he probably spent about one fifth or one sixth of his time in the classroom because the schools are so overpopulated as per pupil and per teacher.

Mr. Speaker, as I said just then, here we have a retrogressive step, Mr. Speaker, I cannot help but think back a year or so ago when I talked about some of the things that this administration did,

Mr. Callan: procrastinating not doing the things that they should have been doing waiting for a year or two to do them, and I remember at that time asking whether the 'P' in P.C. stood for procrastinating rather than progressive. And, Mr. Speaker, I go a step further now and I wonder whether it should not be changed completely there is nothing progressive about what is happening in education in this Province today. There may be something conservative. They are conserving and hanging on to some of the tax dollars, but where is it going? Wasted. Wasted on other things, like the useless spray programme.

MR. SPEAKER: Order, please!

MR. CALLAN: I am wondering, Mr. Speaker -

MR. SPEAKER: Order, please! The hon. gentleman no doubt will have an opportunity in the Budget debate as will all hon. members with broad ranging comments, but here it should be related to the allegation of the petition which refers to teacher allocation and any cutback there.

The hon. the member for Bellevue.

MR. CALLAN: Mr. Speaker, in the last forty seconds that I have I want to say this, Mr. Speaker, that it is a retrogressive step, very, very backward step -

SOME HON. MEMBERS: Hear, hear!

MR. CALLAN: - and I call on the administration. And, Mr. Speaker, I am wondering why the minister a couple of weeks ago when these petitions were first presented or similar petitions were presented, the minister would get up and have a few words to say in defense.

MR. NEARY: He got the green light now he is going to get up.

MR. CALLAN: But the minister has not gotten up, Mr. Speaker, I would say on the last four or five petitions that have been presented on this topic. He has not gotten up why?

MR. NEARY: He only got the green light a few minutes ago.

MR. CALLAN: Why? I would say, Mr. Speaker, besides getting the green light from the Premier not to get up, I would say another reason is this that the minister knows that his arguments have been shot. They have been shot full of holes. The argument that he has been using

Mr. Callan: saying it will not mean a reduction in the quality of education. We had petition after petition exemplifying the fact that it will, and it does, and we see a specific example here today where a teacher will be lost from a school, physical education a very integral part of any educational setup in this Province in any school.

Mr. Speaker, I call on the minister, I call on the administration to change this decision that they have made -

MR. SPEAKER: Order, please!

MR. CALLAN: - and to reverse their decision.

MR. SPEAKER: Order, please!

The hon. the Minister of Education.

SOME HON. MEMBERS: Hear, hear!

MR. HOUSE: Mr. Speaker, just to clarify something at the beginning. I want to say a few words on - I have spoken to petitions of this sort in the past, and, of course, I do not see any need of repeating continuously day after day, and that was one of the reasons why. And nobody tells me whether I can speak or not, I will get up if I want to.

MR. NEARY: You had to look at the Premier before you got up.

MR. HOUSE: I may have looked over there. I suppose I can look just as well - I may get tired of looking over there, perhaps that is one of the reasons I looked this way.

SOME HON. MEMBERS: Oh, oh!

MR. HOUSE: Mr. Speaker, first I want to say that I do not want to see any positions in physical education being stopped in any district. And as a matter of fact, there has been no cutback on specialists teachers. It happens I suppose that this board had extra teachers that they put in a position a year or two ago when their population declined.

I want to respond to a few of the things that were said in speaking to the petition because it seems to me that this board, that this particular board is losing only two teachers this year, and

Mr. House: they are all being lost from that one area. And, you know, it seems to me that there is something difficult to understand there. And possibly that particular board had allocated teachers there even without their true allocation a few years before because a board may allocate teachers where they want. We give them on the basis of schools, but they never allocate them on that basis, the boards themselves. We are not cutting back on any specialists teachers. We are not cutting back on any special education teachers.

The other thing that people talk about, Mr. Speaker, in talking to these petitions is the fact that the rural boards are the ones that are hurt. Of the twelve boards that are not affected this year this year - the twelve rural boards are not affected at all by the so-called cutback.

MR. SIMMONS: Are they not affected by the school bus transportation?

MR. HOUSE: I am not talking about bus transportation I am talking about cutbacks in this one as it refers to the laying off of two teachers. I thought that was what the true allegation was, that they were losing a physical education teacher and it had nothing to do with anything else.

Now whether quality suffers by virtue of this I am not prepared to say. Presumably, they are going to lose a programme. I am not so sure that that is going to have anything to do with quality in my terms, in the terms of how we talk about quality.

MR. HOUSE:

They may be replacing the programme of physical education with something else. I do not know. That is the board's responsibility and I am sure it is up to the board now whether they want to use physical education instead of some other kind of subjects. And you can go to districts where there is a one to twenty-six ratio and they are having physical education for some peculiar reason.

The other thing I want to mention is the fact that the hon. member for Terra Nova (Mr. Lush) mentioned about the pupil-teacher ratio across Canada being an 18.5 average and he brought out the 15.9 in Quebec and this is what brings the Canadian average down the 15.9 in Quebec as a result of \$100 million or so of federal funding going in for minority language. And that is why they get their extra teachers. And I think if you took the true average it would be something like Ontario has, 19.04 and ours is 19.7 which is not too bad.

The last thing I want to say, Mr. Speaker, is the fact that we have a one to 19.7 now. Three of the members over there have spoken up and vociferously castigated this government for the ratio were part of a government which, when they left it, had a ratio of one to twenty-five.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for Port de Grave.

MR. DAWE: Mr. Speaker, I rise in support of this petition so ably presented by the hon. member for Lewisporte (Mr. White). And in doing so in particular through my experience, I did take an active part in having Ascension Collegiate established at Bay Roberts. I did serve on the board and at that time when we took on a programme or a drive to raise funds for that school, one of our best selling points was that we would have specialized teaching at this school and in particular physical education.

MR. DAWE:

I can sympathize with the people of Loon Bay if they have to lose their physical education teachers because of the teacher cutback or some other reason. I know what physical education means for the outlying areas of St. John's and the larger centers and that it is taking quite a part in their curriculum. It is some outside activity outside the schools, that they would have more time to divulge in than probably the larger centers.

Physical education as we have all come to know it now is part of our educational system and I think that we should do our utmost and the minister should reconsider this and see if any way could be found to have this physical education teaching reinstated. I do not think I could point out a better example, Mr. Speaker, of what physical education can mean in a small community. If anyone read the sports page only this last weekend you will see that the pupils from Ascension Collegiate in Bay Roberts won practically all the major titles in badminton in this Province. This shows what proper physical education can do in the rural areas. I have therefore much pleasure, Mr. Speaker, in supporting this petition.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I have the hon. Premier's permission to speak and if I may have a couple of words -

SOME HON. MEMBERS: Hear, hear!

MR. HICKMAN: - in support of this petition. One, I have to for self-protection having two children who are physical education graduates. If I do not support a petition asking for physical education teachers it may make things rather difficult for me at home. But be that as it may, Mr. Speaker, this petition and the support thereof for this petition seems to have somewhat developed into a debate. There are some very

MR. HICKMAN:

significant facts that should be brought to the attention of the House in support of this petition. The suggestion by the hon. member for Bellevue (Mr. Callan) that there has been no improvement, virtually no improvement in the last three of four years and I respond, I am supporting in kind the same way as the hon. member for Bellevue and I am sure that I will be entitled to the same silence that the hon. gentleman was, Mr. Speaker, when he spoke.

MR. SPEAKER: Order, please!

The hon. gentleman does have the right to be heard without interruption.

MR. HICKMAN: It is significant, Mr. Speaker, that in 1972, that is about six years ago, the basic pupil-teacher allocation was one to thirty-five in the Province of Newfoundland. It is now one to twenty-six. And the problem that we are addressing ourselves to is whether the holding of the line there is causing any serious, at this time, affect or downgrading of

MR. HICKMAN: out the quality of education. And in addressing ourselves to this petition, Mr. Speaker, we have to also bear in mind some other very significant facts that between the school years 1973-1974 and the year 1977-78 student enrollments in the Province of Newfoundland decreased by 3,669. During that same period, Mr. Speaker, classroom and specialist teachers increased by 539 and special education teachers by 154 for a total increase of 693 additional teachers during the same period that the student population decreased by 3,669. Now that does pose the question, Mr. Speaker, as to how much, if any, the quality of education is being affected at this time. As I hear and meet with teachers, and at the meeting that we had with the executive of the NTA just before Easter, my reading of the concern of the NTA is not this year. Their concern is that as it is obvious that the declining school enrollment will continue, it is projected I think there will be another 1,000 by 1980, that if we continue to maintain that present ratio that then we may find that there would have to be some changes made in the school programmes which may not be as desirable as one would wish.

But, Mr. Speaker, may I in closing in supporting this petition point out to this House again and repeat what my colleague, the hon. Minister of Education has said that there has been no change in any regulation. There has been no decision by government nor have the boards been told that special programmes must be discontinued, or any special programme. These special programmes, Mr. Speaker, are not affected by any change in regulations. The number of specialists assigned to any board or teaching unit assigned to any board, specialist teaching unit has not been decreased. If there are any layoffs, Mr. Speaker, in the specialist areas of art and music and guidance it may be that these school boards have made a deliberate decision that these programmes are not of the same importance as some others. Now that falls within the total and exclusive prerogative of boards and hon. gentlemen will realize that you will find very diverse views amongst educators and certainly you

MR. HICKMAN: will find very diverse views amongst specialist teachers as to where the greatest emphasis should be placed. There would be no difficulty at all that if we had before this House today a dozen qualified physical education graduates that they would very convincingly present to this House arguments which would suggest that we are spending far too much time on matters academic and matters in the finer arts. And I am sure, Mr. Speaker, that if we brought in some other teachers they might make us convincing arguments the other way.

But, Mr. Speaker, let the word go out that during this time when we have heard the allegations particularly from the hon. member for Bellevue that there has not been any progress during the past five years, I will say there has been progress during the past five years. 693 additional teachers with the declining population that has dropped by 3,669 and that is a record, Mr. Speaker, that this administration can be proud of.

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER: The hon. member for Burin-Placentia West.

MR. CANNING: Mr. Speaker, the petition before the House now is similar to a petition that I presented to the House a few days ago or a few weeks which is identical, the same thing. We have had the same arguments on both sides of the House, those who were for it who were supporting it and those who were against it. Mr. Speaker, I heard the Minister of Education a few moments ago saying he did not know if it was going to affect physical education or he does not know if there is something to replace it. Mr. Speaker, my petition was to ask the government for heaven's sake to hold off cutting down on teachers because in one school alone I was losing three and in that school it is going to affect education and music and guidance and so on. Mr. Speaker, if that number of teachers are going then it is a retrogressive step

MR. P. CANNING: and so on. Think of the number of teachers who are going, it is a retrogressive step.

MR. CALLAN: Retrogressive.

MR. P. CANNING: Mr. Speaker, I support it and I will challenge the member for Burin -

MR. CALLAN: Well challenge him. 'Jim Morgan' challenged -

MR. P. CANNING: - to come with me to the high school at Marystown, the Central High School at Marystown, to come with me to Salt Pond, to come with me to Grand Bank and Lawn, and put up his case there to the people who are concerned. Let him get up among the parents and the teachers who know what they are talking about.

MR. CALLAN: Get up on the lawn and turn the water sprinkler on.

MR. P. CANNING: Let him come up there and discuss it. Now, Mr. Speaker, there is nobody in this House more interested in education than I am because I have reason to be. I had to go to a cold, unheated school with ninety or one hundred students where one teacher had to teach from Grade I to XI -

MR. CALLAN: He went out to Whitbourne in a helicopter.

MR. P. CANNING: and, Mr. Speaker, I did not have the opportunity of finishing. I had to finish my education here at the age of thirty, what education I got to prepare me to go out into the world. Mr. Speaker, I have been in this House with the previous administration and in my five minutes I would not cover how things were then and how we progressed since. There is only one thing I can say, that the previous administration always had education as a priority, it always got it, we closed the gap between ourselves and the Mainland, we closed the gap between the equality of education in the cities and the rural areas.

MR. RIDEOUT: If there is one thing we did, it was in the field of education. I will guarantee you that.

MR. P. CANNING: If there is one thing we did, Mr. Speaker - I could not imagine a man like Dr. Frecker or a man like Dr. Rowe getting up and making the same speech as the hon. Minister just made now. -

MR. SIMMONS: Even changed the name from -

MR. P. CANNING: - because those two men in particular in the previous administration did more for education for this Province than any two men before them did. They did more for education in this Province than any two men in any other province since Canada was Canada, and I am proud of it. If there is anything that I am proud of in the previous administration or the previous Ministers of Education we had is the strides which were made in education.

SOME HON. MEMBERS: Hear, hear!

MR. P. CANNING: Now, Mr. Speaker, I seriously and wholeheartedly support this petition.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Hon. Minister of Consumer Affairs.

MR. A. MURPHY: I would just like to bring to the attention of the hon. member who just sat down that he challenged the member for Burin. I do not think he meant that really, and perhaps, rather than appear so foolish in Hansard afterwards that it might be corrected. I guess he challenged the member for Grand Bank (Mr. Hickman).

MR. P. CANNING: I am very sorry. He was for a long time the Liberal member for Burin, what we always called the Burin district; now he is the Tory member for Grand Bank, and that is the gentleman I was referring to. And I hope he does come with me to the Burin Peninsula to see what the people think of him, what he thinks of these retrogressive steps.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER:

Order, please!

Are there any reports of outstanding and special committees? Notices of Motion? Answers to questions? Notices of Motions.

MR. A. HICKMAN:

On behalf of my colleague, the hon. the Minister of Tourism, I give notice that I will on tomorrow introduce a bill, An Act to Amend the Wildlife Act.

MR. SPEAKER:

Answers to questions for which notice has been given. Oral questions.

Hon. Leader of the Opposition.

MR. W. ROWE:

Mr. Speaker, as I was saying on this subject before I was so rudely interrupted a day or two ago -

SOME HON. MEMBERS:

Hear, hear!

MR. W.N. ROWE:

- will the Premier indicate, Sir, especially with regard to this intriguing final paragraph in that spontaneous letter of May 10th, in the middle of the debate in this House, from one Craig L. Dobbin, where he talks in terms of -

MR. A. HICKMAN:

On a point of order.

MR. SPEAKER:

A point of order has been called.

MR. A. HICKMAN:

I submit that a matter that has been disposed of by way of motion -

MR. S. NEARY:

Closure!

MR. A. HICKMAN:

- is disposed of -

MR. S. NEARY:

Is this closure now?

MR. SPEAKER:

Order, please!

MR. A. HICKMAN:

I submit that a matter that has been disposed of by way of motion, debated, and the motion dealt with, cannot again be discussed during the same session of this House.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Hon. Leader of the Opposition.

May 16, 1978

Tape No. 3203

RT-4

MR. W.N. ROWE: I am going to ask a question, Sir, about things that might have taken place yesterday, since the debate, or it may take place in the future, have nothing at all to do with what was debated, Mr. Speaker.

MR. W.N. ROWE: surely Your Honour will not be influenced by this attempted cover up once more.

MR. NEARY: They are not going to cover it up.

MR. SPEAKER: Order, please! The hon. gentleman is asking a question and I do not know yet what indeed the question is. There is a rule with respect to what the House has made a decision on and what the House has made a decision on cannot be the subject of another debate or of comment or reflection and that would be reflection on a decision of the House. It can only be done, I think, through substantive motion by which a notice would be given. That is quite clear. When the House has made a decision on something it is unparliamentary to refer to it or to renew the debate. But I am not in a position to state that that indeed is the case. I am not in a position to state that that rule has been infringed as of now.

The hon. Leader of the Opposition.

MR. W.N. ROWE: That is right, Mr. Speaker. The hon. Minister of Justice -

MR. NEARY: You are not going to shut us up you know.

MR. W.N. ROWE: The hon. Minister of Justice may want to keep us quiet on this subject but he is not going to succeed, Mr. Speaker.

MR. HICKMAN: Mr. Speaker, on a point of order.

MR. SPEAKER: A point of order.

MR. HICKMAN: The hon. gentleman is imputing motives. I have the perfect - Any hon. member in this House has an absolute right and indeed an obligation if he or she sees that a rule is being infringed to draw that to the attention of the Speaker and I suggest to you, Mr. Speaker, that the reason why I rose was not to impede debate or restrict debate or restrict questions but the hon. the Leader of the Opposition when he rose referred to a letter which he said was a subject matter of the debate sometime last week and if you know -

MR. SPEAKER: On the specific point made by the hon. gentleman that any hon. member has a right to raise a point of order is certainly a valid one. The hon. Leader of the Opposition.

MR. W.N. ROWE: Yes, Mr. Speaker, nobody disputes that. It is also noteworthy that the Minister of Justice, Government House Leader is defeated on so many points of order that he raises before this House.

Now, Sir, to refer to the question which they are trying to cover up, this intriguing final paragraph in a letter which says from Mr. Craig L. Dobbin to the Premier on May 10th, right in the middle of the debate - "My total out of pocket expenses at this stage are substantial," based on the agreement, Sir, that was debated earlier. "My total out of pocket expenses at this stage are substantial and I await a definite statement as to your government's policy in this regard." Obviously an indication by Mr. Dobbin that he expects to be reimbursed for the out of pocket expenses he made in pursuance of the agreement between himself and the government signed, witnessed by the Premier. Will the Premier indicate to the House, Sir, whether it is the government's policy to reimburse Mr. Craig Dobbin for the out of pocket expenses incurred by him in pursuance of that agreement and the Cabinet directive?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, with regard to any questions regarding office space as they were discussed in that particular debate I will gladly answer them from any of those members who left the House. When the hon. Leader of the Opposition says I did not deliberately mislead this House then I will answer the question pertaining to that subject.

MR. W.N. ROWE: A supplementary, Sir.

MR. SPEAKER: A supplementary.

MR. W.N. ROWE: A supplementary, Sir. I hope the Premier does not hold his breathe, Sir, waiting for me to withdraw that.

MR. NEARY: Coward. Coward. Too cowardly to answer.

AN HON. MEMBER: Get your marbles and go home.

MR. NEARY: Yes, again and again and again.

MR. SPEAKER: Order, please! Order, please! I must insist all hon. members during the question period and during all periods one person heard at a time and I ask all hon. members to follow that.

MR. W.N. ROWE: Let me ask the Premier a supplementary, Sir. Will

MR. W.N. ROWE: the Premier indicate to the House whether now he will not answer the question as to whether the government's policy is or is not to reimburse his friend, Mr. Dobbin for out of pocket expenses in pursuance of the agreement signed between him and the government three years ago, will the Premier indicate whether the Cabinet directive which incorporated the proposals and the ideas and the substantive terms of that agreement whether that Cabinet directive has been rescinded by the government as of now?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, once again the same reply as before. You cannot rescinded a Cabinet directive before you have had an Order in Council and that was never issued. But I would like to hear the hon. Leader of the Opposition, Sir, he said that we would wait a long while to hear him withdraw that statement but I do not see why if he feels that way he should not make it again. I mean does he not have guts enough to say it in the House today?

MR. W.N. ROWE: A supplementary, Sir.

MR. SPEAKER: The hon. Leader of the Opposition, a supplementary.

MR. NEARY: The arrogance of the hon. Premier.

MR. W.N. ROWE: If the Premier will not answer any questions, Sir, on that vital topic well still on the subject, Sir, of unwholesome relations between the government and the Premier's friend, Craig Dobbin, let me ask

MR. W. ROWE:

this question of the Premier. Inasmuch as it has been admitted that the Director of Air Services, Ted Piercey, flew a helicopter belonging to Mr. Dobbin from Houston, Texas apparently to this Province; and inasmuch as it has been admitted that Mr. Piercey apparently has, say, influence or, in fact, decision making capacity as to quotas to be set and hours to be set for helicopters under contract from Mr. Dobbin to this government, Sir, will the Premier indicate what disciplinary measures the government intends to take on this blatant conflict of interest on the part of Mr. Ted Piercey, the Director of Air Services? Is there going to be some disciplinary measures or actions taken against that gentleman?

MR. NEARY: Apart from a little rap on the knuckles.

MR. SPEAKER: The hon. Minister of Transportation and Communications.

MR. DOODY: Mr. Speaker, I have already indicated to the House that the Deputy Minister of the Department of Transportation and Communications has written Mr. Piercey and had written some time prior to the matter being raised in the House that it was in the opinion of the department that Mr. Piercey's actions in participating in the flight of the helicopter from Houston to St. John's could be construed by some people as being a possible conflict of interest and he was reminded that he should not do this sort of thing and has been asked not to do it again. That is the action that has been taken in that particular regard, Sir.

MR. NEARY: A supplementary question, Mr. Speaker.

MR. SPEAKER: A supplementary. The hon. member for LaPoile.

MR. NEARY: Would the hon. minister indicate whether Mr. Piercey, the Director of Air Services, had any input

MR. NEARY:

into the agreement between the government of this Province and Sealand helicopters and if the same gentleman had any input into the number of hours over and above the contract that apparently somebody can authorize as the minister indicated yesterday, before he became closely associated and identified himself with Sealand helicopters in going down and bringing back a helicopter and in other ways had become closely associated with the owner of that company?

MR. SPEAKER: The hon. minister.

MR. DOODY: The contract with Sealand Helicopters is not signed. We have no contract as yet. That is still somewhere between the lawyers for the company and the lawyers for government. We are still in discussion on that particular subject and until such time as we get all the terms and conditions satisfactorily arranged there is no such contract. What was the other part of the question?

AN HON. MEMBER: I believe it was input.

MR. DOODY: Oh that is right, did the Director of Air Services have any input into the terms of the contract. No that was a tender call, Sir. It was done through public tender and the tenders were open publicly and each interested company had the opportunity to tender. There was no negotiation as such between the various tenderers.

MR. NEARY: A supplementary question, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: Has the hon. minister investigated statements and allegations that were made by the Minister of Industrial Development's former executive assistant, Mr. Terry White, that the Director of Air Services was cavorting with Mr.

MR. NEARY:

Craig Dobbin and other people at a certain cabin where they spent several days prior to the discussion of this contract? Now we find out it is not a contract, this non-contract with Sealand Helicopters. Has the minister investigated that matter?

MR. SPEAKER: The hon. minister.

MR. DOODY: As I indicated to the House several days ago, Sir, the Director of Air Services is out of the Province. I do not know if I indicated to the House or if somebody in the House indicated to me but the fact of the matter is that he is on vacation somewhere in the sunny South and as I indicated before I envy him -

MR. SIMMONS: He is in Antigua with A.B. Walsh. He was with Dobbin for awhile.

MR. DOODY: He is in Antigua, is he? I do not know.

MR. NEARY: It is getting pretty crowded in Antigua too.

MR. DOODY: I do not move in that circle. The hon. member opposite probably keeps closer tabs on who is in Costa Rica or Antigua or Panama or what but it is certainly not in my area of influence nor my area of concern.

SOME HON. MEMBER: Oh, oh!

MR. SPEAKER: Order, please! Order, please!

I must insist that the rules be observed and they are one speaker at a time and there should be no interruptions while an hon. member is speaking or while an hon. member is answering.

MR. NEARY: A supplementary. We did not get the answer to the Terry White allegations and charges.

MR. SPEAKER: A supplementary.

MR. NEARY: Could the minister tell us if the minister has investigated the charges that were made in the Terry

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MR. NEARY:

White letter?

MR. DOODY: I started to explain or try to explain to the hon. members opposite that the Director of Air Services has been out of the Province

Mr. Doody: for the past several days, maybe a week or so.

MR. NEARY: He was not out then.

MR. DOODY: And I have not had an opportunity to discuss the matter with him. I do not know what the conditions or circumstances are. It may evolve very reasonable, and very legitimate, and very sensible. He may very well have been on a hunting expedition or a fishing expedition. This is not an unknown phenomena in the Province of Newfoundland. I understand that various and sundry people partake of that sport. I myself I am not one of them, I have never had much desire to head out to the wilds and wilderness to try to catch all sorts of strange and wonderful animals, I have enough experience with them in this hon. House, Your Honour.

MR. W. ROWE: A supplementary, Mr. Speaker.

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

MR. W. ROWE: On the same subject, Sir, I was - members like myself I would imagine were astounded to hear that no contract has yet been signed between the government and Sealand Enterprises in spite of the fact that it was given out, that proposals were accepted by way of low tender. The tender was accepted, and now we understand from the minister that negotiations are still continuing on the subject. Will the minister tell us whether payments have been made out of the Treasury of this Province concerning Sealand Helicopters, and if so, some rough idea as to how much and why the contract if being negotiated to Mr. Dobbins' satisfaction?

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

MR. DOODY: I can certainly take notice of that and find out for the hon. member. As the hon. member suggested it is a matter between the lawyers for the two sides of the contract to decide the language of the contract. But as for the amounts of money that may have been paid that I will have to take notice of.

MR. W. ROWE: Has money been paid out?

MR. NEARY: A supplementary question, Mr. Speaker.

MR. DOODY: I will have to check, I do not know.

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

MR. NEARY: Will the hon. gentleman indicate now then to the House, this is the first opportunity we have had, now we are getting some new information here, was Sealand the low bidder when the government called public tenders for the helicopter contract? Was Sealand the low bidder?

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

MR. DOODY: Mr. Speaker, the tenders, I think, there were four or five tenderers on that particular contract. They are opened publicly in the office presumably of the deputy minister or whichever officials officiate at the opening of tenders. The tender was awarded to the low bidder. But I would be only too happy to get copies of all the tenders and lay them on the Table of the House for those people who are interested who were not present at the opening. It certainly does not bother me. I will bring up the whole bit and piece if it is the desire of the House.

MR. NEARY: A supplementary question then, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: Would the hon. gentleman table the bids tomorrow? And would the hon. gentleman also indicate in tabling the bids whether the one that he is going to table for Sealand is the original one or did they get a second crack at it? Was there two proposals submitted by Sealand?

MR. SPEAKER: The hon. Minister of Transportation and Communications.

MR. DOODY: Mr. Speaker, there were no second cracks. I am not even going to stand up for that.

MR. SIMMONS: Mr. Speaker,

MR. SPEAKER: The hon. the member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, I have a question or so for the Minister of Justice. It relates to the charges being laid or about to be laid in connection with the Torbay Hangar situation.

MR. HICKMAN: Mr. Speaker, on a point of order.

MR. SIMMONS: Mr. Speaker.

MR. SPEAKER: Order, please! I have to hear the hon. gentleman.

MR. HICKMAN: The hon. gentleman for Burgeo-Bay d'Espoir (Mr. Simmons) said it is relating to charges about to be laid.

MR. SIMMONS: Yes, that is right.

MR. HICKMAN: If he had been present in the House he would have known that charges have been laid. And that being the case the case the matter is most definitely sub judice.

AN HON. MEMBER: A supplementary.

MR. SIMMONS: Mr. Speaker, may I speak to the point of order?

MR. SPEAKER: Order, please!

MR. SIMMONS: May I speak to the point of order?

MR. SPEAKER: The hon. the member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, I submit that the Minister of Justice is now abusing this sub judice term altogether. I understand the limits within which we must ask the questions. I am not going to say anything anything in my questions which would tend to prejudice

the outcome or tend to prejudice the hearing. I want some basic information that should be available to the public. I would suggest it is now available to parts of the public. I want, as a member of this House for my own edification, and I give, Mr. Speaker, in the House my undertaking that the types of questions I am going to ask are in no way either designed nor I believe will they, incidentally have any adverse or prejudicial effect on the court proceeding itself.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I can only say that obviously when a matter is before the courts the sub judice convention comes into play and it is something which has in this House always been recognized. On Friday, I believe it was, a question or two was asked and answered and at that time I pointed out the rule. The question or two or three which were asked then were, in my opinion, questions dealing with the administrative functions of the Department of Justice. And

MR. SPEAKER:

distinction has to be made between that and what is before the court to be judged by the court and the nature of the charges are obviously among those things and constitute a large part of those things which are before the court. So all I will do is ask the hon. gentlemen to bear closely in mind this distinction and the importance of observing the conventions.

MR. SIMMONS: Thank you, Mr. Speaker, for your advice. I had no intention of doing otherwise. As a matter of fact, the minister in his point of order alludes to the first matter that I wanted to raise. There is some confusion as to whether indeed the charges had been laid or what the procedure was here. What I wanted to ask the minister specifically is whether a writ had actually been served or has been served on Mr. Walsh up until this moment in time and at what point it was served.

MR. SPEAKER: The hon. minister.

MR. HICKMAN: Mr. Speaker, before I answer that question, again I must raise a point of order. I refer Your Honour to page 333 Erskine May and I read it, "Matters sub judice. By a resolution of the House, matters awaiting or under adjudication in the criminal court" - and I say to this House now, I advise this House that the matter is under adjudication and awaiting in a criminal court - "or a court martial, and matters set down for trial or otherwise before a civil court may not be referred to in any debate or question."

Now, Mr. Speaker, that rule is so fundamental that any person who has been charged before any court in this land cannot -

MR. SIMMONS: (Inaudible) the question anyway.

MR. HICKMAN: Mr. Speaker, I advised this House on Friday

MR. HICKMAN:

that the answer was in the affirmative. Mr. Speaker, it is so fundamental that when a matter is before the courts there can be no public comment, just none.

MR. SIMMONS: There can be information.

MR. HICKMAN: No.

MR. SIMMONS: Cannot even give that?

MR. HICKMAN: No, Mr. Speaker. I told the House on Friday the charges had been laid and I told them they had been laid one week before that date, the Friday before.

MR. NEARY: They were not.

MR. HICKMAN: They were.

MR. NEARY: They were not.

MR. HICKMAN: I see. Well, Mr. Speaker, I say as Minister of Justice that the charges were laid on Friday whatever that date was the week before.

MR. SIMMONS: A supplementary.

MR. SPEAKER: Order, please!

I will recognize the hon. gentleman for a supplementary. I just will refer to what May has to say and that is; "Matters awaiting or under adjudication in a criminal court or otherwise set down for trial may not be referred to in any debate or question." And 427 much the same thing, "Matters awaiting the adjudication of a court of law should not be brought forward in debate." So I again underline this important precaution and rule.

The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: I want to say so again. I am interested here in the larger issue. The record will show over the last two or three months I have asked the minister several questions relating to the larger issue, not the specific case but the larger issue of the administrative timing and

MR. SIMMONS:

I would submit negligence on the matter, a question which will allow the minister to demonstrate whether there has been negligence or what has been the case administratively. And it does not relate particularly to this case although this case is a case in point I would say to him if he wants some guidance in understanding the question.

My overall question is this, is the Crown in the habit of giving notice to someone that he is about to be charged? That is what has happened in this case. Now is that a habit on the part of the Crown or not?

MR. NEARY: Not in this case, in any case.

MR. WHITE: In any case. It is a general question.

MR. HICKMAN: Mr. Speaker, that kind of frivolous and vexatious question, you know, I find very sickening.

MR. SIMMONS: But substantive though.

MR. HICKMAN: Not substantive.

MR. SIMMONS: Yes indeed it is.

MR. HICKMAN: The Crown when -

MR. SIMMONS: Six months they sit on it.

MR. HICKMAN: - an investigation has been thoroughly and absolutely completed and not before, the Crown prosecutor in charge of that particular case will then decide the nature of the charge and he will lay and he does without fail and without delay. When that charge is laid the Crown prosecutor does not go around looking for the accused, he simply goes down and lays it. And on many occasions the police report back that a summons that was returnable for say seven days hence that the accused has not been served. There is

MR. HICKMAN: nothing unusual about it. It happens all the time. The important thing is whether or not the accused does appear before the court to answer to the charge. In this particular case, as I outlined to the House and I will repeat it and I know that I am invading the sub judice rule in doing this, as I outlined to the House that last Thursday when this summons was returnable council for the accused advised the Director of Public Prosecutions that his client was out of the Province and consequently that is why his client could not be served or found by the police and that he would be available for service and appearance in court on today, Tuesday. A normal commitment. So long as it is given by a responsible solicitor no-one hesitates a minute, no Crown Prosecutor but to accept, and true to his word he appeared this morning in the magistrates court. You know he appeared in the magistrates court. It happens all the time. The hon. the Leader of the Opposition when he was in practice I will bet asked that request dozens of times, and his firm, and because they are reputable solicitors that would be granted without any hesitancy at all.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: The hon. member for Burgeo-Bay d'Espoir.

MR. SIMONS: Mr. Speaker, again I want to ask this question for its larger implications here. It is what I hear and what I hear is absolutely frightening, Mr. Speaker. It really is. It is frightening and I hope the House and the Province are getting the impact of the minister's answer. And what I understand him to say, and I will put it to him in the form of a question so that he can affirm it - he may deny it but I hope for the sake of consistency he does not - is he saying, Mr. Speaker, that there is a deal, that a person accused of a major crime can take a holiday before they lay the charge? I mean this is incredible what we are hearing here this afternoon, Mr. Speaker, absolutely incredible. The guy can now arrange to go South for two weeks and be charged at his convenience or something.

MR. SPEAKER: Order, please! The hon. minister.

MR. HICKMAN: Mr. Speaker, I must answer that question. The most

MR. HICKMAN: incredible thing is that there is somebody in the Province of Newfoundland with a mind so small and so vindictive that he could arrive at the conclusion that the hon. the member for Burgeo-Bay d'Espoir arrived at. And may I repeat what the situation is? It happens so often that if a summons is issued, which when it is issued becomes a public document and if it is known that any accused person has a solicitor and that solicitor contacts that crown prosecutor and says, "I understand there has been a summons issued against my client." "That is correct, it is returnable on Thursday." "My client is out of the Province, would you have my word that he will be here on Tuesday?" That is not a deal. That is just ordinary sensible courtesy. Otherwise, what you would have to do is put a couple of police officers on a plane on Thursday, whack them up to bring back an accused person who is coming anyway. Deals, that is not deals. And I repeat, Mr. Speaker, so that - I put it on the record once again, these charges have now been laid, this matter is now before the Magistrate's Court in this City of St. John's and the accused appeared there this morning. I submit, Mr. Speaker, once again that that line of questioning, these comments coming from hon. gentlemen opposite is a flagrant breach of the sub justice rule that prevails in every parliament in the Commonwealth.

MR. W.N. ROWE: Mr. Speaker, on a point of privilege or a point of personal explanation, call it what you will, the hon. the House Leader on the other side referred to me, Sir, in connection with this particular case and said, I would do this or I would do that. Sir, one thing that I did not do or would not do or had no occasion to do when I was practising law, Sir, and I would suggest any learned member of this House would have had the same experience, and that is to be able to be put in the position which the lawyer in this particular case apparently was put into since he said that we did not expect to be charged this week, we expected to be charged next week. That is why we were not back from Antigua.

SOME HON. MEMBERS: Hear! Hear!

MR. W.N. ROWE: That was reported in the Evening Telegram or the

MR. W.N. ROWE: Daily News, Sir, a couple of days ago. That is the gist of the questions of my hon. colleague that a lawyer can make that statement. I assume he was correctly quoted. Perhaps he was misquoted but he did make that statement as reported by one of the newspapers - "We expected to be charged next week and not this week."

MR. NEARY: By appointment.

MR. SPEAKER: The hon. minister.

MR. HICKMAN: Mr. Speaker, if what the hon. gentleman says is true and I am not too concerned with what the lawyer for the accused may think, -

MR. W.N. ROWE: I can only going by the newspapers.

MR. HICKMAN: - if what the hon. gentleman says is true that proves beyond all reasonable doubt that there was not any deal, could not be any deal or anything else.

MR. NEARY: Mr. Speaker, -

MR. SPEAKER: Order please! Before recognizing anybody, -

MR. SPEAKER: Order, please!

I think it is incumbent upon me to state that in the line of questioning obviously there can be many fine points:- 'Where is the administrative procedure involved, and where are substantive issues involved?'. In an Oral Question Period it is very difficult to make those fine distinctions. As I understand it, the main reason behind this sub judice convention is so that everyday will have the opportunity to have the substantive matters determined without that being prejudiced in any way by what might go on in the House of Assembly, or elsewhere. As I understand it, it is to protect everybody's right that a trial and the determination of the substantive issues not be prejudiced, and that, I think, is quite important. One can say that the sub judice convention is in a sense a form of restriction on the freedom of speech, and I suppose in a sense it is, but if hon. members understand the reason for it, then I think they will perceive the Chair's position in this and, I think, the requirement that it be imposed and adhered to, and I ask for the co-operation of hon. members in that adherence. I would even suggest that they would give a somewhat broader ambit to it than the most narrow interpretation possible, bearing in mind the reason for it.

MR. S. NEARY: Mr. Speaker.

MR. SPEAKER: The hon. member for LaPoile.

MR. S. NEARY: I want to come back, Sir, to the Minister of Transportation and Communications. The whole House was astounded, I believe, a few moments ago to hear the Minister say that there was no contract between the Government and Sealand Helicopters even though, Mr. Speaker, the sky, the air is full of helicopters these days, using them for playtoys and everything else.

Would the Minister indicate who now authorizes the number of hours that these helicopters go aloft? Which officer in the Minister's department authorizes the number of

MR. S. NEARY: hours that they fly, approves the invoices to the Department of Finance?

MR. SPEAKER: The hon. Minister of Transportation and Communications.

MR. W. DOODY: I will get that information for the hon. House and have it here tomorrow. As of now, it is obviously my responsibility, my department, and I will take full responsibility for it. I would think that it is the Administrator of Air Services, Mr. - well the name is not important -

MR. W.N. ROWE: Is it Piercey?

MR. W. DOODY: No, he is a director. But in any event, rather than putting information on the table of the House that may be construed as to be incorrect, I would prefer the opportunity to bring in the information when I have it all put together and available.

MR. S. NEARY: A supplementary question, then, Mr. Speaker. Would the hon. gentleman also assure the House, Sir, that the Director of Air Services who seems to be so closely associated with Sealand, in no way, shape, or form will have any say in the number of hours that these machines go aloft in future? And will the Minister take steps to make sure that before a contract is signed with any company immaterial of who they are, Sealand, or Universal, or anybody else, that adequate steps will be taken to protect the public Treasury in this matter?

MR. W. DOODY: Absolutely, Your Honour, the Public Treasury will be protected.

ORDERS OF THE DAY.

MR. A. HICKMAN: Order 4.

MR. SPEAKER: Order 4. The adjourned debate on Bill No. 24 - adjourned by the hon. Leader of the Opposition, I believe.

I may be wrong.

MR. W.N. ROWE: No, Sir, I believe it was the Opposition House Leader and -

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MR. S. NEARY: He can if he wants to. I will speak later.

MR. W.N. ROWE: I will certainly speak, Sir.

MR. S. NEARY: Go ahead, carry on.

MR. SPEAKER: It is a question of fact so the Table will inform me in a moment.

MR. W.N. ROWE: Well I will sit, Sir, and wait until I am -

MR. SPEAKER: Adjourned by the hon. member for LaPoile (Mr. Neary).

MR. S. NEARY: Thank you, Mr. Speaker. I would gladly yield to my hon. colleague, Sir, if my hon. colleague is allowed to speak again. He is not speaking again?

We are debating at the moment, Mr. Speaker, the principle of Bill No. 24, Sir, "An Act Respecting Occupational Health and Safety in the Province." My hon. colleague, the member for Baie Verte-White Bay (Mr. Rideout) did an excellent job on second reading on this Bill and did an outstanding job yesterday in the five-hour marathon debate that the hon. gentlemen participated in in this hon. House in order to stave off a move by the Government to try and shut it down, to try and close up the House.

Mr. Neary: My hon. friend used the opportunity, took advantage of the opportunity to talk about this bill, "An Act Respecting Occupational Health and Safety In The Province." It is most disappointing indeed, Mr. Speaker, very disappointing to miners throughout this Province and people who live in mining communities throughout this Province, to hear that this bill does not cover miners.

DR. KITCHEN: The minister was not elected by miners.

MR. NEARY: And, Mr. Speaker, I am glad today to take note that in the Speaker's gallery is a gentleman who was minister of that very department, At that time it was known as Labour, now Manpower and Industrial Relations. And the hon. gentleman may be interested in knowing that we are debating second reading of a bill at the present time "An Act Respecting Occupational Health and Safety In The Province". Apparently up to now the responsibility for health and safety of workers in industry fell to two or three departments, and I believe, to a certain degree under The Workmen's Compensation Board. I think probably The Workmen's Compensation Board did more to enforce safety in industry than either one of the government departments, either the minister's department, the Minister of Mines and Energy's Department or the Department of Health.

MR. ROUSSEAU: (Inaudible) health and safety mainly.

MR. NEARY: Well, that is what we are talking about here mainly now industrial health and safety. It does not cover mines. So all we are doing is taking what previously came under the Workmen's Compensation Board, and maybe to a certain degree - no I do not think it really came under any other department except The Workmen's Compensation Board.

AN HON. MEMBER: Not even Health.

MR. NEARY: No, not even Health, Sir. I do not see anything in here where anything in here, where any of the jurisdiction is being taken away from the Department of Health. There is some -

MR. ROUSSEAU: That is where the division is now there are no industry - but that is where the division is now in the Department of Health, Dr. Colohan. Not now, he is transferred now to -

MR. NEARY: No not now because we are going to put it under one umbrella. We are going to put the responsibility-if it falls under the Department of Health, The Workmen's Board, -

MR. ROUSSEAU: Newfoundland and Labrador Hydro.

MR. NEARY: Well -

MR. ROUSSEAU: All the inspections.

MR. NEARY: Well, the minister is just splitting hairs now, Sir, they were really not responsible, only in their own right as any employer would be.

So, Mr. Speaker, the first thing we have to take note of in this hon. House is the fact that miners have been excluded from this bill, that there is no legislation to cover miners, even though the Minister of Mines and Energy, Mr. Speaker, and I want the House to take note of this, promised the miners in Baie Verte over a year ago, and I hope the hon. gentleman is listening to what I am saying, the hon. the Minister of Mines and Energy, If the hon. member for Naskaupí (Mr. Goudie) would just do me the courtesy for a moment to let me get the ear of the hon. the Minister of Mines and Energy, I have a very, very urgent, serious and important matter to put to the hon. gentleman in connection with occupational health in the mining industry in this Province.

The hon. the Minister of Mines and Energy, Mr. Speaker, over a year ago promised the miners in Baie Verte that legislation covering miners would be brought into this House at an early date as possible, namely, this session of the House. There is no evidence, Mr. Speaker, that that legislation is going to surface in this session of the House. And now we are told by the minister, Mr. Speaker, just listen to this, we are told by the minister now that the minister is now in the process of making regulations under The Mining Act.

MR. FLIGHT: Under what?

MR. NEARY: Under The Mining Act. A year ago the hon. gentleman could not make regulations under The Mining Act. The hon. gentleman stalled the miners in Baie Verte, Labrador City, Buchans, and in St. Lawrence, and out in Flintkote out in Flat Bay. The hon. gentleman stalled and said;

Mr. Neary: "No, the only way we can help you is to bring in new legislation into the House. And now the minister has done a complete turnabout, has done a reversal, and the minister says, now we can bring in regulations under The Mining Act. Why could the minister not have done that a year ago

MR. NEARY:

instead of backing the miners in Baie Verte and in Labrador City into a corner where they had to go on strike in order to protect their health and safety in the mines in which they worked. Why did the minister not do it then? Why did the minister not come clean and level then and say, yes, I can bring in regulations under the Mining Act instead of waiting for a year later and not bring in any new legislation covering miners but say now the hon. gentleman is going to do it under the Mining Act? Does the hon. gentleman have a grudge against miners?

We heard yesterday, Mr. Speaker, the hon. member for Baie Verte read a letter where the hon. Minister of Mines and Energy says finally, I was not elected by miners. Is the hon. gentleman carrying a grudge against the miners of this Province? "The vast majority of the voters in Green Bay," he says, "are loggers." The hon. minister is saying that he was elected by loggers, not by miners and therefore will carry a grudge against the miners. "Especially," he said, "I did for a while" - just listen to this, Mr. Speaker - "I did for a while," he said, "have several communities in the Nippers Harbour to Middle Arm area of the Baie Verte Peninsula in Green Bay before redistribution of seats. Maybe some of those people are miners. But every community in that region rejected me at the polls and rejected the P.C. candidate in the last election." Is this the real reason, Mr. Speaker, that we are not getting legislation on occupational health and safety in the mines of this Province? Is this the real reason, Mr. Speaker? Let the hon. gentleman stand up and explain himself to the miners of this Province.

What a gross insult, Sir, to the miners in Newfoundland and Labrador. That is why we have no

MR. NEARY:

regulations and that is why we have no legislation, Sir. The hon. gentleman is carrying a grudge because -

MR. SPEAKER: Order, please! Order, please!

I do have to bring to the hon. gentleman's attention that the impugning of an hon. member's intentions that are not avowed is not in order.

MR. NEARY: Mr. Speaker, Your Honour will remember I quoted from a letter that was read in the House yesterday and I asked my hon. friend a question. Is this the reason why we do not have legislation before the House at the present time covering occupational health and safety in the mines? Is the hon. gentleman, I ask the House, Mr. Speaker, is the hon. gentleman carrying a grudge against the miners of this Province? I am not making any charges or any accusations against the hon. gentleman, Sir. The hon. gentleman should be able to explain himself.

MR. SPEAKER: Order, please!

I did not interrupt the hon. member in regard to a question but in regard to an affirmative statement that I thought I heard him make.

The hon. member.

MR. NEARY: Well, I am sorry that Your Honour thought that I made that statement but my remarks, Sir, were in the form of a question to the hon. gentleman, and I want that hon. gentleman to get up today in this hon. House and apologize to the miners of this Province. We have two very serious strikes going on in this Province at the present time, one in Labrador City and one in Baie Verte and both of them, both of the strikes involve occupational health and safety in the mines, NOT wages, Mr. Speaker, not hours of work, not fringe benefits but occupational health and safety in the mines. The men are making one

MR. NEARY:

desperate, last effort to try and get the companies to recognize their recommendations that they have made to protect their future health in the mines that they are working in and the hon. gentleman -

MR. FLIGHT: Tell about the showers.

MR. NEARY: And just listen to what the hon. gentleman said about the showers. Listen to this. First page, let us see what the hon. gentleman says about showers. "The company have agreed to build a shower and drying facilities and I do hope miners use them when they are done. The mines in Labrador have such facilities but the miners do not bother to use them." How does the hon. gentleman know that? Does the hon. gentleman have a little knothole, a little peephole, is the hon. gentleman looking in through the keyhole to see if the miners are taking their showers, are using the showers?

MR. FLIGHT: The member for Labrador West is the miners

MR. NEARY: Does the hon. member for Menihek agree with the hon. gentleman that the miners in Wabush and in Labrador City do not use the showers and the toilets that have been put there for them? Yes or no. Does the hon. gentleman concur with his colleague, the Minister of Mines and Energy or does the Minister of Mines and Energy go around with a pair of binoculars looking in through the key holes, little peep holes, boring little holes in the washrooms to see if the miners are using their showers? Is that what the hon. gentleman is doing? It is a gross, gross insult, Sir, and shows that the hon. gentleman has nothing but contempt for the miners in this Province. The hon. gentleman should be ashamed writing such a partisan political letter to a lady. Mr. Speaker, you would not even write it to -

MR. F. B. ROWE: You would not write that to your dog.

MR. NEARY: No, you would not write it to your dog as my hon. friend says, writing it to a lady who happens to be the wife of a member of the executive of the union. And I do not care, Mr. Speaker, the hon. gentleman can get up all he wants and the hon. gentleman can say, "I was provoked, the lady wrote me a nasty letter, the lady wrote me a saucy letter, a snooty letter. The hon. gentleman can say that all he wants and the hon. gentleman can even read the ladies letter if he wants to. but, Sir, if every member of this House and every minister of this government took the same attitude that the hon. gentleman has taken in replying to nasty and saucy letters that they get-I would say the nastier they are the more pleasant the hon. gentleman should be, not take a dictatorial and an arrogant and an arbitrary position and insult all the miners in this Province as the hon. gentleman has done in that letter. And I hope every miner in this Province will get a copy of the Morning News so they can read the hon. gentleman's letter word for word.

Is it any wonder, Mr. Speaker, that we do not have

MR. NEARY: legislation coming before this session of the House dealing with occupational health in the mines. The place where you need it most, Mr. Speaker, is in Buchans. We have in Newfoundland and Labrador a number of hot spots. Buchans happens to be one of these hot spots where you have a number of cases of silicosis that have been turned up in recent years. And they tell me in Buchans, by the way, I do not know if it is correct or not, but we used to always say on Bell Island when DOSCO was mining ore on Bell Island that you could get silicosis on the surface from the dust from the stockpiles -

MR. FLIGHT: There have been cases in Buchans.

MR. NEARY: And the hon. gentleman confirms what I am going to say that we have known cases of silicosis on the surface in Buchans. And then you have that beneficiation plant, that pelletizing plant in Labrador City that gusts smoke and dust into the air. Men come out of it and they look like Red Indians after working in there just for a few minutes and some of them have to stay in there for a few hours. We have a number of known cases of silicosis in Labrador City and Wabush. Then we have the situation in Baie Verte where miners are threatened with asbestosis and we have Dr. Selikoff in the field confirming that this is a real hot spot and a situation that has to be watched very carefully. St. Lawrence is closed down but we have one mine in this Province, Sir, that hon. gentlemen probably do not even know it exists.

AN HON. MEMBER: Rambler Mine.

MR. NEARY: Not Rambler, no. Flat Bay where they are mining asbestos again, Sir, out in my hon. -

MRS. MCISAAC: Gypsum.

MR. NEARY: Gypsum rather, out in my hon. friend's district out in St. George's. Every time I go down in my district I pass by it. I drive back and forth. It is the only place where I have seen overhead cables carrying the ore back and forth in buckets.

MR. PECKFORD: Do not be so ignorant.

MR. NEARY: Mr. Speaker, talk about ignorance. The hon. gentleman

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MR. NEARY: will never live this one down.

MR. PECKFORD: Oh yes, I will.

MR. NEARY:

And there are a few more to come yet that the hon. gentleman wrote, a few more yet that my hon. colleagues will table in due course that will give the hon. gentleman a red face. The hon. gentleman will have egg all over his face for insulting his own constituents and insulting the miners in this Province and insulting -

MR. PECKFORD: I stand behind what I wrote, do not worry.

MR. NEARY: The hon. gentleman stands behind what he wrote. The hon. gentleman can verify that the miners down in Labrador City and Wabush do not take a shower. The hon. gentleman can confirm that. The hon. gentleman has his spies out, Peeping Toms going around -

MR. PECKFORD: (Inaudible).

MR. NEARY: The hon. gentleman has his Peeping Toms going around looking in, hiding in the mens room to see if the miners are taking their showers. What a cheap, political trick.

MRS. MACISAAC: Any women working in the mines?

MR. NEARY: That is a good question, Sir. I believe they were training women to drive the trucks down there during the strike. I do not know if they are still driving the trucks or not. I do not know how the minister is going to manage finding out if the women take their showers or not. Maybe the hon. gentleman will have to hire a female Dick Tracey or a Perry Mason to go around to see if the women are taking their showers. The hon. gentleman seems adamant over the fact that the miners are not taking showers but that is a feeble excuse, Sir, for not bringing legislation into this House.

Down at Flintkote, I was going to mention, down there in my hon. friend's district where they are mining gypsum, Sir, I believe that situation down there has

MR. NEARY:

to be investigated although there is no need for alarm but there seems to be an awful lot of dust flying around there. I drive through St. George's, I suppose, twenty or thirty time a year going back and forth to my own district of LaPoile. I do not always go down through St. George's, sometimes I bypass it, ^{out} I go down twenty or thirty times a year and it seems to me that there is an awful lot of dust flying around in that community. I do not know if there is any history of respiratory disease or chest disease of any kind. There is. The hon. member says that she believes that there is.

MRS. MACISAAC: I bought it out last year and I mentioned it again a couple of nights ago but I have been told, from investigation on that I have done, that it is not harmful.

MR. NEARY: Gypsum is not harmful?

MRS. MACISAAC: But it still gets down in your lungs and in your respiratory -

MR. NEARY: Well, Mr. Speaker, the hon. member, my colleague, says that she has done some -

MRS. MACISAAC: I do not believe that now.

MR. NEARY: - investigating herself and has been informed, unofficially I presume, that -

MR. F.B. ROWE: The hon. gentleman.

MR. NEARY: No, the hon. lady - that gypsum is not harmful although there is an awful lot of dust flying around. Well, it may harm your lungs just as much as smoking because I think that anything that goes into your lungs in the form of dust is bound to affect your health, your lung condition, your chest condition. Your Honour would probably know more about that than I Your Honour being a

MR. NEARY:

medical man. But, Sir, I believe the situation with Flintkote down in St. George's there I believe that should be investigated. I doubt very much if the minister or his officials have paid very much attention to that operation because it is so far out of the way, we hear so very little about it. My hon. friend who is sitting in the gallery I believe, was down for the opening when they opened that mine down in Flat Bay, Flintkote, the gypsum mine down there.

MRS. MACISAAC: We have had a couple of dozen cases of lung cancer in the last, say, eight years.

MR. NEARY: Ah, Mr. Speaker, my hon. colleague from St. George's just made a very startling statement that should jolt the minister into taking a look at that, and the Minister of Health, although we had a job to get the Minister of Health to look at the situation in Daniel's Harbour where there was an outbreak of T.B. My hon. friend from St. George's just said that in the past several years there have been twelve cases of lung cancer in the St. George's area.

MRS. MACISAAC: That is right.

MR. NEARY: In St. George's itself?

MRS. MACISAAC: St. George's and Flat Bay.

MR. NEARY: In St. George's and Flat Bay, twelve cases of lung cancer.

MRS. MACISAAC: But yet they tell me that gypsum is not the cause of it because gypsum, even if it gets on your lungs it tends to dissolve.

MR. NEARY: My hon. colleague says that gypsum when it gets on your lungs according to the information that my hon. colleague has that it has a tendency to evaporate, to dissolve. Well, we were told the same thing on Bell Island, Mr. Speaker, in relation to silicosis. And you

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MR. NEARY:

can go over on the north shore of Conception Bay today
or you can go on Bell Island today and you will find

MR. S. NEARY: men who worked in the mine for twenty-five, thirty and thirty-five years walking around and they are told that they have angina, or bronchitis, or asthma, or a heart condition, and I am willing to bet, Mr. Speaker, that they have silicosis.

AN HON. MEMBER: Hear, hear!

MR. S. NEARY: The only thing is it cannot be proven now. I remember the doctor who was working with the mining company at the time, who did the X-rays on these miners, told me that there was something wrong with the water on Bell Island, you used to always get a shadow on the X-ray and it was always very difficult to read the X-ray and diagnose the condition. The doctor said, and he was an employee of the company, that it was due to the water on Bell Island, the water was not the right kind of water to develop X-rays and it used to leave a shadow on them. That is what we were told then, Sir, and that is what the people now down in Flat Bay and St. Georges are being told, that gypsum dissolves, when it hits your lungs it dissolves. Now I would like to believe it, Sir. I would like to believe it but it will have to be proven to me. It dissolves no more, in my opinion, than asbestos, than dust from iron ore, than dust from coal, and dust from a gravel pit and anything else.

These little fibres are floating through the air down there all the time. They have an overhead system down there, an overhead cable carrying buckets back and forth from the mine, from the pit into the loading pier, then the gypsum is dumped into a stockpile, is loaded aboard the ship, and when you get a prevailing wind blowing right down on the community, blowing in off the sea there -

MRS. H. MCISAAC: They have sprinkler systems that are supposed to be on but are not on all the time.

MR. S. NEARY: They have sprinkler systems, my colleague tells me, that are supposed to be on that half the time are not on, I suppose most of the time -

MRS. H. MCISAAC: As soon as I called, they turned them on.

MR. S. NEARY: -are not on. As soon as they know there is a safety inspector, or somebody in an official capacity coming around, or my hon. colleague is going down, on goes the sprinkler system. And the hon. gentleman has chosen to ignore all of this, to ignore it all, and all we have before us is just a little old bill, Mr. Speaker, more or less consolidating what had been going on heretofore in the Workmen's Compensation Board and in the Department of Manpower to a certain degree, I suppose, and nothing that I can think of in the Department of Health unless the Minister is going to take Dr. Peters, or somebody, if the gentleman is not already retired, Dr. Colohan.

Dr. Peters, I remember, did the study on the Bell Island miners, collected all the X-rays and did a study. I remember a report written by Dr. Peters who advised the Bell Island miners to cut down on their smoking habits as a result of this study that was done.

So, Mr. Speaker, it is a great disappointment now. Where the need is the greatest, that is the area that they have chosen to ignore. The miners in Baie Verte and the miners in Labrador City will have to continue to strike, and fight, and scrawl, and scrape for their own benefits because this Government apparently has no intention of helping them even though the Minister said that now, although the Minister could not do it all along, suddenly now he can make regulations under the Mining Act. It is not good enough, Sir. It is not good enough, Mr. Speaker.

We have too many hot spots in this Province. We have too many places where our people are exposed to Occupational Health hazards. We have Long Harbour where you have the phosphorus plant; we have Wabush and Labrador City; we have Baie Verte; we have Rambler Mines; we have Flinkote out in Flat Bay; we have Buchans. And what other places do we have?

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Tape No. 3214

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MRS. H. MCISAAC: The only thing, Sir, I can say for Flintkote is that they have yearly medicals. They require yearly medicals.

MR. S. NEARY: Well, that is a good thing, my hon. friend. I hope, Mr. Speaker, that my few remarks about Flat Bay and Flintkote will not be misinterpreted. They are not meant to alarm anybody. My hon. friend says that the employees of Flintkote have to have annual medicals. Well, that is a good thing. But what about the people who live in the community, the community of St. Georges? They are inhaling that dust into their lungs every day.

MR. NEARY: Do they have to have annual medicals? I doubt it very much, Mr. Speaker.

MRS. MCISAAC: No they do not.

MR. NEARY: If there is ever Sir, an act surfaces in this House covering miners in this Province I hope also it will cover the people who live in the mining communities because the people who live in the community of Baie Verte are as much exposed to the asbestos fibres that float in the air by the trillions as the people who work in the mine. And the same thing in Labrador City with the dust that is gusting out of the stacks down there and blowing down on the community; and the same way in Buchans where we have examples of silicosis in people who do not work in the mine. And so it is not meant to alarm people it is meant to alert the government, the Minister of Health and the Minister of Manpower to take a look at that situation down in St. George's. There may be nothing in the world wrong with it but, Sir, we do not want a repeat of the St. Lawrence diaster in this Province. And I am sure the hon. gentleman would not mind doing that. It is a reasonable request. It involves peoples health. It is a non-partisan request, no politics in it. And the hon. gentleman I am sure would not mind doing that although the hon. gentleman really has no authority under this act to do it. But the hon. gentleman is now seconding Dr. Colohan.

MR. ROUSSEAU: The admissions out of plants come under the Federal and Provincial Environment Departments.

MR. NEARY: The admissions out of plants come under the Federal -

MR. ROUSSEAU: And Provincial Environment Departments.

MR. NEARY: Well then perhaps the minister could alert that particular group to take a look at the situation in St. George's. Mr. Speaker, another area that I would like for the hon. minister to take a look at, over on LeMarchant Road I believe it is, the Department of Transportation and Communications have a plant over there. They have offices and they have a plant over there where they test gravel and test asphalt and that sort of thing and they

MR. NEARY: are working with highly explosive and dangerous chemicals but it is not the chemicals, Sir, that I am talking about at the moment, I am talking about a group of men and I had a gentleman only in to see me yesterday about this, a group of men - My hon. friend may not believe this that here you have a government who are supposed to be setting a good example, who are supposed to see to it that their employees are not exposed to dust or occupational health hazards and over in this building I am told, where they are bringing in crushed stone to get it analyzed to see if it is up to standard and so forth, that the room they are in has no ventilization and it is full of dust all day long. I would like for the hon. gentleman to take a look at that situation and if it is indeed happening close it down, shut it down rather than have our people exposed to this health hazard.

I had a man of experience come to see me yesterday about that. He came to lay a complaint against this government about a number of things but that was one of the items that the hon. gentleman mentioned, all these people forced into this -

AN HON. MEMBER: (Inaudible).

MR. NEARY: Yes, forced into this room where they are shoveling gravel, dust flying around and no ventilization and if that is true it should be shut down. The government should be ashamed of themselves. The Minister of Transportation should get the royal order of the boot for exposing his workers to these health hazards.

Now, Mr. Speaker, it is unfortunate that the minister in introducing this bill did not bring in the regulations that go along with the bill. My hon. colleague, I believe, made reference to it the other day. How long will it take the government, how long will it take the minister before they draft regulations that they are authorized to do under this bill? Will it take them six months, a year? How long will it take? The minister should give the House some indication of how long it will take to draft regulations under this bill because the bill means nothing, Mr. Speaker. The bill is nothing. It is just merely a piece of legislation. It does not mean a thing without regulations

Mr. Neary: It does not mean a thing without regulations. And the minister should have, because of the urgency of this situation, should have had the regulations ready to table in the House. That is the point my hon. colleague made the other day. We have been waiting so long, Sir, for this legislation, for this law on health and safety in the Province respecting occupational health and safety, and the minister brings in the bill and brings in the legislation and no regulations, and God only knows when the regulations will be made. This crowd are spending so much time down on the Eighth Floor trying to prop themselves up, try to shore themselves up, trying to get a judge to carry out an investigation, trying to get enough policemen in the Fraud Squad to go around and investigate things, to try and stave off resignations from ministers, that how long will it take before they get around to making regulations under this Act?

I think the minister in closing this debate should tell us, should tell the House how long it is going to take. And, Mr. Speaker, before I take my seat, Sir, in this legislation, also, there is authorization for the establishment and the setting up of safety committees. You would not know, Mr. Speaker, but that was the first time it was ever heard of. The hon. gentleman, I suppose, will have the nerve to get up and tell us that this is the best piece of legislation on the North American Continent as his colleague, the Minister of Mines and Energy said in his letter. "And if you think the present administration is bad, reflect on what Rowe and Neary would do for this Province." I do not think I need say more.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker, I am not quite sure, Sir, if that is a matter of the privilege of this House or not. I am not sure if the hon. gentleman is impugning motives or not. I will let the hon. gentleman's constituents deal with the hon. member in due course. And when my hon. friends table a few more letters that the hon. gentleman sent around.

Mr. Speaker, there a year or - I believe, it was a year or two ago the hon. gentleman's constituents sent me in a petition in

Mr. Neary: connection with electricity.

MR. PECKFORD: On a point of order, Mr. Speaker.

MR. SPEAKER (DR. COLLINS): A point of order.

MR. PECKFORD: I think the hon. the member for LaPoile (Mr. Neary) now is referring to a matter which has very little to do with the principle of this bill which is about health and safety as it relates to the working place, and, therefore, I submit, that he is being out of order.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (DR. COLLINS): Order, please! I understand the hon. member indicated that he was going to do something but at the moment I am at a bit of a loss as to what he was going to do. So I am not in a position to judge if what he is going to do is in order or not.

The hon. member for LaPoile.

MR. NEARY: I am going to keep the hon. gentleman in suspense, Mr. Speaker. Now I will not tell the hon. gentleman what I was going to do, I will let one of my other colleagues indicate to the hon. gentleman, and tell the hon. gentleman what I was going to do. Obviously, the hon. gentleman did not want to hear what I was going to say.

MR. PECKFORD: I knew what you were going to say, and I knew that -

MR. NEARY: The hon. gentleman did not want to hear what I was going to say, so the hon. gentleman sprung to his feet on a point of order to try to head me off, cut me off at the pass.

MR. PECKFORD: Because I wanted to protect you, I did not want you to be out of order because I know you do not know the rules.

MR. NEARY: No, the hon. gentleman did not want to hear what I was going to say. But the hon. gentleman will hear it in due course.

But, Mr. Speaker, under this bill the hon. gentleman has the right to appoint safety committees, company-employee safety committees. Well, Mr. Speaker, I would like to now pay tribute to all those fine people in this Province, whether they be in the mining industry, whether they be in the industrial life of this Province, I

Mr. Neary: would like to pay tribute to all those people who have served in a good many cases as volunteers on safety committees, joint union-management safety committees. There is one down in my hon. friend's own district -two, I believe, in Menihek (Mr. Rousseau). I do not know if there is one in Churchill Falls or not, there probably is. But there is certainly one in Labrador City because there was a row about it a year or so ago. They had a row with the management down there when my colleague, the member for Conception Bay South (Mr. Nolan) and my colleague the member for Eagle River (Mr. Strachan) had to go down to try to put out the fire, the wildcat strike that was taking place down there. And then Mr. Mulroney, the gentleman, who ran for the Leadership of the Tory Party tried to give the credit to my hon. friend the member for Menihek, tried to give the hon. gentleman the credit. The formula

MR. NEARY:

for the settling of that strike had been worked out by the three of us when we were there and that involved -

AN HON. MEMBER: (Inaudible). Oh, listen to Mr. Clean over there, the laughing stock of Newfoundland at the present time.

AN HON. MEMBER: The last on the poll.

MR. NEARY: Not even mentioned on the poll. He did not even make the poll. He will not even make the ballot the next time. Mr. Speaker, these safety committees, Sir, have done a magnificent job down through the years and any advances that we have made in this Province in the field of industrial safety or occupational health and safety is due in large measure to the work and the efforts and the recommendations of these committees. They have done a magnificent job, Sir. I have seen them at work. I spent twenty-one years with a mining company myself and I know the value of these safety committees. They do a magnificent job. They did not always have the authority and the power to do what they can do today and even today they have to go on strike. Even though the Mine Safety Committees, the Industrial Safety Committees, joint committees, management and labour, management and their employees, even though they have made great strides they still - and you would not think it would happen in this day and age, Sir - they still have to go on strike to get legislation and to get laws and rules and regulations to protect their health.

My hon. friend from Exploits (Dr. Twomey) must be rather surprised to know in this day and age that people have to go on strike for what you would almost accept as just being as normal as eating blueberry pie. Nobody should have to strike today for that sort of thing, should they? It should be a right but it is not

MR. NEARY:

and we have two major strikes going on and have been going on for the past fourteen or sixteen weeks in this Province involving occupational health in the mining industry in this Province.

I was glad the other day to hear the hon. member for Exploits (Dr. Twomey) have a little input. I believe it was into this bill the hon. gentleman spoke and I think he congratulated my hon. friend, the member for Baie Verte (Mr. Rideout) for his knowledge of the situation and the hon. gentleman has studied it. Any of us who have worked in the mining industry. And my hon. friend should know all about the mining industry having married the daughter of a former manager of Dosco over on Bell Island. My hon. friend I imagine when he was courting probably spent a little time over there and I am sure when the hon. gentleman left Bell Island in those days you had to take your car to the car wash to get her washed as she was so red with iron ore. And just imagine breathing that! That is going down into your lungs all the time. So to say that you have to work down in the mine to get silicosis I think is a myth. I think you can get silicosis on the surface.

So, Mr. Speaker, I got a little bit sidelined there. I was paying tribute to the members of all the industrial safety committees that exist in this Province. They have gone, Mr. Speaker, sometimes, many times on their own time, they have gone out and taken courses from St. John Ambulance. They have taken courses in First Aid. Some of them are the equivalent of these paramedics that you see on television. I do not know but they are better in a good many instances. And

MR. NEARY:

they have their monthly meetings and they lay the law down to management. They are not a bit shy, not a bit backward in coming forward and saying, you cannot do this, you cannot send men here and you cannot send men in there. A lot of times, Mr. Speaker, they have carried out their duties under most difficult and trying circumstances when their jobs were threatened.

How dare you come into management and say that we have to remove this scaffold or we have to take this ladder away or we have to fill in that well or we have to keep our men from going in where there is bad ground

MR. S. NEARY: or there are bad tracks, or there are bad cables, or the elevators are not working properly, but try and force their employees to go to work anyway. How many times have they risked losing their jobs? They are a great crowd of people, Sir, and I never cease to admire them, all those people who have been involved on safety committees. They have their annual meetings, they all come in to St. John's, and in a lot of cases probably the only little benefit they get from all the work that they have done down through the years, they have an annual meeting, and they may come in and get an invitation to go out to a banquet, or a free lunch, or something. But you have to take your hat off to them, Sir. They have made great strides. They have worked hard and if there is safety, Sir, in industry in this Province today, it is due in the main to the people who have worked on safety committees and not due to the efforts of Government. It is only now in the year 1978 that we are getting a Bill into this House, Bill No. 24, "An Act Respecting Occupational Health and Safety in the Province." It is not the first time it has been talked about.

I went to work with Dosco myself, I believe it was in 1945 and I worked right up to the time the mine closed in 1966, and I was president of my own local union. I sat down many a time with the hon. gentleman I referred to, the late Mr. Stuing when he was manager on Bell Island, sat down at safety meetings, sat down with Mr. Dickie, sat down with the late Mr. Archibald on Bell Island to discuss safety.

MR. NOLAN: Who was the last manager?

MR. S. NEARY: The last manager was Mr. Selty,
V.J. Selty.

So I know all about the work that these safety committees have done. They did it in the early days under

MR. S. NEARY: very, very difficult circumstances when their jobs were threatened. 'If you dare open your mouth, you are going to lose your job', I have heard that statement, not by my hon. friend's late father-in-law because he was too much of a gentleman. He was one gentleman, by the way, and I have to say this about him, that by God, he had the confidence of the miners, and I guarantee you this, that he was not the kind of a gentleman who would send his men to work in unsafe working conditions. But they are very rare, this type of people, they are very rare. You get some managers and some officials of companies who are greedy who do not care whether people risk their lives or not.

I understand, Mr. Speaker, that my time has just about run out, so I just want to end up on that note, Sir, by saying that I pay tribute to these men and women who have served on safety committees, in a lot of cases without remuneration, and in some cases they were given a day off by the companies so that they could go around and inspect the property and hold their meetings and that sort of thing. So, instead of working at their regular job, they were paid by the company, but mostly written into union contracts, very rarely do companies volunteer to pay their employees for looking after the safety of their fellow workers.

So, Mr. Speaker, although this Bill - the only thing you could say about it, it is probably a step in the right direction but it is only a beginning and we want to see shortly either regulations, if the Minister can make them, or a piece of legislation, Sir, covering Occupational Health and Safety in the mines of this Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: If the minister now speaks he will close the debate. Hon. minister.

MR. ROUSSEAU: Mr. Speaker, I have a number of questions that were raised over the past two days of debating that I would like to address myself to. First of all I cannot help but say that I am disappointed that there was not a more positive response to the bill.

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Tape 3218

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MR. ROUSSEAU: I have never said nor has government said it is the answer and the the all and the end all to all the questions of Occupational Health and Safety in this Province but at least it is a step in the right direction.

I was very pleased, Mr. Speaker, on Friday past, I guess, I had a very long meeting with the Newfoundland and Labrador Federation of Labour. I was further pleased yesterday that they did come out in public support of the bill.

MR. ROUSSEAU: I know that in our talks they presented a brief to me and I think they were more along the line of one point that was made during the last days debate. The hon. the Leader of the Opposition mentioned the question of fines and asked the question whether it was enough or not but it is not something that the Opposition would want to hold the bill up on and that sort of attitude I think that the Federation showed. They gave me quite an extensive brief on things they would like to see changed or added or deleted from the bill. Obviously, as I said to the House before, I am not in a position to do that without going back on the commitment that I made to the Interim Advisory Council on occupational health and safety. And if any major changes in principle are needed then it is going to have to go back there and the bill is not going to go through.

Now, Mr. Speaker, I will say one thing let history judge this bill. It is one of the finest points in my political life to have to stand up and introduce it and close debate on it and I certainly would like to see it go into law and the regulations falling there out. In addressing myself to the points raised, I will start here because I have some loose pages from the member for LaPoile. I might mention first of all that the question of the lab is being looked into. It has already been inspected by Dr. Colohan and is being looked into.

The mine has been excluded from this bill. Obviously, it may be the hon. member was not in the precincts of the House or have not read the reports. The question on the Department of Labour and Manpower taking over the occupational health and safety division and it is very frustrating. We keep saying it but nobody seems to understand what we said. We said that every aspect of occupational health and safety included now in the government, will come under the umbrella division of occupational health and safety in the Department of Labour and Manpower.

MR. PECKFORD: I will all come under that act.

MR. ROUSSEAU: Now, unfortunately they have a human being as

MR. ROUSSEAU: a minister and human beings run the Department. Now, Mr. Speaker, in our opinion, in government's opinion, it would not be correct to take everything now involved and throw it in the one pot and hope that it might boil and produce some positive effects for occupational health and safety. So the logical thing that has been done is we have come up with a timetable. But government has made the decision that the occupational health and safety aspect of the Department of Mines and Energy, by April 1st., 1979 that does not mean that it could not be before - until April 1st., 1979 will be part of the Department of Labour and Manpower Division of occupational health and safety.

MR. PECKFORD: All the principles in this bill apply now.

MR. ROUSSEAU: And all the principles, as my hon. colleague says, apply now, and everything that the hon. minister is doing now in the department will be melded into the Department of Occupational Health and Safety's bill here with the Department of Labour and Manpower.

On April 1st. we took over the occupational health and safety division from the Department of Health. That one resulted from Dr. Mastromateo's study in 1973 in which there was a division of occupational health and safety, albeit a small one, set up in the Department of Health. It consisted of four individuals that came over to start the nucleus of the Department of Occupational Health and Safety on October 1st., 1978. On October 1st., 1978, by the time we have the bill passed, proclaimed and the regulations thereunder gazetted, the Electrical Inspection Division of the Newfoundland and Labrador Hydro, forty employees, will transfer to the Division of Occupational Health and Safety, Department of Labour and Manpower. At the same time on October 1st., 1978 the Industrial Safety and Education Division of the Workmen's Compensation Board will transfer to the Division of Occupational Health and Safety, Department of Labour and

MR. ROUSSEAU: Manpower. And by April 1st., 1979 the Mines and Energy Occupational Health and Safety Division will transfer with I think it is fourteen or nineteen, I believe it is nineteen employees, it could be fourteen, to the Department of Labour and Manpower. That is the timetable, Mr. Speaker. Because we do not want to throw everything together at one time and be perfectly confused that is what we are trying to do. There has to be some interim period.

The first interim period between now and October is to get the act through the House, to get the regulations ready and to gazette them and then we are ready to do our job. October 1st. we took half of it in '78 and by April 1st., 1979 everything will be there.

So mining has not been excluded. It has only been excluded for the time being in order that we might get the division underway, on the right track. We have waited too long for this, too long, and we want to make sure that we have it now, we want it running smoothly, we want those wheels running very smoothly to steer and to help to put forward this very, very important aspect of government policy. Every miner must have a medical yearly. Every miner must have a medical yearly.

MR. FLIGHT: That has been the standard in the mining companies for twenty-five years.

MR. ROUSSEAU: Oh yes, the suggestion was that it was good that they had a yearly medical. They had to have a yearly medical.

The regulations, why did I not bring them in? They are being worked on and it is not normal to bring regulations in. I will talk to the Interim Advisory Council again on the regulations. I would hope, Mr. Speaker, that they would be ready within three months. It could be four or five but I am hoping within three months. It is certainly not our intention to leave this House of Assembly and not have the regulations out and get this division underway.

Health and safety committees; it is not the first time, I know it is not the first time but here is one little section that is the first time, section 38, "Meetings of a committee shall take place during regular working hours and no worker is to suffer loss of pay or other benefits while engaged in a meeting of a committee." Now I hope the hon. member for LaPoile (Mr. Neary) is within the precincts because I am going to tell him a little story.

The people at Advocate Mines, as they told me at one of their meetings, have a day a month to look at the operation there. They get ready eight-thirty and they get on the road and there are five different areas where they inspect. They get back about two o'clock, it takes them a while to gather all the information they got. They have their Labour Management Safety Committee meeting at say two-thirty, three o'clock, by four o'clock the shift is over and their day is gone. They do not have the opportunity to discuss the findings they have, the five people on the labour committee, to discuss those things they have found. Now, we saw by section 38 that they will not lose any

MR. ROUSSEAU: pay and they will have the opportunity to discuss the things that they find are prejudicial to occupational health and safety on their trips. I think that answers the questions put forward by the member for LaPoile (Mr. Neary).

Now the member from Baie Verte - White Bay (Mr. Rideout) who I hope is in the precincts of the House, the points that - he was the first speaker - and the points that he raised, number one, the change in section 7 on the provision of protective clothing was deleted and it certainly was. The hon. member was correct.

AN HON. MEMBER: (Inaudible) made notes.

MR. ROUSSEAU: That was correct by the way, it was originally in section 7. But apparently the Interim Advisory Council and the drafters thought that that was not a good way to go so they put it in the regulations and it is indeed where I told the hon. member it was, 63, subsection (0), and their thinking for this was this, that to spell it out in the act we do not know tomorrow what changes are going to take place in clothes or safety apparatus. It could change from year to year as modifications are made and advances are made. Instead of having to change the whole act this enables us to do it by regulation and, of course, do it by Lieutenant-Governor in Council to keep up to all recent and best changes in the field of protective clothing. So while it has been deleted from section 7, it was done at the request of the Interim Advisory Council and the drafters down in the Department of Justice, and it now appears in regulations, section 63, subsection (0).

The hon. member and the hon. member for Windsor - Buchans (Mr. Flight) mentioned about the Workmen's Compensation review. That has been up to Cabinet and it is now being looked at. There is some discussion taking place between Treasury Board and the Workmen's Compensation Board and Justice - that should be done and it should be done retroactively. I cannot make that commitment but it certainly is something that we have

MR. ROUSSEAU: to look at and it is an unfortunate set of circumstances that took it this long. The first original reaction that the hon. member mentioned, or the hon. member from Windsor-Buchans (Mr. Flight), I forget which one it was, that I had it last year. I merely had a superficial first reaction to it. But I had to have an indepth reaction to it, obviously, from the Workmen's Compensation Board's point of view.

The hon. member raised the question, and I have it here but I do not know which - the hon. member for Baie Verte - White Bay (Mr. Rideout) I am talking about now - he said, "Why one of" - Now I do not know if he mentioned one, Alberta, Saskatchewan and Quebec I have because I do not know which one he mentioned - language and not the others. In other words the implication I think, and maybe the hon. the Leader of the Opposition made the same indication, that maybe in the bill there was too much language from one particular Province. That is the way I read the question.

Really what has happened, because I think people generally feel that the Saskatchewan Act is a better one - I am told that the legal language is more from the Province of Alberta - but the principles on which this bill is established is more from the Province of Saskatchewan.

Mr. Rousseau: Now, you know, legal language does not change principles. But the principles of the bill are founded mostly on the Province of Saskatchewan's Health and Safety Bill. The legal language may be more, and it probably is, from the Province of Alberta.

AN HON. MEMBER: The legal language -

MR. ROUSSEAU: And, of course, in looking at the bill the people looked at all different Occupational Health and Safety Acts. Now I was just saying to the Leader of the Opposition, because he mentioned the point too about the language, the language is indeed mostly Alberta language. The principles are mostly Saskatchewan principles. The drafters and the occupational health and safety people, the Advisory Council felt that the language was better in the Alberta law than in the Saskatchewan law. But they maintain the principles in the Saskatchewan law.

Both hon. members again, the hon. member for Baie Verte-White Bay (Mr. Rideout) and the hon. the Leader of the Opposition, brought up the question of reasonable grounds. Now I have gone into that. Reasonable grounds; I think, the hon. the Leader of the Opposition being a learned gentleman suggested that it was too loose a legal term. It is the term that is used in all other legislation that we reviewed.

MR. RIDEOUT: I think what we were objecting to was 'reasonably practical.

MR. ROUSSEAU: Okay, well the term 'reasonably.'

MR. RIDEOUT: All right. And reasonable grounds was what we -

MR. ROUSSEAU: Well the reason the term reasonable is in there, as I am told by the people who advised me on it, we cannot be absolute, you cannot guarantee that something is going to be a no-accident situation. That is beyond your confidence.

But in the Act itself again there is general principles. The regulations provide for the specifics. And by the way, as a matter of fact the Newfoundland and Labrador Federation of Labour brought up the same point. And I have undertaken with them, as I have undertaken to the hon. gentlemen as well, to look at that during the year and refer to the interim Advisory Council - or no

Mr. Rousseau: it will be the permanent Advisory Council then to take a look at it. But the term reasonable is used in different areas where reasonably practical reasonable grounds or whatever, but it is the one that is used in all other legislation. And as I say I will undertake to take a look at that term.

The hon. the member for Baie Verte-White Bay (Mr. Rideout): Who is going to determine reasonable grounds? Which is a reasonable question. In the first instance it will be The Work Place Committee. In the second instance it will be the Labour Relations Board.

Now remember that there has to be, there cannot be an onus on the employer or an onus on the employee, there has to be equal input, except where it is discriminatory where the union or the employer has to show that discriminatory in where an employee refuses to work. But in this instance, forget not that the man does not lose wages or pay or any benefits if his grounds are reasonable, and this is referred to the Labour Relations Board in the last instance, composed again of equal representation from Labour and Management. So those are the ones who would determine the reasonable grounds. Number one, The Work Place Committee, the Health and Safety Committee on the spot, and number two, The Labour Relations Board.

The hon. the member for Baie Verte-White Bay also mentioned the question of codes of practice and they were glossed over. I think in general language the term was used. And they are indeed - but again, section 34 (1), (2), and (3), are merely the skelton that the member talks about. I do not disagree with the word 'skelton' because that really is what the Act is, it establishes certain principles. The regulations are the ones that put a bite into it unquestionably.

Now these codes of practice will become regulations, and they could be different in different industries. That is why they cannot be spelled out here. The codes of practice in the construction industry could be different than the codes of practice in the mining industry. And the codes of practice for

Mr. Rousseau: underground mining could be different than the codes of practice for open pit mining. There could be little nuances or little differences because of different segments of one industry or between different industries. But they will be there, general in here and agreed, but they will become specific in the regulations. Of course, each employer or principal contractor will have to establish a code of practice.

And another point here, the hon. the member for Baie Verte-White Bay (Mr. Rideout): Moving out of out of here, and will not know for six months or so whatever the regulations will be. Well, I have just said that we are hoping that the regulations would be enforced within three months or as soon thereafter as possible, They will be referred, of course, to the new Advisory Council or the same Advisory Council, but it will not be the interim any more, and they will then advise me on the regulations in respect to The Occupational Health And Safety Act.

Section 56 (b), I do not know which one that was, but it is still the same member for Baie Verte-White Bay. Oh, whether a worker is suffering from an occupational disease that is related to the worker's occupation. I think the question was, Where is the onus? And the onus is on

MR. ROUSSEAU: the division of Occupational Health and Safety.

SOME HON. MEMBERS: Oh, oh!

MR. ROUSSEAU: Alcan. I think again that was the hon. the member for Baie Verte - White Bay: Do they get away scot-free? - I think were the terms the hon. member used. Not if we can help it. Now what happened was, I believe, a few years ago - and I am subject to correction by my colleague, the hon. the Minister of Justice - that the agreement ran out and we signed a ten year agreement in 1972 or 1973 was it? - with Alcan in respect to survivor benefits at St. Lawrence. And I think it was a ten year agreement that runs out, I believe, in 1973.

MR. HICKMAN: In 1983.

MR. ROUSSEAU: I am sorry, in 1983. It was signed in 1973 and runs out in 1983. Obviously, we are going to talk to Alcan, and obviously, as I suggested before when that question was put to me, government are certainly not going to allow these people to be unjustly treated. And I have given that commitment before. We have talked to the company, and if not, obviously, government are going to have to look into it themselves.

Now another couple of questions here I think in the same area. The mines rescue squad; it was okay for underground but there was no mention of first aid or ambulance. That is still in the realm of Mines and Energy, but certainly, we will take a look at those aspects and we will discuss them with the Department of Mines and Energy, because those are pertinent questions, especially an ambulance and the first aid. I think most major areas have first aid stations.

MR. ROUSSEAU: Now whether they have enough or not I do not know. Maybe it is necessary in the regulations to spell out how many first aid stations are needed depending on the size of the operation, I do not know, but certainly they are things that are necessary.

The opening of new operations was also brought up by the hon. the member for Baie Verte - White Bay (Mr. Rideout). I think 63(d) will answer that. I believe that the Lieutenant-Governor in Council can make regulations with respect to establishing conditions as to design, construction and use of any plant or undertaking in order to protect the health and safety of the workers. So we would have the right then to be in on the original design, to hope that we okay specifications that will produce the lowest possibility of any dangers to occupational health and safety. But the hon. member mentioned in particular the uranium mine at Makkovik, for example. Now that one comes under the Atomic Energy Board of Canada and we would come to an agreement normally in situations like that, because that is an unusual one. When you are talking a mine or a plant it is a little different from uranium because there are other dangers to that than we see in some areas. So we would come to an agreement with the federal government in respect to the monitoring of such an operation. But we would be involved in 63(d) by regulation in looking at the specifications, design and so on in order to insure that if such a plant were constructed that it would be done in the best design for occupational health and safety.

The hon. member also raised the point if any doubt exists it should go on the part of the

MR. ROUSSEAU: employee. I feel it does in the Act until it is proven otherwise - the employee is protected, you know, it is discriminatory unless it can be proven otherwise. In other words, the onus is on the employer or the union. There is no loss of wages or salary or fringe benefits or that sort of thing. So where there is a question of anything of that nature then I certainly believe that the onus should be on the employer and the union if either one acts discriminatory with the worker.

 The last point that I have here for the hon. member was the regulation, and I agree, the Act is a skeleton. The regulation establishes the principles by Order in Council, that after consulting with the Advisory Council on Occupational Health and safety will put the teeth into the Act.

 The hon. the Leader of the Opposition - reasonably practical - well, I believe I have addressed myself to that - the Workmen's Compensation Board, whether they pay for lung diseases, I think was the question that was raised. I checked this morning on that, that the burden of proof re lung diseases or lung related diseases should be on the employer or the Workmen's Compensation Board, and as a couple of other members said, I think, the member for Windsor - Buchans (Mr. Flight) and maybe the member for Baie Verte - White Bay (Mr. Rideout), I think about a biopsy. I think it is a very fine point which I found this morning - and maybe hon. members will to - that the Workmen's Compensation Board will indeed pay, but they will not pay for the disease, they pay for the disability caused by a disease. And that may be a fine point. I do not know what the difference is there.

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MR. ROUSSEAU: I think what is thought of is this - First of all before I say that, everybody will be registered, of course, according to the new Act, so we will know everybody who is working in what the minister through the Lieutenant-Governor in Council designates as a hazardous occupation.

MR. ROUSSEAU: But it is a fine point like I say in that the Workmen's Compensation Board will pay for the disability but not for the disease. And I think in effect what they are trying to say is this, for example, I have a number of miners in my district as the hon. member for Baie Verte-White Bay (Mr. Rideout) and other hon. members do who have related lung diseases. Now, what is done is that they are registered and if at a point hence, be it five years or fifty years that they are disabled because of that disease then they are due compensation from the Workmen's Compensation Board.

MR. RIDEOUT: It is only ten years in the Workmen's Compensation Board Act now, ten years.

MR. ROUSSEAU: Well, that obviously will - because this is new again, this has not been changed in the Workmen's Compensation Board.

MR. RIDEOUT: I have another question if the minister would not mind?

MR. ROUSSEAU: Okay.

MR. RIDEOUT: Mr. Speaker, I thank the minister for yielding. The other question is, the minister was talking about registering them, employees now in the industry. I think a very important principle that has to be established is the registration of people who ever worked in the asbestos industry, for example, and I would assume the same would apply to the iron ore industry. I worked at Advocate Mines, for example, for two or three years and I think I should be registered as would scores of other people who ever worked them for some possible disease that may turn up down the road.

MR. ROUSSEAU: The principle is correct because when you are talking about down the road then you have to know if somebody was involved in some aspect of an area like Advocate Mines or Labrador City or St. Lawrence or somewhere, what their history is. And every effort will be made to have full registration and full compensation paid to anybody who is disabled later. So the answer for the hon. Leader of the Opposition is that - if I could have his ear - the hon. Leader of the Opposition the fine point that I just mentioned is that they will pay, they do not

MR. ROUSSEAU: pay for the disease but they will pay for the disability down the line if in ten years or twenty years or thirty years there is a disability as a result of a lung related disease - then it will be full compensation. The point being that, for example, those in Baie Verte who have now contracted asbestosis but are still working and the ones at Labrador City who have contracted silicosis are still working but at a point where either of these diseases or either other disease, lung related or lung disease causes an inability for the person to work in the work place then the disability will be paid. It is not for the disease but for the disability that may result from the disease.

MR. W. ROWE: Would the hon. minister allow a question.

MR. ROUSSEAU: Okay.

MR. W. ROWE: There is no dispute about what the minister is saying now, Mr. Speaker. My question or my comment is about the disability which results. If a man twenty years down the road does get disabled as a result of a lung problem then, as I understand the law now without having looked at it in detail, for a number of years he has to prove before the Workmen's Compensation Board that his disability was caused by the environment in which he worked and so on and often the only way to do that is by having a biopsy done on a piece of lung tissue and so on. What I am saying is that if a man is disabled because of lung disease and has worked in that kind of an environment for a certain period of time it should be accepted or unless proved otherwise by some party - not necessarily the employer or the board, but some party alleging the contrary, that it was not caused by his having worked in an asbestos mine or the St. Lawrence mine or the Iron Ore Company of Canada mine. That is the point I am making.

MR. ROUSSEAU: Well every effort will be made of course .

MR. W. ROWE: And I think as a matter of fact that Mr. Earle who has done this report for the Workmen's Compensation Board, I think he makes that suggestion in his report.

MR. ROUSSEAU: Obviously, what we will do is immediately look at everybody who is now there in time frames, how long they have worked there and obviously we will have to go back over the company records and hope that we can find all the people we have the same as we did at Labrador City a couple of years ago, to try and go back and get everybody and look at the X rays and why was it misread or read wrongly or not seen in the original instance.

The question of biopsies, by the way, was brought up. Could I speak to biopsies first because that is a very important point? I can understand, by the way, that people would not like to have a biopsy done on them, it is not a very pleasant thing to have done. I am told by Dr. Colohan who has been involved in this now for quite a number of years that, for example, in 1959 in St. Lawrence they had abnormalities that showed up in X-rays. At that point in time they could not tell whether the abnormalities were TB or lung cancer

MR. ROUSSEAU: or any other related disease, so biopsies had to be taken in the first instance, to show what disease it was. Because diseases of that nature, and I am not a medical practitioner, you know may show up similar on an x-ray screen.

In Labrador City the same thing. Originally in '64 there were related abnormalities that were a possibility. It could have been silicosis, it could have been - I think is sarcadosis, another related disease. But there could have been different diseases. Biopsies had to be done then too to find out which disease it was. In this case it was then found to be silicosis.

So now if somebody comes up with a lung related disease in the Labrador City operation, an x-ray is taken, then the probability is great that it is silicosis. There is now not the need to do the biopsy that there would have to be in the original instance in order to identify and to prove medically beyond any shadow of a doubt exactly what the disease was. So as I understand it, biopsies would be done in the original instance to identify and to prove by biopsy that that is a disease. After that has been proven to the satisfaction of the medical people, then no biopsies would be necessary because if that - whatever it is - shows up on a screen of an x-ray, or on the film of an x-ray then in all probability it can be recognized as silicosis or asbestosis or whatever the disease may be.

MR. FLIGHT: Mr. Speaker, I am just wondering if the minister has made an observation on the Workmen's Compensation attitude towards miners who have contacted silicosis or asbestosis? My criticism in the speech I made, or the remarks I made of the Workmen's Compensation Board was simply this, for the minister's benefit, we have in this Province today miners who have worked under

MR. FLIGHT: ground for twenty-five to thirty years, and who have contracted silicosis. On first being aware that they were so afflicted they went to their doctor who arranged for appointments with the Compensation Board doctors, and what we have now are these men back to work with silicosis, miserable, sick all the time, doing light work, cannot breathe, but because the Workmen's Compensation Board will not accept the fact that they do indeed have silicosis, or will not accept the fact that they cannot work, as long as you can work they keep you working and what I am saying, Mr. Speaker, is that we should recognize and we should allow somebody who has worked underground for thirty years, and who obviously has silicosis, we should allow them to retire in some dignity and not force them to stay to work until they drop on the job. And that is happening.

MR. ROUSSEAU: The only way I can answer that for the hon. member is obviously this act is going to have repercussions to a number of areas, one of which will be the way the Workmen's Compensation Board looks at this type of situation. Obviously, that would have to be looked at concurrently with this act and the regulations thereunder.

The hon. the Leader of the Opposition mentioned the word fines, take a look at it. It was not that important from the way it was put at that time. The member for Terra Nova (Mr. Lush); Is there anything in the act or the regulations that are universal to all workers? It is not universal because by the sections in there it is the designation of work places or classes of work that are done by the minister and the Lieutenant-Governor in Council but it is universal in that we have looked at all other acts and the same sort of basic principles certainly apply to all the workers in most of the acts. They may be worded differently. Obviously, we have to look at the act. If the act does not accomplish the principles that we want to see accomplished then obviously we are going to have to take a look at

MR. ROUSSEAU: the act. But it is universal in the sense that we have looked at other acts, whatever aspects of it. Last week, as I said, I had Dr. Colohan and Bob Langdon, the ADM, and Mr. Hodder, the Executive Secretary of the Advisory Council, travel to Regina and I called them back when the bill came up because I wanted them here for clause by clause, to take a look at the operation of other provinces so that we would have that much of a head start to know how they have gone, to learn from their mistakes and their experiences in the hope that we can further advance our beginning beyond the starting point, if that is sensible, so that we will have at least the ability to recognize past mistakes and past experiences of other jurisdictions.

The hon. member for Terra Nova (Mr. Lush) also mentioned about no help for the 2,000 longliner and trawler fishermen from the Workmen's Compensation Board, and that nobody from the Workmen's Compensation Board was able to inspect gear or boats. Well, the only thing we do, the only thing we can do is we can give an inshore - onshore education programme which we are doing for the longliner and trawler fishermen. We cannot inspect, because it comes under federal acts and regulations. However, we will talk to the federal government about this sort of operation because although it is within a federal jurisdiction I do not think that it would be one that the feds would want to guard that jealously if the question of occupational health and safety were there. But it does come

Mr. Rousseau: occupational health and safety where there - but it does come under the aegis of the Federal Department. For example, and this example was given to me, while the fishermen on shore, and the educational programme we are doing, that in Saskatchewan which is one of the centres of the grain operations of this country that no grain handler is covered in Saskatchewan by the occupational health and safety legislation because it is a federal jurisdiction, and that is probably, I would think, one of the bigger employers in Saskatchewan. And we could probably see the same problem come with the offshore oil and gas situation, in which jurisdiction in respect to occupational health and safety may be confused or maybe federal, but certainly we will talk to them about that sort of thing.

The hon. member also suggested that no money from The Workmen's Compensation Board if any injury occurs to a trawlerman or longliner -

AN HON. MEMBER: (Inaudible).

MR. ROUSSEAU: I am not told that I am told that trawlermen and longliners are covered by The Workmen's Compensation Board for fatalities and for, which we hope there will never be any, or injuries. So I do not know where the hon. member heard that, but like I say -

MR. RIDEOUT: (inaudible) longliner crews they got by the end of -

MR. ROUSSEAU: By the end of the year. And, of course, they could do with the captain and the crew, the employer, but still it is there. They can be, you know. And we have been meeting with the Fishermen Food and Allied Workers Union on this particular point.

The gentleman for Windsor-Buchans (Mr. Flight) "Only mines long enough to show lung diseases", in which he mentioned Buchans, Windsor, and - I am sorry, Buchans, Wabana, and St. Lawrence. I have a note here 1959, which is I -

MR. FLIGHT: (Inaudible).

MR. ROUSSEAU: Oh yes, this will preclude this in the past, although it has taken a long, agonizing hazardous step for us to know that now, the member is correct. It is only those people who have worked that long that we do now know. But now ten days, within

Mr. Rousseau: ten days after a man goes to work in what is designated as a hazardous occupation or an occupational health and safety area, that man has to be registered so we will have a full registration data on, him when he worked, and how long he worked there, and what areas he worked. So that will enable us in the future not to have the problems we have had in the past in respect to that particular point.

Also the miner either get a raw deal from The Workmen's Compensation Board to have to prove by biopsy, he mentioned that. Well as I said the biopsy is merely a means by which in the initial instance you identify and establish just what the disease is after that it is a very difficult thing. Having a biopsy is then not necessary unless something should show up on the film, on the x-ray that would confuse the people who are looking at the x-ray.

Bonus of contracting out; where the safety breaks down because of profit motivation. That was right in the past. But if the hon. member would refer to Sections, (9), (10), and (11), he would notice now that not only are the principal owners or the operators of the operation responsible but now every self-employed person, every principal contractor, and every supplier is now included in this so that they would be under the regulations ensuing from the Act on Occupational Health and Safety. So that now the profit motive may still be there, but there will be a lot more onus on these people to guarantee that there is a safe and healthy workplace.

How many accidents of subcontractors in a mining area versus miners: I do not have those figures and I cannot get them. They are looking for them, if I do get them I will certainly pass them on to the hon. member.

There were a couple of questions posed by the hon. member for St. George's (Mrs. McIsaac) about dust factors and emission stacks, mentioned Labrador City, in particular, and St. George's. The question of emissions and tailings comes under federal or provincial jurisdiction, jurisdiction of the Division of Occupational

Mr. Rousseau: Health and Safety, when the Department of Mines gives their inspection branch or their safety branch, is the in-plant operation to ensure to the best of our ability that no emissions come from the operation, but emissions do or tailings or that sort of a thing it is then the responsibility of the federal and provincial environmental departments. We are responsible, as I said, to ensure that nothing gets out of a plant, and this is something.

The sprinkler systems - well the same thing federal and provincial environment. There are normally controlled systems, and controlled mechanisms that are put on that as well.

The last point I have here, it was the hon. member for Exploits (Dr. Twomey) who brought up the very excellent suggestion about the consent of the worker. Now I have checked with my people and we have talked to the good doctor. I think the

MR. ROUSSEAU: the doctor agrees that it would be best left in here in this instance. It is in all the other acts, in the Workmen's Compensation Board Act, the Communicable Disease Act, the Notification of Diseases and other occupational health and safety acts. Now that is in respect to - we are talking now not about personal diseases or psychiatric or anything not related to occupational health and safety we are talking here specifically about questions of occupational health and safety diseases, of lung related diseases that we can trace to the workplace and that would not include personal diseases of any kind that would be passed on. Of course, those would have to be done only with the consent, where in most instances it would not be necessary, and only with the consent of the worker.

So, Mr. Speaker, those are the points I believe that were raised. As I say I met with the Federation of Labour on Friday and yesterday they came out in support of the bill. They like hon. members opposite, and I do not doubt hon. members on this side see changes that can be made in it but it is a great step forward, in this Province in respect to occupational health and safety, the government of this Province is very proud of it and as hon. members have said and which I cannot disagree with that is the skeleton, that is the rationale for the regulations that will ensue from the act. Certain principles are embodied in that act that I think are very important. The right of a worker to refuse to work in an unsafe condition is, I think, a great step forward, it is a new principle, the fact that it is discriminatory unless proven otherwise by the employer or the union in respect of a worker refusing the right to work. These are important principles, the principles of solidifying the occupational health and safety committees, the Occupational Health and Safety Division now under one umbrella division instead of the many it previously operated under and other aspects of this act we think are a great step forward in the safety and health of the workers of this Province.

MR. ROUSSEAU: I would hope that it would meet with approval from the workplaces, from the management and from the labourers. I said the management, it is here and I think we have to go from there and to labour it is here and we go from there. I have made a commitment that I am prepared at any time to talk to any interested individual or groups, management or labour or interested citizens in respect to this bill on occupational health and safety. We are not above changing acts or changing regulations if we find that they are not pursuing the goals that we intend for them. The goal of this government and the goal of this bill is to insure the safest possible workplace for the worker in this Province and it is our intention to insure that that is done. Like I said by April 1, 1979, by that date, maybe before, we will have a full operation in effect, there will be from eighty to eighty-five people involved in the Division of Occupational Health and Safety. I look forward to the benefits that accrue from this bill in respect to the workplaces in this Province. Government is very proud of it and I have very great pride, Mr. Speaker, in moving second reading.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act Respecting Occupational Health And Safety In The Province." read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 24)

Motion, second reading of a bill, "An Act To Amend The Statute Of Law In Respect Of Annuities Payable Under Life Insurance Contracts." (Bill No. 18)

MR. SPEAKER: The hon. Minister of Consumer Affairs and Environment.

MR. MURPHY: Mr. Speaker, this is an act to clear up a misunderstanding that has happened in many jurisdictions across Canada with reference to the beneficiaries under an annuity as against life insurance and I just asked my superintendent of insurance to give me a little reading on it, and he gives me this. Recent court action in one of the other provinces of Canada has caused some doubt as to whether or not an annuity contract is a life insurance contract with the result that

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MR. MURPHY: the designations of beneficiaries of annuities under such contracts might not hold up thereby creating for the insurance public inconvenience, consternation and possibly unnecessary financial hardships when the times comes where a beneficiary under an annuity tries to claim the money and they will not recognize that he is the legitimate or legal recipient of these monies.

After much consideration it was decided by the Association of Superintendents of the provinces of Canada to recommend that the definition of life insurance should be amended to insure that annuities are within the ambit of the life insurance act so that

MR. MURPHY: designations of beneficiaries made under these contracts will not be prejudiced in the future. Now previously, anybody in the life insurance business knows, that if you buy an annuity which is just a payment that at the age of sixty or sixty-five X money will be payable to you in the form of an annuity or a pension, you would name a beneficiary in the event that death comes before the actual payment of the annuity. So it is one of these legal things that have been argued, but all the superintendents of insurance across Canada - the ten, I think, plus the territories - have decided to make it clearer that they just designate it as being a beneficiary under the Act.

So, Mr. Speaker, I have great pleasure in moving that this necessary amendment be made under this bill.

MR. SPEAKER: The hon. the member for Conception Bay South.

MR. NOLAN: My only question, of course, on the thing - and I am sure it would be the interest of the hon. minister - is that this is going to benefit those - I am thinking about the consumer primarily. There are many Acts that come before the House - and I do not knock this or criticize it in any way - that are brought about merely as a lobby on behalf of either the dentists, the doctors, the lawyers, the insurance companies or whatever. And again, obviously, that is their job, to see that they are represented and have the proper type of legislation for them to carry on their endeavours.

In this particular case, then, I am assuming that the - and I mention the consumer will benefit from this Act because according to the minister

MR. NOLAN: there have been cases of embarrassment, penalization and so on in other areas that will be overcome or should be overcome when we pass this particular bill.

I am not clear on what the minister - and it is my fault, I was not paying, maybe, close attention - he made some reference to annuities and how this might be affected here in this regard, and he might want to just say another word on it.

AN HON. MEMBER: (Inaudible)

MR. NOLAN: No, I do not want an explanation from the Minister of Justice because I am not going to live that long.

SOME HON. MEMBERS: Oh, oh!

MR. NOLAN: Go ahead.

MR. HICKMAN: It is very simple. It is to make sure that annuity comes within the definition of a life insurance policy and the Life Insurance Act, that is all - nothing more than that. If there were any lobbying it would have to be on behalf of the beneficiaries, the widows.

MR. NOLAN: Yes.

MR. SPEAKER: The hon. the member for Trinity - Bay de Verde.

MR. F. ROWE: Mr. Speaker, as far as I can ascertain here, what we are doing in Newfoundland is what they are presumably doing in the other nine provinces of Canada wherein an annuity simply differs from a life insurance policy in that you make your payment and at say sixty years of age or sixty-five years of age a lumpsum payment is made back to the policyholder or payments are made in instalments

MR. F. ROWE: as long as he or she shall live. And then if that person dies without the total amount being paid out, it goes to the wife or the husband obviously, of the annuity holder.

Now in certain cases we have had situations where the person has died and presumably, the so-called beneficiary has not held up in the court of law as being the legal beneficiary under an annuity contract. So what this Act is doing here is simply making any beneficiary named in an annuity contract a beneficiary in the same sense as a beneficiary under a life insurance contract. And this would not be the result of a lobby from any particular insurance company or group of insurance companies. It is more likely to be a lobby from interested groups of people and a recognition on the part of the Underwriters Association that this particular little quirk in the legal aspect of annuities does exist and it is just a nuts and bolts straightening out of the definition of a beneficiary under the Annuity Act. So,

MR. F. ROWE: Sir, there is nothing of any great importance or earth shattering about this but it obviously is very important to the beneficiaries named in a union contract and I cannot see any objection to this bill whatsoever. In fact I commend the minister for going along with presumably the rest of the Province, presumably this is being done right across the whole of the nation and it is a good thing and we support it whole-heartedly.

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

MR. W. ROWE: It is a good thing, Mr. Speaker, I would say that we have this hon. gentleman here to explain these things to us because I never understood a word the hon. minister had to say and then the hon. Minister of Justice got up, Sir, and befuddled and obfuscated, sat down in total confusion himself. Thank God the member for Trinity - Bay de Verde (Mr. F. Rowe), Sir, went and sold a little insurance before coming into politics, Sir, because he elucidated the thing admirably. Now everybody understands what is going on here, Sir, and we can all get behind the minister in doing the job which I do not think he quite understood but in any event we commend him for bringing it in, Sir.

MRS. MCISAAC:

MR. W. ROWE: That is right. It is the superintendents by the way, the superintendents of insurance for the provinces who have recommended this legislation and this uniformity across Canada and extending by legislation the definition of the beneficiary to include the annuity.

So, Sir, I would assume that there is no objection to it since they recommended it. I think this will get rid of my hon. friend's fear, and a very reasonable fear it is, whenever we see anything coming before the House affecting lawyers, doctors, insurance salesmen -

MR. NOLAN: Broadcasters.

MR. W. ROWE: Broadcasters, teachers, clergymen -

MR. NEARY: All professional groups.

MR. W. ROWE: - captains of ships, anyone, Sir, we should be very suspicious as to whether this is in the public interest or in the interest of the group concerned and I think that the presence of the superintendents of insurance in this particular act, and their recommendation thereto, removes that doubt and I commend the member for Trinity - Bay de Verde (Mr. F. Rowe), Sir, for explaining it to the House and getting us all behind it.

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

The hon. Minister of Consumer Affairs and Environment.

MR. MURPHY: Just to clue it up, Sir, I mean only now I appreciate why the great regret about cutting back in educational funds because I know that there must be special slow learners or stupid people like we have heard just express this thing. But, Sir, as being in the life insurance business for ten or twelve years and have sold many annuities, I never had this occur. But there is a question that it may occur where sometimes it would be questioned, and rather than have some poor widow and I explained this, who might be the one who had to spend thousands of dollars perhaps to claim her money, I thought I would clear this up. It is a tremendous bit of - perhaps it is not deserving of a lawyer's -

MR. NOLAN: Would the hon. member permit a question?

MR. MURPHY: Yes, surely.

MR. NOLAN: Just briefly and that is, there is a movement in certain areas, certain jurisdictions in North America where they are attempting to put in layman's language the terminology that is now being utilized, which seems to be a lawyer's

MR. NOLAN: delight in -

AN HON. MEMBER:

AN HON. MEMBER: Being harassed again.

MR. NOLAN: Well I am not trying to deprive the hon. gentleman of a living because he will soon be back at it again.

But the only thing is, getting back to my friend opposite, is there any effort being made now on behalf of the minister's department, in conjunction with others across Canada, to get some layman's terms. I mean people do not know what they have literally and I am sure the minister has run up against this time and time again. One of the best examples I can give you is when there is any flooding of properties in the city of St. John's and the people are washed out in their basement apartments and all the rest of it, and they only discover it is an act of God. I mean there is no one who is abused more apparently by the insurance company than God. They have no respect for anybody, some of them. So I mean it is time we have some layman's language. If people are buying something they have a right to know what they are buying. We cannot depend on the -

MR. HICKMAN:

MR. NOLAN: Okay. All right.

MR. MURPHY: I do not know if the hon. gentleman has read my mind. Only today I sent a letter off to my insurance company, where I had a leak actually leading into my washer that flooded -

AN HON. MEMBER: (Inaudible).

MR. MURPHY: - in the washer that flooded my kitchen and I tried to claim under it. They said they did not but a previous insurance company paid all of it. So perhaps we will get it in down to earth language.

I have much pleasure in moving
second reading of the bill.

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On motion, a bill, "An Act
To Amend The Statute Law In Respect Of Annuities Payable Under
Life Insurance Contracts," read a second time, ordered referred
to a Committee of the Whole House on tomorrow. (Bill No. 13)

MR. HICKMAN:

It is now six o'clock.

MR. SPEAKER:

It now being six o'clock I leave
the Chair until eight this evening.

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
8:00 p.m. - 11:00 p.m.
TUESDAY, MAY 16, 1978

The House resumed at 7:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

MR. RICHMOND: Order 12, Bill No. 31, Motion, second reading of a bill, "An Act To Amend The Consumer Reporting Agencies Act." (Bill No. 31).

MR. SPEAKER: The hon. the Minister of Consumer Affairs and The Environment.

MR. RICHMOND: "An Act To Amend The Consumer Reporting Agencies Act" (Bill No. 31). A few explanatory notes, Mr. Speaker: Clause 1 merely defines what consumer information means; this is an omission from the original Act. Clause 2 would exempt Consumer Reporting Agencies who supply consumer reports without charge to others the requirement of having to register under the Act. In other words, take, for example, you are dealing with, say, Simpson-Sears, You go and look for credit and they phone - you know, who else do you deal with, so you name them, it might be Bowrings or Ayre and Sons, and they would phone them and want to know how so-and-so got an account and how does he stand, this type of thing. They are not actually a consumer reporting agency, but we do have them who would do a report, such as The Detail - what you do call them? I think they have a new name now. Anyhow -

MR. BINN: Detail Credit.

MR. RICHMOND: Detail Credit. Life life insurance. You sell a life insurance policy on someone's life and that group goes out and does a report on you. They might go next door, they might go to someone else, as to your character, do you drink, this type of thing. So they would have to be registered under this Act because they are professional reporting agencies. But any firm, and we wanted to make that clear, that any firm that just contacts some other firm with whom you do business without being actually paid for that as a professional reporting agency does not come under this Act. Banks, loan, or retail merchant stores, these are what I am talking about that do not come under the Act, because a minimum amount of credit information with one another. This credit information is usually reported to the Detail or to a

CONSUMER

consumer has an account with that firm, the opening date of the account, amount and number of periodical payments required, date of last payment, outstanding balance, etc.

This new addition to the Consumers Reporting Act would mean that credit information being supplied by a consumer reporting agency must be corroborated from another source, and a reference to that source appears in the records of the agency. In other words, where they set this information has to be available to the consumer. If there is a report done on him, you have the right to go and say, "Who told you I did this?" or "Who told you I did that?", and there has to be a corroboration that they got the information from someone else. This is to protect the consumer. If a report goes in and you have no rights, someone turns you down, you should have the right to say, "Why was I turned down and on whose authority was I turned down?"

Because of this, they would not be able to collect, retain or report any information unless they had made reasonable efforts to corroborate evidence on which the personal information is based. In other words, they cannot retain a file on you unless they corroborate the information they have on you from some other source.

So, basically, what it means is, again with this consumer reporting that the consumer will have all the protection under the law, and he has all the right to the information that is compiled on him. He has the right under the law to visit that consumer reporting agency and has the right by law to examine the report. In other words, if someone has a report on you, you have the right to go in and say, "Let me see that report" and again the sources of information where the information was obtained. He can appeal and make representation to the Registrar of the Consumer Reporting Agencies who will launch an investigation. If the consumer's case is substantiated, the Registrar can order a consumer reporting agency to alter the records. In other words, if you have been done an injustice by this report, the Registrar can say, "Let me have that report" and they will make the necessary arrangements, and then as far as you are concerned, or the consumer is concerned, only correct information is placed in that file.

MR. HENRY: So, basically, Mr. Speaker, that is about all I can add. I can come out later on if anybody has any questions to ask, and I am sure that the Minister of Justice, or the member for Conception Bay South can help us out on the thing like he did with it the other day. I would appreciate his help.

MR. HENRY: Get the Minister of Justice to explain the Bill to us. It is as clear as mud.

MR. HOLAN: Mr. Speaker.

MR. SPEAKER: The hon. member for Conception Bay South.

MR. HOLAN: Mr. Speaker, maybe the Minister of Justice can tell us, or maybe my friend, the Leader of the Opposition. I mean, supposing there is a file on someone, somewhere, say it is down in one of the stores on Water Street, or in a law firm, or something else, and they have a file on an individual, a citizen, a consumer. Okay, what is the other source that is going to corroborate it?

MR. ADRIAN: The file, in the first place, could be inaccurate: another file already in existence in other place that could be checked - I mean, please explain the corroboration to me. What source is the Minister referring to?

AN HON. MEMBER: (inaudible)

MR. ADRIAN: The thing is that I am very concerned about, and I am sure all members are on both sides, is the type of information that is going into files all over God's half-acre on people. Now, it is all very well to say, and the Minister says so, and it is provided for, that you can go check it and you can do this, that and the other, but there are hundreds of people, for example, in Foxtrap who have no more idea of how they are going to check information, this, that, or the other, or how in St. John's Centre, and so on. The information that is piling up oftentimes is absolutely savare. For example, there may be a Federal law that forbids, for example, a lady from buying a house oftentimes. You have to have the husband's signature, I believe, and I am subject to correction on things like that that may not be referred to in this Bill, but nevertheless, the type of information that is being compiled by all kinds of government agencies, and because of the fact that everyone seems to want their kingdom, their own little bureaucracy set up, all the Crown corporations, all the various retail credit establishments, and so on, I mean, the kind of information that is being compiled is absolutely frightening in my opinion. It was not too long ago that the Minister and I were in a debate one night about some of the methods used by the collection agencies. Now, I realize that we have plugged some of the loopholes there so that the type of harassment, or at least to the same extent that it was being used, is not, I hope, being used today although I continue to get reports on it. People going around and if someone is not next door they are checking with neighbours and the like of that about the private matters, financial matters, of a neighbour and things like that where you cannot have any kind of accurate information, and frankly, even if you do it is none of your business to be sporadic it to anyone, anyway. So, I must say that this Bill is

... a tidying thing, I know. For example, that
banks certainly exchange information one way or the other. I am assuring
that this would be covered or provide for them although they are not -
"A consumer reporting agency shall not collect, store, retain, or report
any information that is incapable of corroboration from another source,
and a reference to the source appears in the records of that agency." Also,
Clause 4 provides a consumer may obtain the name of a consumer reporting
agency doing a report on him. If I am not mistaken, also, I believe that
firms, are they not, are doing checks. I know of people who have been
turned down for jobs in this town because firms have managed to get certain
information but they did not tell the individual concerned that they did
not qualify or were not getting the job because of this so-called secret
report, and it is a secret report. I mean, we always fall into the habit
of telling some poor old lady, "Well, Ma'am, you know you have the right
to appeal, you can go to the Supreme Court." Now in the name of God
can most people go to the Supreme Court? They cannot do it and even the sound of
it frightens them to death anyway.

So, while I would certainly hope that the
Minister will continue as long as he is in his portfolio to attempt to
get more protection for consumers, I am very much alarmed by the type of
information that is going into files. For example, I suggest to you that
here we are, legislators here, fifty-one of us in the House of Assembly,
and we are supposed to know our way around the bureaucracy and supposed to
know what is going on. I suggest to you, and perhaps even the Minister,
that there is probably a file or files somewhere with information referring
to him or members of his family. Now, I am not saying the Minister condones
this, not for one moment, but I am saying that we have to do all in our power
to really seek out and expose any kind of information that is compiled
and particularly the way information is sometimes used today when people are
not aware of it. It frightens me that down the road, a year, or two, or
ten from now, someone can be discriminated against because of some information

100-1000: that has been compiled. I suppose that in our own system you have the Department of Finance here, provincially. You would have your bureau of records downstairs, you would also have the Medicare Commission, and God knows how

Mr. ...

many other agencies that have files on individuals. I believe that while it is a matter of information and more public attention should be focused on it, and all of us, I believe are charged with informing the public more and more to make sure that their rights are protected and not to take the word of any civil servant or for that matter politicians on matters like this. I mean if information is being gathered and put in a file that could be injurious to anyone, they have a right to see it, they have a right to be aware of it, and every effort must be made so that they can get the files without going through a lawyer, without having a friend in government or in opposition or anywhere else. It is not enough to set up various safeguards and information and so on allegedly for the protection of the public if in fact we are creating all kinds of barriers for them before they can take advantage of it.

I do not know why this particular Bill came about. Maybe the minister can tell us. I mean, is this as a result of requests from companies, banks, insurance companies, retail outlets, taverns or anywhere else who have asked that this information or this bill be passed? What inspired the minister or the Minister of Justice and his draftsmen to lay this bill on the table? We have so many tidying up bills in this House which is all very well. So I am just wondering what prompted the minister to ask that this bill be drafted. Does it really serve the consumer? Is it protecting the consumer really? And if it is, we would like to know. I would like to think that this bill is before us because there has been just a great outpouring from the consumers asking that this be done. Now I would like for the minister to provide us with this kind of information. How many consumers really, how many voters have come and asked the minister that this bill be compiled in the fashion in which it is done? And if that is so, fine. But I suspect that that may not be so. Now I am not saying that we should ...

Mr. Nolan:

They are in business. My God, we should be encouraging people to go into business, especially in this Province. But our first concern has to be, one, that it is to maintain good reporting ethics on information on people, that the files be accurate insofar as it is humanly possible, and that at all times without any barriers, without any mumbo-jumbo that the information be available to the public and they should be able to walk in to Confederation Building or any other building and be able to get it just like that, no fooling around, no signing their life away, and these are the kind of things that we have to do.

Now in many cases, I know beyond the shadow of a doubt that there are bills and acts that are to the benefit of the citizenry generally but they do not know how to take advantage of it. And perhaps in some ways all of us have failed to provide the necessary information on this. Perhaps in the media sometimes we should have more explanations on the kind of thing that we have, because all bills are not bad, and I am not suggesting that this one is. But I do think that we have to take a good hard look at every - I absolutely refuse to provide any information to any Tom, Dick or Harry who comes knocking on the door or phoning. For example, just the other evening I had a call from some mainland outfit who wanted to send me a credit card. I mean that is fine. But then you should hear the questions they were asking.

PREMIER MOORES: They were taking no chances.

MR. NOLAN: Pardon?

PREMIER MOORES: They were taking no chances with their interesting questions.

MR. NOLAN: Yes, that is right, exactly.

MR. MUPPHY: That is why he asked the questions.

MR. NOLAN: That is why he asked the questions, exactly.

Mr. Molodt.

But then they went into this nonchalantly as you live on the telephone, and I am sure because it was a well-known concern that some people might feel sort of honoured, you know, to have this joint provide you with a credit card. But why anyone would provide personal information on their families financing, their banking, where they work, how long they worked, who they are married to, who they are not married to and so on. It is none of their bloody business unless you want to give it to them.

And as a matter of fact, I look upon these things as an infringement on the privacy of the individual, I really do. And I feel that if they want to get this kind of information that they should make the proper approach and that is on a personal basis and possibly even in writing. Now there is another thing and that is I assume that

MR. NOLAN:

many members know that there are many people who are in the business of selling information. Magazine companies do it all the time. One credit card company that I can think of will ask you if they can provide your name and address and information that they may or may not have on you to various clients who are peddling goods through their magazine. So here you go once more; the information, whatever it is, is being - it is all right to say that nothing is private but until such time as people decide that they want to have their private affairs dispersed on a commercial basis. And it is being done throughout North America today on a scale that has never been known before. So I would certainly ask that the minister will certainly be very, very careful and advise his officials to see to it that they bend over backwards to see that, one, the public are informed in every conceivable and possible way to see to it that if there is information on any individual that it can be made available to them.

I do not want to go on on this now, Mr. Speaker, I can have another crack at it if I wish, but I would hope that some of my friends on either side of the House might want to take a look at it before we go on and hear from the minister once again.

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

MR. W. ROWE: I must say, Mr. Speaker, for simple little amendments to acts the minister has a knack for getting up and muddying up what should be clear water. I hesitate to say anything to him because he will get up in a moment and get right mad and testy about the whole thing. But, Sir, there are one or two things here that amaze me. One thing for example is that section 3 of the act, section 3 (2) makes no sense, is not even grammatically correct. It is not even a sentence, Sir. It makes no sense whatsoever. And I would ask the Minister of Justice to kindly have a look at the legislation coming before the House.

"A consumer reporting agency shall not collect, store, retain, or report any credit information that is incapable of corroboration from another source, and a reference to the source appears in the records

MR. W. ROWE:

of that agency." It makes no sense. Do they mean to say, a consumer reporting agency shall not collect, store, retain, or report any credit information that is incapable for corroboration from another source and unless a reference to the source appears in the records of that agency. Is that what they are trying to say? If that is what they are trying to say, Sir, they should say it. It makes no sense whatsoever.

MR. NEARY: The Minister of Justice does not know. The member for Sarasota does not know.

MR. HICKMAN: Try the word must.

MR. W. ROWE: Try the word what?

MR. HICKMAN: Must.

MR. W. ROWE: And a reference to the source must appear. Well okay, then you have to get rid of the word 'appears.' But the point I am making, Sir, is that we have got a number of high paid ministers here, the Minister of Consumer Affairs. Only one get a dollar a year. That is the Minister of Forestry. We succeeded in bringing him down to his rightful level of income. Judging from this, Sir, there are other ministers as well who should be accorded the same treatment. The Minister of Justice, the House Leader, should at least do the Minister of Consumer Affairs the courtesy of reading over the acts and seeing if they make any sense because this one most assuredly does not. So, Sir, perhaps somebody down in the minister's department can draft up section 3 (2) and try to put some words in there.

MR. NEARY: Do you understand it?

MR. HICKMAN: Yes.

MR. NEARY: You understand it!

MR. W. ROWE: Well the idea, the drift of it is there, Sir, but we are talking about a section of an act which will affect somebody's legal rights somewhere along the way. So the least we can expect, Sir, is acts and sections in acts which at least form sentences and make some grammatical and syntactical sense to the reader thereof. So

MR. W. BOWE:

I would commend that to the Minister of Justice.

Now, Sir, the section 3 (2.1) just over on the other page does make sense. "A consumer reporting agency shall not collect, store, retain, or report any personal information unless it has made reasonable efforts to corroborate the evidence on which the personal information is based and any lack of corroboration is noted with the personal information and accompanies any consumer report including the personal information." That makes sense. The word unless is in there and shows that they shall not collect, store, retain, etc.

MR. HICKMAN: They shall not collect, store, retain, etc. unless a certain thing is done. Section 3(2) does not make the same error.

Now, Sir, 1(a.1) - I must say I just skimmed over it before not thinking that there could possibly be two errors, or two mistakes, but just looking at it, "Consumer information means credit information, or either of them, collected and retained by a consumer reporting -"

MR. HICKMAN: There is word left out. There is a word - I have a correction in here. That should be, "Consumer information means credit information and personal information."

MR. H. BOWEN: Oh, I see. I see. Well, the Minister of Justice should - Well, we will get to that in a moment because -

MR. HICKMAN: You will get to that. That happens in Committee, you know, all the time.

MR. H. BOWEN: Yes, Mr. Speaker, that happens in Committee. We are all up here making little speeches. The Minister will be on television later on tonight talking about wasting the time of the House. We are up trying to debate bills, Mr. Speaker, that are not even grammatically correct, in which words are left out of them -

MR. HICKMAN: That is not so.

MR. H. BOWEN: - the syntax makes no sense whatsoever -

MR. HICKMAN: Read it again.

MR. H. BOWEN: - and it takes the speaker for St. George's district (Mrs. McIsaac) to ask rhetorically and I do not blame her rhetorically, "Does this make any sense? It does not seem to make any sense." But it does not make any sense because words are left out.

MR. HICKMAN: No, you are wrong on that. There are no grammatical errors.

MR. H. BOWEN: You are getting paid big money just to correct these mistakes. That is what this job is all about.

MR. H. BOWEN: Correct grammatical mistakes! Yes, Mr. Speaker,

MR. HICKMAN: that is why we are paid! We are here to debate concepts and ideas, Mr. Speaker. We are not here to - There is someone down in the Department of Justice making \$45,000 a year probably to draft this stuff up, for all I know, and it comes up here, Sir, and we are treated with the gross contempt of a Bill which does not make any sense in any of the sections outlined or presented to us for debate. Now, I am glad that section 1(a.1), "Consumer information means credit information, or personal information, or either of them." Do I have the Minister's assurance that this is what he is putting forward?

MR. HICKMAN: And personal information.

MR. H. ROBE: And personal information. Okay.

If the Minister of Justice had any pride in the matter he would say, "Let us withdraw this Bill and present to the members of the House of Assembly a Bill which makes a little bit of sense," Mr. Speaker. Then we can debate the merits of the bill, we will not have to spend an hour of the House's time trying to drag out of the Minister whether other words are left out. What assurance do I have that while I am here talking about Section 4 of this Act, this Amendment, a sentence has not been left out, or a line has not been left out somewhere along the line that changes the meaning completely, and thereby the principle of the Act. I have no assurance whatsoever.

The Minister apparently knew about one mistake and did not know about the one which I brought to the attention of the House earlier.

MR. HICKMAN: You had better read that again. That is not a grammatical error. I was wrong. Ask your brother, he is a grammarian. There is nothing wrong with No. 2. Just read it again.

MR. H. ROBE: Do not be so silly. 'A consumer reporting agency shall not collect, store, retain, or report any credit information that is incapable of corroboration from another source'.

MR. HIGMAN: - a reference to the source.

MR. M. DOME: That makes sense. 'And a reference to the source appears in the records of that agency.'

MR. HON. MEMBER: That makes sense.

MR. M. DOME: It does not make sense. Are you trying to tell us "unless a reference to the source appears in the records of that agency?"

MR. HIGMAN: No, 'unless' would not be in there.

MR. M. DOME: Yes, it would. I mean, if you read, for example - If Section 3 read as follows, 'A consumer reporting agency shall not collect, store, retain, or report any credit information unless a reference to the source appears in the records of that agency' then it might make some sense.

MR. WARDEN: It has to be capable of corroboration from another source, right?

MR. M. DOME: Yes.

MR. WARDEN: And a reference to the source appears in the records of that agency. There are two qualifications.

MR. PECKFORD: There are two points, right.

MR. M. DOME: No, no. It is not. It just is not.

MR. WARDEN: Well, I know I may be wrong but that is my opinion of the thing.

MR. M. DOME: I would ask the hon. Minister - I do not want to quibble on the point, but I would ask the hon. Minister to subject it to the scrutiny of some draftsmen who is trying to put something into legislation for the interpretation of lawyers, and judges, and the consuming public. As it stands there now, there is definitely something wrong there because it does not say, 'unless', or 'until', or 'must', as the Minister said, and 'the reference to the source must appear in the records of that agency'. That would make sense.

MR. WARDEN: That is another qualification and the reference must appear in the records of the agency.

MR. W. ROWE: But as it reads there it does not make any sense. The Minister of Justice should not try to persuade the House now that something that is nonsensical makes sense.

MR. NEARY: What are you going to do?

MR. W. ROWE: He is going to have to - During Committee he is going to have to get an amendment put in.

Now, a question of substance arises, Mr. Speaker, besides the obvious errors and misleading of the House - the House is being misled by these various sections here. I was misled as a member of the House, Sir, not deliberately misled, and I am sure that the Premier's hand was not in it either in this particular case.

MR. NEARY: In Ottawa they get the remainder of the day for accusing a Minister of lying, but here you get three days for accusing the Minister of misleading.

MR. W. ROWE: Draconian measures.

MR. NEARY: Yes.

MR. W. ROWE: Now, what I would like to ask the Minister to explain -

MR. NEARY: The next thing it will be the guillotine. You are not supposed to smoke and stand in the door. Come in and sit in your seat. Do not be so arrogant and ignorant.

MR. HICKMAN: I will stand here while I am not speaking to the House.

MR. W. ROWE: Now, Mr. Speaker, I would like to ask the Minister why this distinction is drawn between Section 2 and Section (2.1) of 3, or Sub-section 2 and Sub-section (2.1) of 3

Mr. W. Dove.

in this amendment. The first one says, "A consumer reporting agency shall not collect, store, retain, or report any credit information that is incapable of corroboration from another source, etc." and the rest has to be tidied up to make some sense. Then when we come, however, to personal information, not credit information, but personal information, it reads substantially differently: "A Consumer reporting agency shall not collect, store, retain, or report any personal information unless it has made reasonable efforts to corroborate the evidence on which the personal information is based and any lack of corroboration is noted with the personal information and accompanies any consumer report including the personal information." Now why in the one case would there be a definite requirement that the credit information be corroborated but in the case of personal information, which can be anything, we do not require corroboration. All we require is a listing on the file that the evidence on which the personal information report is based is not corroborated. Now personally I think we are into an area of arbitrary distinctions and hairsplitting and fine distinctions of, you know, of an untenable kind, Mr. Speaker. Why would they want to do that. For example, I can see where some credit information would certainly be personal information. Is it personal information that a person does not pay his bills? Or is it credit information that a person went bankrupt ten years ago? Is that personal information or credit information?

SOME HON. MEMBERS: Oh, oh!

MR. W. DOVE: For example, if someone is snooping around boring holes and so on, not unlike the Minister of Mines and Energy over there to see if people are taking showers or not, if someone is going around boring holes and figuring out what a person's extra-curricular love life is like, for example, Mr. Speaker, or she for that matter -

MR. NEARY: How often he goes down to the Killick or the -
-that is the one up over the El Tico? - Upper Deck.

MR. W. BOWE: - but if it is determined that a gentleman or lady is entertaining and spending large sums of money on the entertainment of one or several paramours, for example, is that personal information or credit information?

PREMIER MOORES: It depends on what credit you want.

MR. W. BOWE: The Premier in that particular instance I gave will get no credit from what I hear, Mr. Speaker, since he brought the subject up.

PREMIER MOORES: It was nothing personal.

MR. W. BOWE: Oh, well. A pathetic sight, you know, the Premier these days.

MR. NEAPY: Oh, yes, red as a beet.

MR. W. BOWE: Well, Mr. Speaker, these are fine distinctions and I am sure as I am standing here tonight that shrewd, cunning and calculating credit reporters and personal information reporters will find ways of couching their language in order to make sure that they do not fall within the vein of subsection (2) which requires no collection or storing or retaining or reporting of information which is dubiously called credit information, and they will lump all under, in some way or other, personal information. And, therefore, they will not have to have it corroborated. All they will have to do is note on their file that this is not corroborated. It becomes personal information. And, Sir, the fact that it is marked on the file that this is not corroborated -

MR. NEAPY: Very dangerous.

MR. W. BOWE: - or that it goes with the consumer report containing the personal information that is uncorroborated, I doubt very much, Sir, if that is going to affect in a favourable way the person's rights. Or let me put it another way: if it is going to detract from the violation of the person's rights because

MR. W. ROWE:

if I were someone in business and received a report from a credit reporting agency and it is the only evidence that I have to go on as to whether to give this person credit or not and I get this report which says this is personal information now we are talking about, not credit information and here is the situation and you should realize that this report is not corroborated, the fact that it is a bad report and the fact that it is uncorroborated is not going to detract one iota, Mr. Speaker, from my suspicion or my feeling that I should not give this person credit. So what we are doing here, Sir, I believe is being simply mealy-mouthed. We are coming out with motherhood concepts which have no teeth in them, which do not provide any rights for the consumer. And I think, Sir, that we need to have the bill completely redone.

So what I would ask the Minister of Justice to do is withdraw the bill now, bring it back to his department and have a conference with the officials of the Minister of Consumer Affairs Department and come up with, first of all, correct the language and get some language which makes a little bit of sense anyway, Mr. Speaker, number one. And number two, make 2 and (2.1) accord with one another. I do not see why there has to be this distinction without any meaning. Now the minister is going to tell us when he clues up when we do not have a chance to reply and respond and debate as to whether there is a distinction because he will clue up the debate.

MR. MURPHY: Are you using that as a Tory concept too, that you have not got a chance?

MR. W. ROWE: No. I tell you what is a great Tory concept, Sir, to stand up and not say a word when you are introducing a bill and leave all these issues and concepts up in the air. One would have expected the Minister of Consumer Affairs to stand up in his place and try to deal with the concepts, the very important concepts being dealt with in section 3 (2) and section 3 (2.1) of this amendment.

MR. NEARY: And not read the explanatory note as written.

MR. W. ROWE: We can read the explanatory notes, Sir.

MR. MURPHY: We are not all brilliant, you know.

MR. W. ROWE: No problem there.

MR. MURPHY: This is the idea now. We have some things we are going to talk about.

MR. W. ROWE: So what we are going to do now? We are going to hear the minister clue up this debate when we do not have a chance to say whether he is right, wrong or whether it is a matter of indifference. He is going to tell us the distinction in his mind or in the world of credit reporting, the distinction between personal information and credit information and why in the one case you do not need corroboration and why in the other case you do need corroboration.

Now that does not immediately spring to my mind.

I doubt if it springs to the mind of any other member in this hon. House.

MR. NEARY: I would like to hear what the Minister of Justice has to say on this.

MR. W. ROWE: The Minister of Justice might have something to say on it. I doubt it.

MR. MURPHY: Everybody should have something to say on that.

MR. W. ROWE: Yes, but the minister is responsible for it.

MR. MURPHY: I would rather do this than sit out in the gallery.

MR. W. ROWE: The minister is responsible for it.

MR. NEARY: Or be down to Sarasota for a couple of months.

MR. W. ROWE: Yes, yes, Mr. Speaker. It little behooves that hon. minister to take the pay of Her Majesty and be down there for ten weeks or more basking in the sun.

MR. NEARY: Take the Queen's silver and go to Sarasota for a couple of months.

MR. W. ROWE: No wonder he is resigning from the House, Mr. Speaker, trying to pretend that it is because of the state of this institution. What a joke!

MR. TURPHY: There are thousands and thousands of consumers. Let us be serious on this.

MR. W. ROWE: I am trying to be serious. First of all I would like a bill before me in which the language conveys what it is supposed to be trying to convey. That would be a good start, Sir. You know, we could have some language. We do not have to rely on the minister to say, yes, well we left out a sentence here and a word here and so on but take my word for it. This is all right. This protects the consumer, you know. The fact that there is a line left out here, that does not make any difference.

So maybe the Minister of Justice could withdraw the act. I doubt if he will now, Sir, because he has been losing face so often in the last little while this may be the last blow to him. But, Sir, at least let us have some language which makes some sense and let us have an explanation of some of these distinctions without a difference, I think, which are served to confuse and are purely arbitrary, the difference between credit information and personal information and the broad area of overlapping that there must be there which can cause immeasurable problems and which just allows one large loophole in this act through which you could drive, as somebody has said in the House on numerous occasions before, a half a dozen tandem trucks.

Now, Mr. Speaker, clause 4 seems to be good. "Where the credit risk of a consumer is being assessed"

Mr. J. Foye.

By any person, that person shall, upon the request of the consumer, inform the consumer if a credit report has been obtained and the name of the consumer reporting agency supplying the report.' That seems to be very good and it is easy to read and easy to understand, and the minister is to be commended for bringing in, as an amendment, the addition of that particular clause. I think it's an excellent one. I would like to hear him on how a person knows that his credit risk is in fact being assessed. He may not know that his credit risk, his credit ability is being assessed. So perhaps there may be - I am not sure, I have not read the original act. When was it brought in? Last year, I believe, the original act was brought in?

Mrs. McISAAC: Last year, in 1977.

Mr. J. Foye: I have not read it this year so I am not sure whether in the original act there is some requirement for a credit reporting agency to inform a consumer that his credit risk and his credit ability is in fact being assessed. I do not know. If there is not that requirement then that seriously depreciates from the value - depreciates the value, rather, of that Clause 4, because credit risk reports can be made all the time behind a person's back, and he may never know or she may never know that it is going on. So there should be some mechanism for bringing it to the attention of the consumer himself.

Now, Sir, finally - I do not know if this is the first time I have ever seen this or not - an amendment to an act brought before the House before the act itself comes into effect.

Mr. Wickham: It is slightly redundant.

Mr. J. Foye: Well I am sure there have been quite a few under the Minister of Justice's tenure of office.

Mr. Wickham: What about the one the hon. gentleman brought in when he was on this side? Remember the 'Mechanics' Men' Act?

Mr. J. Foye: The what?

MR. HICKMAN: The 'Mechanics' Lien Act.

MR. W. ROWE: I brought in?

MR. HICKMAN: Yes. Another one was the Condominium Act. When I say - his administration.

MR. W. ROWE: Oh, the administration?

MR. HICKMAN: Yes.

MR. W. ROWE: There were amendments to that before they were even proclaimed.

MR. HICKMAN: Yes, because they could not be proclaimed until after the amendments were passed, because they turned out to be inoperative.

MR. W. ROWE: In other words what the Minister of Justice is telling us, Sir, since he was the Minister of Justice then -

MR. HICKMAN: No, no!

MR. W. ROWE: - is that he is carrying his bad habits, Sir, from one party to another.

MR. HICKMAN: 1970.

MR. W. ROWE: When he changes from that party to some other party he will undoubtedly carry those bad habits with him again then.

MR. HICKMAN: The year, 1970, 1-9-7-0.

MR. W. ROWE: Ah, Mr. Speaker.

MR. HICKMAN: When I was sitting where the hon. gentleman is standing right now. Check the records now.

MR. W. ROWE: Who brought it in?

MR. HICKMAN: Well, I suppose, whoever the minister, either the Attorney General of the day or the Minister of Industrial Development.

MR. W. ROWE: The hon. member would not be slandering Mr. Justice Mahoney?

MR. HICKMAN: The Attorney General of the day.

MR. W. ROWE: Sir, I did not think we were allowed to refer to justices of the Supreme Court unless we brought in a substantive motion to that effect, especially if you are slandering them or talking about them in a -

MR. JUSTICE: Mr. Justice Wilson never met the Attorney General.

MR. M. ROY: Okay, well, we are slandering someone else so it is all right.

Anyway I would like to hear, Sir, several members of this House speak on this bill, because it seems to be short and innocuous. The whole thing itself is a page and a half long. Most of that is taken up with definitions. Yet, Sir, the concept involved and the principles involved are very important, and they have been, to say the least, inadequately explained by the minister and inadequately vetted by the Minister of Justice as far as wording and meaning are concerned. So I would like to hear members speak on this, Sir.

MR. MEARY: Who answers for this, the Minister of Justice or the Minister of Consumer Affairs.

MR. M. ROY: Both of them are equally culpable, Mr. Speaker, if you were wondering about who should bear the full brunt of the responsibility for this. I would also like the hon. minister to tell us when he anticipates the coming into force of the Consumer Reporting Agency Act which was passed last year? I was not in the House.

MR. MEARY: They are bringing in amendments to an act that has not been proclaimed yet.

MRS. MCCLISSAC: There is no change whatever.

MR. M. ROY: No change in it?

MRS. MCCLISSAC: No, word for word.

MR. M. ROY: Well, I did not know that, I must say. I must have another look at it. I would say that the hon. member for St. George's (Mrs. McClissac) -

SOME HON. MEMBERS: Oh, oh!

MRS. McISAAC:

me over there.

I am up on this kind of stuff. You need

MR. BECKHOFF:

suppose. You do not have to come over here.

You can be the expert on that side, I

MR. NEARY:

There is the Peeping Tom again.

MRS. McISAAC:

there, either that or we will have to move over on this side.

Well I mean somebody needs to go over

MR. ROME:

Go and spy and see showers, boy.

Anyway, Mr. Speaker, I would like to hear the member for St. George's (Mrs. McIsaac) and other members get into this because it is a very important

MR. W. ROWE:

piece of legislation and to see it brought in so cavalierly and with miswording and wrong wordings and words left out and distinctions without a difference, not even explained by the hon. minister. Mr. Speaker, we have reached a point, Sir, a point which is an all-time low in the history of consumer affairs protection in this Province. Perhaps the minister can redeem himself when he winds up the debate.

MR. SPEAKER: The hon. member for Trinity-Bay de Verde.

MR. F. ROWE: Mr. Speaker, I am not sure whether I can even agree with the principle of the bill itself. The Leader of the Opposition has pointed out a number of grammatical errors and clauses in this particular act that are, to say the least, a little bit confusing and amendments that are not amendments, just repeats of what is already in the act. But, Sir, the hon. member for St. George's (Mrs. McIssac) related to it and undoubtedly when she stands or if she stands she will point out that particular clause. I am just referring to something -

MRS. MCISSAC: It is exactly the same.

MR. F. ROWE: It is exactly the same. It is just being confirmed there now. An amendment to an act which is the same as a part of a clause in the original act: So how can that be an amendment? That is beside the point, Sir. Sir, the point that I would like to make is this. I find this bill rather offensive and in fact very, very frightening and dangerous because, Sir, here we have an act where we can get personal and credit, where an agency can get personal and credit information on any individual in our society.

Sir, let me relate a little experience that I had that gives me reason for being fearful of anything of this nature. While I was sitting as a member of this House, and feeling the pinch and having to go on and get some related job which I have since quit or terminated, some two or three years ago I was accepted for

MR. F. POWELL:

employment and I was taken aside by the boss, for the want of a better word, having passed a certain number of examinations and tests and having conducted certain studies, I was taken aside and the arm was put around me and that individual told me what a great guy I was. Forget about passing the examinations and all the studies that I had done but everything, whether I was taken into that particular job, was decided on a personal and a credit report from some agency that I have no idea yet to this day where it came from. But it related to such things as my debt situation. Thank God, Sir, the debt situation was wrong. The debt situation in that particular report was worth much less than I had in fact had. If the truth were told, if it was in fact correct, the person taking me on might have had second thoughts about it. I was more heavily in debt than that report indicated from that particular agency.

Sir, they had information on me with respect to my debt situation which was incorrect. It was better than I expected, in fact. They had information, Sir, as to whether I was a good father or not. Now, Sir, I can tell you one thing, what I do with my kids, good or bad, certainly if it is bad it is not going to be done out in Bowring Park for everybody to see. They had information, Sir, as to whether I was a good husband or not. Who determines that, Sir? Any intimate displays of affection I have for my wife are not going to be exhibited on the front lawn of my residence. And whether or not I beat my wife, Sir, is not going to be done on the grounds of the Confederation Building.

Sir, there was information as to whether I was a good neighbor and whether I came home early or late at night. There was information as to whether I was a heavy, moderate or low drinker.

MR. DODDY: They must have put a twenty-four hour watch on my house.

MR. F. POWELL: Mr. Speaker, this may appear to be funny

MR. F. ROWE: on the surface but it is not very funny.

When I realize -

MR. MARSHALL: Will the hon. member permit a question?

MR. F. ROWE: Yes, I will permit a question.

MR. MARSHALL: The hon. member has given us all the questions that were asked, would he give us some of the answers that they had?

MR. F. ROWE: Not on your life, Mr. Speaker. I do not want to appear to be an angel, Sir. I would not want to appear to be an angel.

Mr. Speaker, it was information on my social habits, drinking habits, and this kind of thing. Now I find this rather upsetting, not because of the answers that the hon. member would like to have to the questions that were obviously asked, but I would like to know, Sir, just who obtained this information and the methods that were used to gather that information. I just said, Sir, in the case of my debt situation it was absolutely beautiful because it did not state my true debt situation.

AN HON. MEMBER: Did you have a case to take to court?

MR. F. ROWE: Against whom? That is the whole point. This information was on a blank sheet of paper, Sir.

AN HON. MEMBER: No.

MR. F. ROWE: No, it was covered. I can remember there was something at the top which was covered. It obviously came on a sheet of paper, Sir, and the heading, the letterhead, or the title, was covered because the person who gave me this information, because he assured it to be so good, said that it was personal information; in other words, the person involved - I understand that an individual cannot get information on themselves from these so-called consumer reporting agencies. If I ring up - One of the clauses here says, "where the credit risk of the consumer has been assessed by any person, that person shall, upon the request of the consumer, inform the consumer if a credit report has been obtained and the name of the consumer reporting agency supplying the report." The hon. leader of the Opposition said that is good, but I do not

Mr. J. ROY

think it is good enough. Sir, because there is no indication anywhere, unless I have missed it, in the Act as a whole that I can find out what the information is in that agency on an individual, or on myself, I mean. The reporting agency, I can get the name of it and that sort of a thing, but can an individual get the information, the report on himself? Any attempt that I have made to get a credit, or a personal, report on me from any such agency, I have failed and I have been speaking with others who have attempted to find out what information credit agencies, or consumer reporting agencies, have on them and they have been unsuccessful in getting it. When the Minister gets up to speak he can probably indicate whether or not it is possible for an individual to get information on himself from such an agency, but I have been unsuccessful and I know many other people who have been unsuccessful.

Now, sir, I had a short term in the insurance business, as was indicated this afternoon, where you deal with very personal information on people, very, very personal information, health information, information as to the social habits of a person, information with respect to the financial status of a person, etc. I am sure the Minister of Consumer Affairs and Environment will verify that, if I can get the attention of the Minister of Consumer Affairs and Environment.

Mr. J. ROY

He is thinking about his retirement.

Mr. J. ROY

I was telling, Mr. Speaker, that in the insurance business you have access to very, very personal information on the people who you are intending to insure if they are seeking insurance, health information on medication and social habits and credit ratings and this kind of thing. You can get that information as an insurance agent.

Mr. J. ROY

They should let you!

Mr. J. ROY

Yes. Mr. Speaker, I was in the business

CONFIDENTIAL For three months the Hon. Minister was in there for sixteen years. But, what I am saying is that in the insurance business, insurance agents have access to confidential information on individuals when they are writing up policies for them.

MR. F. ROWE:

That is correct, is it not?

MR. MURPHY: By the fact of the statement you made.

MR. F. ROWE: Yes, right, of course. And the medical reports, confidential medical reports can come into our possession as insurance agents.

MR. MURPHY: Ours remain in the head office. There is a doctor who -

MR. F. ROWE: Right, right.

MR. MURPHY: They never give any agents the information.

MR. F. ROWE: Well -

MR. MURPHY: Not me as an agent. I never saw anybody's report.

MR. F. ROWE: Well, how does an agent therefore determine how to rate a client or a person with respect to insurance?

MR. MURPHY: He does not. You see, that is done at head office.

MR. F. ROWE: It can be done at head office but it also can be done -

MR. MURPHY: I have never seen one.

MR. F. ROWE: But you have to give the individual the reason.

MR. MURPHY: No.

MR. F. ROWE: You just cannot say, "Look, you are thirty-six years old. I am going to date you as forty-six years of age." And he says, "Why?" The agent has to give him the answer. He does not have to give him the answer, but he is certainly duty bound, duty bound to give him the answer.

MR. MURPHY: My own experience is that it has never been made available to me as the agent but it could be made known to the insured if you like.

MR. F. ROWE: Yes. Well, obviously there is confidentiality involved here. But let me just give you an example, Sir. I had an individual who was seeking to get a life insurance policy and it involved a fair sum of money and he had to get the medical. Now that person got his medical and it was found out that he had high blood

MR. F. ROWE:

pressure and he was late in getting insurance. He was in his late forties. Now, Sir - if the hon. Minister of Justice would stop shaking his head, I think this is pretty important. When it was determined that he had high blood pressure, Sir, further studies were conducted as to other habits the person had. And he has made certain statements to a certain -

MR. MURPHY: By whom?

MR. F. ROWE: I am not going to name names.

MR. MURPHY: Studies by whom?

MR. F. ROWE: Other information had to be found out by the insurance company on the individual with respect to his state of health. And therefore a person when he makes application for an insurance policy he can sign at the bottom there that he is willing to allow certain medical information to come from the computer banks back to the head office of the insurance company.

It was indicated to me that this particular individual had a drinking problem and this was one of the reasons, you know, why he had high blood pressure and this sort of a thing. Sir, through a simple decimal place - this person did not have a drinking problem. But, you know, when he was being interviewed by the doctor and they were trying to find out what was wrong with him, they went through a great questionnaire, smoking, you know, how much sleep do you get, how much exercise do you do, how much do you drink. This person said that he had something like, you know, no more than two ounces of drink per night. Usually when he goes to bed he has a nightcap and the specific statement was two ounces. It turned out that a typographical error indicated that it was twenty ounces per night. Now is there anybody who can take twenty ounces for a nightcap?

MR. W. ROWE: There are a few in this House.

MR. F. ROWE: It would indicate, Sir, that he might have a severe problem on his hands. But the point that I am trying to make, Mr. Speaker, is that this whole bill frightens me for the simple reason

Q. F. ROSE:

that who does the information collecting, what methods are used and what steps are taken to ensure that the personal and credit information supplied to these agencies are indeed accurate? Because I am telling you, Sir, that if I got a neighbor who does not like me, I would not expect that neighbor to give a good report to somebody asking questions of me or vice versa for that matter. And it really really concerns me. If somebody on the other side can get up and explain how the information is collected, who collects it, how it is collected and what assurances and what safeguards are built in to ensure that the information is indeed accurate, not have made reasonable efforts to corroborate the evidence but is definitely accurate,

MR. F.B. ROWE: because you are dealing with the lives of human beings, Sir, and their whole reputation within the credit society within which we are living.

Now, Sir, I came across another peculiar situation. I had a colleague of mine when I was in the teaching profession refuse to borrow money, everything was cash on the barrelhead for his twenty-three or so years of life. Then he got himself married and found out, as most of us do, that not everything is cash on the barrelhead.

MR. W.N. ROWE: Did he find out that two cannot live as cheaply as one?

SOME HON. MEMBERS: Oh, oh!

MR. F.B. ROWE: That is right, he found that out too. But, Sir, this person went to borrow money -

MR. DOODY: Needlessly.

MR. F.B. ROWE: - at a bank and he also went to get credit, establish a credit account at a firm here in town, and the reason why he was refused, Sir, was because he did not have a credit rating, there was no credit rating on him. And why did he not have a credit rating, Sir? Because he never charged anything in his whole lifetime. They refused to give him credit because he did not have a credit rating, because he did not charge anything in his whole lifetime, he paid off every one of his bills. Now what kind of sense is that, Sir? You know, it just does not click with me at all. It does not click at all, Sir.

Sir, there are many, many questions in this bill. The grammatical ones have been pointed out, the confusion aspects. The introduction itself by the minister, I must say, I am not going to jump on the minister and criticize him, but it was a very, very pathetic introduction of a bill, Sir, more pathetic even

MR. F.B. ROWE: than the one this afternoon because at least the one this afternoon made sense, the bill made sense, this one makes terrible sense, frightful sense, it is a frightening bill.

MR. MURPHY: As a Newfoundlander I am proud of it.

MR. F.B. ROWE: And I, Sir, will consult with my colleagues, I am willing to be convinced, but I would quite seriously ask the minister to withdraw this particular bill and redo it because unless hon. members opposite can convince me that the people collecting this information, the methods used and the accuracy of the information is airtight, I cannot see how I can in all consciousness approve of this particular bill.

Now, Sir, I do not know how this is related to collection agencies.

MR. MURPHY: It is not.

MR. F.B. ROWE: It is probably not, but the Speaker will rule whether or not I am in order on this one, but there is one thing that I am sick and tired of, Sir, and that is ringing up old age pensioners, people on social services, people on unemployment, veterans and hearing them practically crying on the phone because they have this great document 'Final Notice', 'Final Demand Notice' for school taxes or something like that.

AN HON. MEMBER: That is not related -

MR. F.B. ROWE: It is related. I will let the hon. Speaker rule, or an hon. member opposite can get up on a point of order. The point is, Sir, that we have daily going out to widows, old age pensioners, people on social services, demand notices that frightens the life right out of them, stating that if they do not ante up with their forty-five dollars they are going to be brought before Magistrates Court within ten days. I just tell them, "Take it and throw it in the fireplace," because that is what

MR. F.B. ROWE: should be done with it.
Certain school tax
authorities and certain firms in this Province, Sir, are
not doing their homework with respect to the people,
they are just firing names at collection agencies, the
collection agencies are just firing out these demand
notices, frightening the life out of widows, widowers,
veterans.

MR. HODDER: The Department of Social
Services does that.

MR. F.B. ROWE: The Department of Social
Services even does it for back payments, Sir. It is
frightening.

MR. MURPHY: Is it legally owed or not?

MR. F.B. ROWE: Huh?

MR. MURPHY: It is legally owed? Is the
money legally owed or not?

MR. FLIGHT: There are cases where it has not
been.

MR. F.B. ROWE: I cannot understand the minister.

MR. MURPHY: There are cases where, if it
is not legally owed they have a case. But if someone owed
a debt, the hon. member -

MR. F.B. ROWE: It is not legally owed. That
is the whole point, Sir.

MR. MURPHY: Is the hon. member putting it
in the record of the House now that anybody who legally
owes a bill and they get a demand notice they tear it up
and put it in the fire?

MR. F.B. ROWE: Do not be so foolish. I did not
say any such thing.

MR. MURPHY: That is what the hon. gentleman
just said.

MR. W.N. ROWE: It is a demand notice, that is the
whole point, is it not?

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MR. MURPHY:

What did he say then?

MR. F.B. ROWE:

I am saying that a person

who is on social services, social welfare

MR. F. BOHE:

he is obviously there for some reason.

MR. MURPHY:

The hon. gentleman did not mention that at all.

MR. F. BOHE:

I did so mention it, Mr. Speaker. The hon. Minister is not paying attention, not listening, or is stone deaf.

MRS. MCISAAC:

Or a widow.

MR. MURPHY:

That is completely irrelevant.

MR. F. BOHE:

Or widowed. Sir, I am not advising anybody in this Province who legally owes money to tear up demand notices, but there are hundreds of people who ring from my constituency weekly indicating that they have these notices, they are frightened to death of them, you know, it is like the judge is going to walk in the door the next day; they are sincerely scared and there is no foundation for these demand notices, they are just going out indiscriminately, Sir. Names are being passed from firms, the school tax authorities, to collection agencies. I suppose they get a certain percentage, I do not know. They are just hammered out in the mail, and I just tell these people who in my mind, in my judgement, are not in a position to pay to throw the darn thing away. Burn it, yes. And these people, by the way, have never been brought to court, not one person. Not one person who I have advised to burn their demand notice has gone to court because they are not in a position to pay and they are not legally bound to pay.

But, Sir, getting back to the specifics of this Bill, I cannot, unless I am convinced by hon. members opposite, support a Bill whereby you get very personal and credit information on individuals without knowing, number one, who does the collecting, how it is done, and the accuracy of the information. I have pointed out a number of examples of inaccuracies here tonight. What is more, Sir, I am not willing to support a Bill where an agency has information on any individual and that individual cannot see that agency and look

MR. T. ROWE: In the very information on that individual. Sir, when John Lee cannot go down and find out information on himself with respect to personal information, credit information, I cannot support that particular bill. And I would hope, Sir, that since the Minister of Consumer Affairs and Environment has failed totally to justify the existence of this bill, I would hope that the Minister of Justice would get up and explain and answer some of the questions that I have asked.

MR. HIGGINS: Mr. Speaker, I would like to say a short word on this Bill.

MR. SPEAKER: Hon. the Minister of Justice.

MR. HICKMAN: This is an Amendment to an Act which hon. gentlemen mentioned was passed last year with a great deal of enthusiasm, I might add, by this House by hon. members on both sides.

MR. NOLAN: There was a debate on it.

MR. HICKMAN: Well, I know there was a debate but, fortunately, at the end of the debate the enthusiasm showed through and I am sure that Hansard will show that hon. gentlemen opposite voted for this Act.

MR. NOLAN: No sarcasm now.

MR. HICKMAN: But they did. And it is a good bill. Now, what I want to -

MR. NOLAN: It is a total failure! We supported it before and because it is not right, can we not change it now?

MR. HICKMAN: Nobody is suggesting that we cannot change it, Mr. Speaker. Nobody is suggesting that we cannot change a bill. That is what Committee is all about.

What I want to draw to the attention of hon. gentlemen opposite, and in particular the hon. member for Trinity-Bay de Verde (Mr. T. Rowe) is that under Section 23 of the main Act it is provided that a consumer reporting agency inter alia shall produce for examination in written form clearly understandable to the consumer, the contents of all such consumer information. So, if the hon. gentlemen

Mr. Pimpriwala wants any information on a draft report that has been made on him, all he has to do is go in in working hours and say, "Let me see it." And he is entitled to see everything that is there.

Now, Mr. Speaker, I realize that you may be quite right that, number 1, as this Act has not been proclaimed, the public may not be fully aware of the fact that under this Act they have these rights. This Bill, which needs amending provisions which appear to be necessary so that the Bill will be functional and enforceable when it is proclaimed. The first one, the definition of 'consumer' is necessary. It is true that there were three words left out which will be put in. That happens quite frequently, and I am sure the servants of the House having heard this will see to it that it is done. For the information of the hon. the Leader of the Opposition, he was not in this House last year but legislative draftsmen no longer work in the Department of Justice: they are servants of this House, and may I add

Mr. McMahon,

that this House has at its disposal four of, in my opinion, the most competent legislative counsel that any legislature in Canada has at their disposal. I am not prepared to accept the accusation that 3 (2)(a) is grammatically incorrect, but I will assure this House that before the bill comes to Committee I will ask the legislative draftsman who - if that is a good word, I was told the other day it was not - but the legislative counsel, I will ask the legislative counsel concerned to check very carefully on the grammatical construction of that particular section and if it is at all in conflict with 21(a), then again that does not do violence to the principle of the bill, and, you know, I welcome the opportunity to tighten up or to clarify the clear words and meaning of any bill in Committee. There appears to be no problem with number four which was taken really out of the old act, I think, and the act that is presently in force. But, Mr. Speaker, I think that whilst the act may not be the most perfect concept in consumer reporting agencies as far as the control of consumer reporting agencies is concerned, I am quite certain that we have in preparing this legislation and in arriving at the policy decisions, I rely very heavily on the efforts and experience and the legislation that is in force in other Canadian provinces, and I think that it will be, as we said last year, a tremendous improvement over what we had under previous legislation.

But I repeat, Mr. Speaker, that if Section 3, which appears to be the one that is causing hon. members concern, not so much as to principle but as to form, if that cannot be defended or if it is a grammatical error - and I will not admit a grammatical error -

MR. SPEAKER: It is not Section 3. There is no change in Section 3. It is Section 20.

MR. McMAHON: Section 20.

MRS. NOISSAC: Paragraph 3 on the bill, but Section 20, subparagraph (2) of the bill.

MR. HICKMAN: Thank you.

"A consumer agency shall not collect, store, retain, or report any - ah, yes, there is a change - the word 'credit' is left out, you see, in the original act, and that is the reason why it was in there, because there is a definition - again this question came up - there is a definition in the main act of credit information. Credit information is information collected or stored for the purpose of assessing the credit rating of the consumer. Personal information means information collected or stored for the purpose of assessing the character, reputation, mode of living or health of the consumer. That is the matter that the hon. gentleman from Trinity - Bay de Verde (Mr. P. Rowe) was referring to and raised in his comments on this bill. Mr. Speaker, that bill, you know - it is truly -

MRS. NOISSAC: A new section (2) (1).

MR. HICKMAN: That is right.

MR. MUPPHY: I refer to the first one.

MR. HICKMAN: Oh, yes, that is a new section. Yes, because again, Mr. Speaker, and this is really Committee debate we are into now, what has happened is that we have put in two paragraphs, one covering credit information, the other personal information, credit rating information.

MR. SPEAKER: The hon. member for Windsor - Echuans.

MR. FLIGHT: Mr. Speaker, the minister may well have to take back this bill and have it rewritten. The Leader of the Opposition has already torn Section 3 (2) apart. And I am going to point something out to the minister. I am not a lawyer, but I read this as it is here. "A consumer reporting agency shall not collect, store, retain, or report any credit information that is deceptive or cannot be corroborated. That is what it means. Well,

Mr. Flight.

Mr. Speaker, how can a person or how can a minister or how can they corroborate credit information until it has been collected? Now the clause says: "A consumer reporting agency shall not collect." Had they left out the word "collect" and said, "shall not," I can see an agency collecting information, determining that it cannot be corroborated and then not being allowed to store, retain, or report it.

MR. FLIGHT:

How can they corroborate credit information without collecting it? And if we take that a little further, somewhere in that act it says that if any person contravenes this act -

MR. HICKMAN: Nothing wrong with that.

MR. FLIGHT: Yes, there is something wrong with that. Any person who contravenes this act are liable to offenses. Mr. Speaker, I am suggesting that if I as a consumer -

SOME HON. MEMBERS: Oh, oh!

MR. FLIGHT: I am contending, Mr. Speaker, that if a consumer finds out that information, credit information was collected that could not have been corroborated under this act, under this section, then the agency collecting that credit information have contravened the act.

AN HON. MEMBER: No way!

MR. FLIGHT: Yes, Sir. "A consumer reporting agency shall not collect, store, or retain" - let us stop at collect. "A consumer reporting agency shall not collect credit information that cannot be corroborated." Now how can credit information be corroborated until it is gotten, until it is collected? There is no information, is there?

MR. MURPHY: Yes.

MR. FLIGHT: Oh no there is not.

MR. MURPHY: I ask you about Ank Murphy's expense account, eh?

MR. FLIGHT: Right and you take note of it. But you are not allowed to do that under the act. You are not allowed -

MR. MURPHY: Yes, but I do not use that until you can actually corroborate the fact before I can give you any money.

MR. FLIGHT: If the minister goes out and collects credit information about me and finds out that it cannot be corroborated then he contravened the act. He was not allowed to collect it in the first place.

AN HON. MEMBER: Ridiculous!

MR. FLIGHT: It is ridiculous. I know it is ridiculous. But this clause is ridiculous. So, you know, Mr. Speaker, this clause is self destructive. It is self defeating.

MR. W. ROWE: It is wired to self destruct.

MR. FLIGHT: It is wired to self destruct. As a matter of fact, it is going to leave the Consumer Affairs Department or it is going to leave some agency, if you get some person sharp enough, if an agency goes out and collects credit information that they cannot corroborate by going to other agencies or what have you, it is going to leave them open to suit because under this clause they were not supposed to have collected it in the first place. Take out the word 'collect' and then it would be a good clause. What it would be saying is that if a credit agency goes out and collects information on a consumer and it cannot be corroborated then it cannot be stored.

MR. HICKMAN: If you took out the word 'collect' then you might as well not have the act.

MR. FLIGHT: Well, Sir, that is not true in that clause. It would really make sense. A consumer reporting agency shall not store, retain or report credit that cannot be corroborated. In other words they do not stick something in there that cannot be justified. It would be a good clause then.

So I am going to have to ask my colleagues to have that clause either taken out altogether, reworded, amended or else I am afraid we will have to stand on it and we will not allow that particular clause to carry.

MR. MURPHY: Are you threatening me?

MR. FLIGHT: Yes, that is a threat. That is a fact too.

MR. MURPHY: Anybody else?

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

MR. MURPHY: Mr. Speaker, I will try to do it the best I can. I am not a lawyer. I did not draft the act.

MR. FOREPTS: Great tidings (inaudible) closed.

MR. MURPHY: Mr. Speaker, as I was saying, I did not draft the act itself but sitting down with my own officials, and we talk about what is happening in this act, actually what is happening now, all this information is being compiled somewhere along the way. We have had representations from people that their private lives have been tampered with and examined into and this type of thing. What we are trying to do is put some sort of control on this. There was a great howdy-do raised about your credit rating as against personal. Anybody who today wants credit, you know, after all the people who are in business are not fools, they have got to have some verification that someone is able to pay for something. We are living in a different age now than we were twenty or twenty-five years ago. Because we are living in a credit age where this is almost the basic currency today, credit. And that is why you go to any store and want to buy any piece of furniture or anything else that is costing hundreds of dollars, naturally they are going to want to know can you afford to pay for that. Right? So they do a report and they make a credit report on you. Are you working? If you are out of work, naturally enough they cannot see you buying.

As a matter of fact, there is a new act coming in now that you can sue people that take advantage of people who extend credit, that in their own opinion they cannot pay for it. So what is happening in this time of easy credit these credit reports are done. But, as it says in this act, they must

Mr. Murphy,

tell you that a credit report is being done on you, the company that is doing it, and you got a right then to look at that to make sure that the information in that is correct. Now the hon. member for Trinity - Bay de Verde (Mr. F Rowe) was talking about life insurance, and I think there is one area where the personal area enters into the thing, because every life insurance policy you make - and I am talking particularly of non-medical, and as you know today the limits are very generous today. I think you can get up to \$25,000 or \$30,000 under a certain age without having a medical examination. So he asked certain questions, and he was talking about the two ounces, The great joke in insurance in Newfoundland as far as drinking is concerned, everybody takes a social drink. Do you drink? Yes, socially. And everybody is trying to interpret, and the mainland companies, just what 'socially' means back in Newfoundland. I never heard of anybody saying that they drank two ounces when a fellow could be sociable drink a bottle of 'Creach a night and perhaps wash it down with a bottle of scotch. That is his idea of being sociable. But this is a kind of a little joke that goes around in life insurance companies. And as we know if someone writes a policy on someone the company is on the risk. You are asked certain questions: Do you use intoxicating liquor to any great extent? your personal habits and everything else. And then usually there is what you would call a retail credit done on you where someone goes out and checks your answers. I accept them as the agent. I write down, you sign that this is correct.

So what is happening then this is the thing that is happening that this is your personal record. But I do not know of any other cases where it could happen except for this. And as far as the hon. gentleman was concerned in the company that I worked with, I never saw a medical report on anybody. If an applicant was turned down, he was told that he

Mr. Murphy.

was refused. I cannot tell him why. I had one, a personal friend of mine, seven years ago; I wrote him for \$15,000 life insurance and he was turned down, although he had told me that he was in perfect health and everything else. I did not know, but he did have a heart problem that came out in his medical report, because he had to have a medical. They asked him to go back and have a medical, and he died two years afterwards.

MR. F. BONE: Yes, but if you are rating a person.

MR. MURPHY: If you are rating they would tell him why he is rating; his blood pressure is up so he will rate him five dollars a thousand. That is natural. Well that is between the company. It has nothing to do with retail credit. They have nothing to do with that. That comes as a result of a doctor examining a person which is something, and that gentleman must sign that his medical records are available, as the member said, to the company.

So as far as this act is concerned, I mean there is a great howdy-do about it, and I think it is part of an ongoing scheme to try to discredit some of our less brilliant ministers. But it is really here to tighten up what is happening in credit because we do know that certain facts are written about people. Now in this thing, if any member of the public feels that there is a report done on him in which the facts are not true, he has a perfect right, he has a perfect right to have a look at his report, bring it to the registrar who will correct any errors made in that report.

MR. NEAPY: Can you sue them for malicious damage or getting information under false pretences?

MR. MURPHY: If it is enough to impair the character or anything else of a person, I would say that he would have

MR. MURPHY: a perfect right to do so depending on the registrar. I am not giving this as the word of law because I am not a lawyer, but if someone puts out false information like I have heard quite recently, then that person can be up for defaming someone's character and this type of thing.

MR. NEARY: Well it could be malicious damage.

MR. MURPHY: That seems to be what is happening today generally.

MRS McISAAC: Would you permit a question?

What about such a thing as the Credit Bureau? Is that a legal organization or legal agency?

MR. MURPHY: Credit bureau, yes. They are all licenced and these are the companies that have to be licenced and have to conform to all these regulations. I mean there are other people who pass on information between themselves and I think it was set out in the bill just who they may be, but they are not a licenced operation that are in the business of supplying information on individuals.

MRS McISAAC: Pardon me again. How many licenced agencies do we have in the Province? Would you mind giving that information?

MR. MURPHY: I will certainly make a note and let you know. They are numerous, I could not say off the top of my head actually, but we are dealing with thousands and thousands of consumer -

MR. NEARY: Can you get that information for the hon. member before the hon. gentleman resigns?

MR. MURPHY: Before I resign? I never said anything about resigning, did I? I have been talking about retiring many times but I never talked about resigning.

MR. NEARY: I read it in the paper the other day.

MR. MURPHY: And I could be like some of the other members who sit outside the Bar here and get all the privileges and

MR. MURPHY: getting a salary and everything else for
out there ridiculing the House.

MR. NEARY: Go down to Sarasota for a couple of months.

MR. MURPHY: But, Mr. Speaker, actually as I say there
is simply much ado about nothing as far as this bill is concerned
from the Opposition. I think it is a darn good bill.

MR. MURPHY:

And the reason that the original bill was not proclaimed was we felt there were deficiencies in it, because Consumer Affairs are changing from day to day, legislation is being updated, and we brought this in conjunction with Ontario and Alberta with new clauses so now we have it as near to perfect as we can get, possibly next month or next year there will be more changes.

MR. FLIGHT: Would the minister permit one question?

MR. MURPHY: Certainly.

MR. FLIGHT: Would the minister admit that clause 3 (2) makes it impossible or illegal for a consuming agency to collect any kind of credit as that section reads? It makes it illegal in this Province to collect any kind of credit?

MR. MURPHY: As Minister of Consumer Affairs I say it is an excellent act. As a legal officer I cannot give an opinion. There are people being paid for doing that all around the place.

MR. FLIGHT: The Minister of Justice then.

MR. MURPHY: So, Mr. Speaker, I have much pleasure in moving second reading.

Motion, second reading of a bill, "An Act To Amend The Consumer Reporting Agencies Act." (Bill No. 31).

MR. SPEAKER (MR. YOUNG): In my opinion the ayes have it.

SOME HON. MEMBERS: The naves have it.

MR. SPEAKER (MR. YOUNG): The ayes have it.

MR. NEARY: The bill is defeated.

MR. FLIGHT: The bill is defeated.

MR. SPEAKER (MR. YOUNG): The ayes have it.

SOME HON. MEMBER: The naves have it.

DIVISION:

MR. SPEAKER (MR. YOUNG): Order, please!

All those in favour of the motion

please rise.

The Hon. the Premier, the Hon. the Minister of Labour

and Manpower, the hon. the Minister of Education, the hon. the Minister of Health, the hon. the Minister of Social Services, the hon. the Minister of Consumer Affairs and the Environment, the hon. the Minister of Industrial Development, the hon. the Minister of Mines and Energy, the hon. the Minister of Justice, the hon. the Minister of Transportation and Communications, the hon. the Minister of Municipal Affairs and Housing, Dr. Winsor, Mr. Marshall, Dr. Collins, Dr. Twomey, Mr. Wells, Mr. Goudin, Mr. Neil Windsor, Mr. Cross, Mr. Carter, Mr. Woodrow, Mr. Power.

MR. SPEAKER (MR. YOUNG): Those against the motion.

The hon. the Leader of the Opposition,
Mr. Hodder, Mrs. McIssac, Mr. Fred Rowe, Mr. Neary, Mr. Simmons,
Mr. White, Mr. Roberts, Mr. Lush,

Mr. Callan, Mr. Flight, Mr. Canning, Mr. Rideout, Mr. R. Moores.

MR. SPEAKER (MR. YOUNG): Those in favour were 22, against 14. I declare the motion carried.

MR. ROUSSEAU: Mr. Speaker, if I may with leave of the House I would like to make an announcement, if I may.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (MR. YOUNG): Order, please!

MR. ROUSSEAU: With the leave of the House I would like to make an announcement, if I may.

SOME HON. MEMBERS: With leave.

MR. SPEAKER (MR. YOUNG): With leave.

MR. ROUSSEAU: I am very pleased, Mr. Speaker, to announce that tonight-and I have just talked to Mr. Gordon Easton; he has talked to the union - that both the union and the company have reached a tentative agreement which will be recommended by the union negotiating committee to the general membership of the meeting which will be held on Friday at 1:00 o'clock P.M. at Baie Verte. The results will not be known of the vote until twenty-four hours later. Neither side will be releasing any details until after the meeting on Friday. So that is a very pleasant announcement to make. It has been a long strike and we are very pleased with the announcement.

SOME HON. MEMBERS: Hear, hear!

AN HON. MEMBER: Another great day for -

MR. SPEAKER (MR. YOUNG): Order, please!

MR. RIDEOUT: Mr. Speaker, I would like to be accorded leave for a minute or so to make a brief response to the minister if I could?

SOME HON. MEMBERS: Leave.

MR. SPEAKER (MR. YOUNG): Does the hon. member have leave?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER (MR. YOUNG): Agreed.

MR. RIDEOUT: Yes, Mr. Speaker, I am delighted to hear the announcement just brought to us by the minister. It is certainly good news for all of us, those who have been so intimately connected with the strike in Baie Verte over the past fifteen or sixteen weeks, a situation where at times the emotions were very high, where the stakes were very high. I am delighted that a tentative agreement has been reached under the capable leadership of the mediator, Gordon Easton. I know that it is a fair settlement and a reasonable settlement because the union, of course, the stakes then as they were would not have settled or agreed to any tentative agreement if that were not the case. I am very happy and very delighted with the news that the minister has brought to us.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act To Amend The Consumer Reporting Agencies Act", read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Motion, second reading of a bill, "An Act To Authorize The Lieutenant-Governor in Council To Enter Into An Agreement With British-Newfoundland Corporation Limited and N. M. Rothschild & Sons, Supplemental To The Agreement Dated The Twenty-First Day Of May, 1953, As Heretofore Amended." (Bill No. 26).

MR. SPEAKER (MR. YOUNG): The hon. Minister of Mines and Energy.

MR. PECKFORD: Mr. Speaker, there are two bills here, Nos. 25 and 26; this is 26, I have to address myself to now. Bill 25 is very similar in its principle, and it is simply that there are two agreements - well, among other agreements - that are outstanding between the government and particular companies in which certain areas of land were involved as it relates to mineral exploration, mineral rights, and so forth. And Bill 26 all it does is ask for authorization for the Lieutenant-Governor in Council to negotiate an amendment to

Mr. Peckford: the principal agreement. And the amendment to be negotiated, Mr. Speaker, is very simple. The amendment is simply that in getting the time to look over the agreements, this one on Bill 26 dealing with British-Newfoundland Corporation Limited and N. M. Rothschild and Sons, and Bill No. 25 which we will come to soon, between the Government and British-Newfoundland Exploration Limited has to do with particular areas in the Province. And given the time the people in the department have reviewed the parcels of land concerned, and there is a fair amount of "looseness" with the phraseology in defining and delineating the particular areas of land. And if anyone looks at the Act one will find that is all it deals with.

So all we are doing is refining the particular areas, the geographic co-ordinates fifty-seven degrees, sixteen minutes north, sixty-two degrees, two minutes, eleven seconds west and so on. It defines more clearly the areas

MR. PICKFORD: under which the agreement is applicable, and simply that is all it does. So therefore I am not going to take up any additional time because, hopefully, the Government House Leader in his wisdom and under prompting from his colleague to his immediate right will call the next one right after this one. The only difference in the two is that in Bill No. 26, with which we are now dealing, it authorizes the Lieutenant-Governor in Council to enter into, whilst Bill No. 25 actually amends the agreement after consultation with the other company. So it is a very simple housekeeping measure to give authority to the Lieutenant-Governor in Council to amend a given agreement to more clearly define the parcels of land under which the agreement is or applies.

MR. SPLAKER: (Mr. Young) The hon. the Leader of the Opposition.

MR. W. D. ROWE: Thank you, Sir.

As the minister says, Sir, apparently both of these Acts, Bill No. 26 and Bill No. 25, merely delineate more clearly the legal descriptions of the parcels of land which these companies have exploration rights to. And, Sir, far be it from us to be against clearness of language or clearness or distinctness of delineation of the legal descriptions. In order for us to inquire into whether there is, in fact, any substantial changes in this agreement compared to the earlier agreement, Sir, would take a massive amount of research, as the minister would be well aware. We do not know. In order to take these legal descriptions and compare them and so on and see if they are correct, if the areas are different in any substantial way, Sir, would take expertise well beyond anything which the Opposition, having no staff, of course, expert in the field - well beyond anything which the Opposition could provide. So naturally we have to take the minister's word that there

MR. W. N. ROWE: is no substantial alteration, it is a matter of clearer delineation of legal description. And, Sir, of course we have no hesitation in taking the minister's word on that. And on that basis and on the assurance that there are no substantial alterations - if there are, of course, it will come to light at some point along the way - but on the basis that there are no substantial alterations to the exploration rights of these companies and gentlemen under these two bills and these two agreements, Sir, we have no hesitation whatsoever in saying that we support the minister and support the government in introducing these bills and we will vote for them on second reading.

MR. SPEAKER: (Mr. Young) The hon. the member for St. John's East.

MR. MARSHALL: Mr. Speaker, a few words, because I can see what the Leader of the Opposition is saying, but it seems to me to be rather incredible that it should be necessary to pass a bill such as this. Because what it means is really, in effect, if I heard the minister correctly, that in 1953 when the original bill was passed there was something unclear about the vast concessions that were given to Brinco and to the Rothschild interests, and if that is so and if it is necessary, then I concur with what the Leader of the Opposition has said in this matter because it is virtually impossible for anybody in this House to be able to compare the descriptions and the original bill with this particular bill itself, and obviously we will take the minister's word for it. But I do not think that the bill ought to go through without some observation with respect to the necessity of the amendment itself, because at the very least it points out the quite haphazard manner of giving concessions. And these were not minuscule concessions, Mr. Speaker, that

MR. MARSHALL:

a vast, I agree you would need a vast amount of research in order to be able to compare this description with the former and I certainly have a great deal of confidence in the minister and know that he would be assured that the descriptions here are accurate. But I do not think the bill should pass without the observation that it seems absolutely to me to be completely incredible that it is now necessary to pass a bill of this nature.

MR. SPEAKER (MR. YOUNG): The hon. member for Trinity - Bay de Verde.

MR. F. ROWE: Mr. Speaker, there have been a number of occasions during this session of the House of Assembly when I have had to sit here, when we have had non-partisan debate on a bill, or a number of bills. We have had agreements on a number of occasions and we have had healthy disagreement on a number of occasions on other bills, on other amendments. Once again, Sir, we see the member for St. John's East (Mr. Marshall) -

MR. W. ROWE: Squinting his poison.

MR. F. ROWE: - who earlier in the session admitted openly in this House that he had to amend a bill because he did not like the word 'Liberal' being mentioned in a private member's bill, once again, Sir, having heard the Minister of Mines and Energy get up, explain it quite adequately to hon. members opposite here, then having heard the Leader of the Opposition get up and say that it seems pretty sensible, straightforward, clear, definitive, that will agree with it, we then see the sad spectacle, Sir, of the member for St. John's East (Mr. Marshall) getting up and trying to say that he finds this rather incredible that after twenty-five years or so that a Minister of the Crown has to come in and define the areas involved for exploration because of the fact that the previous administration

MR. MARSHALL: were given to these concerns. And I do not wish to enter into the debate as to the correctness of giving the concessions at the period of time, that is not an issue, but I do point out that it appears to me to be quite incredible that large concessions could have been given at any time and in any place to concerns such as this for the development of this Province, and now, some twenty-five years later it is necessary to bring in a bill, in effect, correctly describing the concessions involved. As I say, it seems that you would need

MR. F. ROWE: were so loose with the area and description of the land for exploration by this company.

Now, Sir, the fact of the matter is this, is that there have been a number of similar amendments made over the years.

MR. W. ROWE: Practically every year.

MR. F. ROWE: Almost every year, Sir, pertains to exactly the same thing and the hon. Minister of Mines and Energy nodded in agreement when we were directing questions to him while the hon. member was speaking, were there such similar amendments being made over the years? And he said, "Sure, scores of them, routine." So, Sir, every time the hon. member gets up to speak, Sir, I loose more and more faith in him because he is becoming one of the most partisan members of this hon. House, Sir.

MR. W. ROWE: Filled with poison.

MR. F. ROWE: The hon. member for St. John's East (Mr. Marshall) cannot resist the opportunity to take a flick at the previous administration and this case is based on two bills, number 25 and 26 which simply makes it a little clearer as to which lands are available for exploration with the British Newfoundland Corporation Limited, and M.M. Rothschild and Sons.

Now, Sir, I would submit that the only difference that these amendments are making is simply carving up and describing, and probably plot plans exist, for the same parcel of land that was described originally, probably in much broader terms, but certainly not necessarily in looser terms. This is just like taking a great big development, Sir, year 1960, the area is so many hundred thousands of acres, ten years later they take up so many hundred thousand acres and sub-divide it, and that is all this amendment is doing.

So, Sir, we will support the principle of this Bill but we certainly object to the hon. member for St. John's East (Mr. Marshall) using again this opportunity to take a flick at the previous administration when it is quite unwarranted, quite unnecessary, and in fact quite unworthy of the hon. member.

MR. F. ROSE: So, Sir, once again we support the Bill and I hope we will see an end to this small partisanship. The Hon. Premier, Sir, goes on TV and he talks about the Decorum of the House, how the Opposition is obstructing, getting into partisan politics. Here we have a specific example tonight, Sir, of the exact opposite occurring, where we got up, agreed wholeheartedly

MR. F. ROWE: with the bill, and the member for St. John's East (Mr. Marshall), the defunct Cabinet minister, has to get up and again in a partisan fashion take a few whacks at something that is over and done with, the previous Liberal administration, Sir. He is going to have to deal with the new Liberal administration pretty soon, Sir, and I would suggest that he turn his mind and eye to the new Liberal administration, not the previous old Liberal administration.

MR. SPEAKER: (Mr. Young) The hon. the member for Burgeo - Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, a word or two. I have an item of clarification to put to him in a moment and that is what prompts me to rise. There are so many things that could be said about the member for St. John's East, most of them complimentary, I might add. But I do not know, Mr. Speaker, this is such a routine matter and I do not know why we play his game really. I do not know why we do. I guess if you are told long enough you are obstructionists and that kind of thing and told on television by the sometimes member for St. John's East that you were not sent here to be out of the House for three days - I agree with him on that - and in return I would like to get my T.V. message across to him: You are not sent here either to spend about 30 per cent of your time in the House altogether.

AN HON. MEMBER: Yes, right.

MR. W. N. ROWE: The rest practicing law and making money.

MR. SIMMONS: That is not cricket, Mr. Speaker, but it is surely fair.

MR. W. N. ROWE: It is true.

MR. SIMMONS: It is true as well. So, Mr. Speaker, the sometimes member for St. John's East ought to get used

MR. SIMMONS: to receiving not nice things
when he sends them across here so often.

But this matter, this Bill No. 26
and then subsequently Bill No. 25 which I understand is to
be called, these two should have taken about five minutes
of this Committee altogether, just the procedural time
it takes to call the bill and for the minister to give
a thirty second explanation and that kind of thing, but
now we have it cluttered up by a 'learned' in quotes,
double quotes, exclamation marks - a learned member who
should know the difference, who should know that there
is a certain amount of housekeeping; that is how he earns
his living, by finding some more commas that were missed
the first time and bigger quotation marks and exclamation
points that were not dotted properly, that kind of thing.

AN HON. MEMBER: Poison, poison!

MR. SIMMONS: All the fun, all the legal fees
that are wrapped up in two bills that thick! Imagine,
Mr. Speaker, if you got paid by the word! And he objects.

SOME HON. MEMBERS: Oh, oh!

MR. W. N. ROWE: Give him another paragraph.

He must recuperate from the agony he is in.

MR. SIMMONS: Mr. Speaker, I do not have it in me
to go after the sometimes member for St. John's East
(Mr. Marshall) with any degree of enthusiasm. It is not
in me, Mr. Speaker. I can see that he would want to
demonstrate his perception, and he has done that tonight,
Mr. Speaker, demonstrated all his perception, completely,
as a matter of fact it only took about thirty seconds.
He has demonstrated that perception.

And now let us get back to the
bill and stop dealing with the irrelevancy that he raised
and the irrelevancy that he is and let us deal with the
bill.

MR. SIMMONS: Just a question for the minister. And I realize we are on Bill No. 26, but I notice in the explanatory note to Bill No. 25 that it says this Bill No. 25 would amend that agreement by substituting new area descriptions. Do I understand the minister in his opening statement to have said that in effect the total import of those two bills together is to substitute new descriptions? The areas themselves have not changed - they have not been renegotiated, have they? - just the descriptions of those areas.

MR. PECKFORD: Right.

MR. SIMMONS: Okay, thank you.

MR. PECKFORD: Mr. Speaker.

MR. SPEAKER: (Dr. Collins) If the minister now speaks he closes the debate.

MR. PECKFORD: Yes, the only one -

MR. SPEAKER: The hon. the member for St. John's North.

MR. J. CARTER: Before the minister speaks, Mr. Speaker, there are a couple of words that ought to be said. I do not think that this House should ever fail to be reminded of the great giveaway programmes during the previous administration. Members may laugh and they may think it is now old-fashioned and ultra-conservative to refer to those giveaway years, but I do not think the people of Newfoundland should ever be allowed to forget.

MR. SIMMONS: Vote against the bill, 'John'.

MR. J. CARTER: I am surprised that there is anything left to give away. One looks at the resource maps of this Province and what is held by various companies and what is held by various agencies -

AN HON. MEMBER: The Premier is the only thing to be given away.

Mr. J. Carter: -and there is not very much left to give away. I wish before the minister speaks some member on the other side who has not spoken yet would address himself to the Liechtenstein giveaway. That was a rather nasty situation. All one has to do is read Hansard.

AN HON. MEMBER: Let us talk about it.

MR. J. CARTER: Well the hon. member for Lewisporte has not spoken yet. I am sure -

MRS. MCISAAC: On a point of order, Mr. Speaker, is that relevant to the bill that is being discussed now?

MR. J. CARTER: To that point of order, Mr. Speaker.

MR. SPEAKER (DR. COLLINS): To the point of order.

MR. J. CARTER: If I may to that point of order, Mr. Speaker, this bill has to do with what vast tracts of Newfoundland that were given away during the previous administration. I think it is very germane to talk about giveaways.

SOME HON. MEMBERS: Hear, hear!

MR. J. CARTER: I would like for you to decide on this point of order.

SOME HON. MEMBERS: We can talk about it for hours.

MR. SPEAKER (DR. COLLINS): Order, please!

My understanding is that the Bill under debate has to do with concessions of areas within the Province to organizations, companies, and so on. So I would feel that the debate should be limited to that type of giveaway in the Province.

SOME HON. MEMBERS: Hear, hear!

MR. J. CARTER: Thank you, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (DR. COLLINS): The hon. member for St. John's North.

MR. J. CARTER: Anyway I just wanted to make the point that the people of Newfoundland should not ever forget

Mr. J. Carter: the vast amount of this Province that was given away during the previous administration. Thank you.

MR. SPEAKER (DR. COLLINS): If the minister speaks now, he closes the debate.

The hon. Minister for Mines and Energy.

MR. PECKFORD: Mr. Speaker, I will not spend any time on the matter in closing the debate. As has already been mentioned, it is a fairly straightforward housekeeping bill to further clarify the descriptions of the lands that were in the agreement between the parties mentioned in the bill and hence no more really needs to be said on it, only to add that in Committee stage, which is hopefully tomorrow or in the very near future, I will try to get additional detail - I will get additional detail, I will not try to get it. I will get additional detail to just assure hon. members opposite as mentioned by the Leader of the Opposition in his qualification of support that to ensure that no substantive changes have been made so that that will be totally cleared up in the Committee stage.

I move second reading.

On motion, a bill, "An To Authorize The Lieutenant-Governor In Council To Enter Into An Agreement With British-Newfoundland Corporation Limited And N. M. Rothschild And Sons, Supplemental To The Agreement Dated The Twenty-First Day Of May, 1953, As Heretofore Amended", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 26).

Motion, second reading of a bill, "An Act To Amend Further The Government-British Newfoundland Exploration Limited Authorization Of Agreement Act, 1975." (Bill No. 25).

The hon. Minister of Mines and Energy.

MR. PECKFORD: Yes, Mr. Speaker, I included the remarks under Bill 26, and this is the same thing only it deals with now the Government and Brinex, and it has the same effect as to better describing the areas under which the agreement applies. Noting always that on page 4 and 5 a number of areas of the great historic district of Green Bay are so included.

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

MR. W. N. ROWE: I am surprised, Sir, that the hon. member for St. John's East (Mr. Marshall) has not jumped to his feet to squirt a little more venom across the House. A giveaway programme, Sir.

MR. SIMMONS: He only speaks once a session.

MR. W. N. ROWE: The hon. member showed not only his lack of political good sense, but his lack of legal good sense too. Apparently in his going through the Statutes Of Newfoundland for the last twenty-five years or so, twenty-seven years, twenty-five years since 1953. He has not come across the fact that nearly every year there are amendments to these Acts or to these Bills in order to tighten them up and so on. And if the government thinks that there was a great giveaway programme, Sir, and if it thinks that the Rothschilds or that Brinco or anybody else is not living up to their commitments under the various Acts passed back in the early days after Confederation, the government has it within its power to take the necessary steps and to make sure, Sir, either that they do do the exploration

MR. W. ROWE: necessary, or that the exploration rights to these tracts of land come back from these individuals and companies back into the hands of the Crown. It is a simple thing to do, Mr. Speaker.

MR. WHITE: He should have done that while the member was in Cabinet.

MR. W. ROWE: Talking about giveaways, Sir, as I mentioned earlier across the House to the hon. member that if everything was given away by the former administration, then the Premier and his present colleagues are showing their ingenuity by finding other ways to give away if not tracts of land, Sir, then vast amounts of public funds, it seems to me, by some of the deals which we have brought to the attention of the public during this session of the House. So, Sir, I hope we will not hear this kind of hypocrisy -

AN HON. MEMBER: Is this relevant?

MR. W. ROWE: Oh yes, very relevant.

The fact that it may be in specie rather than land is purely a technicality, purely a technicality, Mr. Speaker, as we have shown in the past number of weeks and as we shall continue to show over the next number of weeks.

MR. SIMMONS: More to come, more to come, 'John'.

MR. W. ROWE: We have only just started, Sir. We have only just touched the tip, the very tip, the uppermost part of the iceberg and we shall continue, Sir, to see what lies beneath with our probing. Sir, we have no hesitation in passing or supporting the passage of this bill since, as the minister has said - and by the way, Sir, I should mention to him that there is no need for the minister, except as a matter of interest, to bring in the documentary evidence he referred to to prove that there was no substantial change. We are not doubting his word at all, obviously. The only reason I mentioned it at all is to make sure that we were clear on the point, that we are supporting the hon. minister on the understanding, which we accept from him, that there are no substantial changes in the

MR. W. ROWE: areas concerned, that it is merely a tightening up of the legal description. But if he can, without too much trouble to himself and his staff, provide us with, say, pictorial representation of the areas involved, I for one would be delighted to see an updated version of what holdings there are at the present time by these particular companies, and others besides, in the Province, Newfoundland and Labrador.

We have no hesitation, Sir, in supporting this bill as well.

MR. SPEAKER: The hon. member for St. John's East.

MR. MARSHALL: Mr. Speaker, in order to show that I am undaunted by the arrows and the slings and what have you from the other side, I get up to repeat my remarks. It is unfortunate that when one gets up to make a statement with respect to a bill and an observation that members interpret it in their own way. Of course, people interpret things in a way in which it hits them and maybe my remarks had a much more poignant degree of significance to them than perhaps I had intended.

But I want to reiterate, I do not care whether it has been amended fifteen, sixteen or seventeen times. As a matter of fact, if the Leader of the Opposition wanted to check his acts he would find that these bills have been amended four or five times. But as I say, Mr. Speaker, I could not care less whether they have been amended five years, ten years, fifteen years, by one government, two governments, or twenty governments, or every day of the year. The fact of the matter is that large, huge concessions were given out to these companies, as well as to many other people, and now they have to be, some twenty-five years later albeit, and in between times as well, amended to be more clearly described. And if that does not speak legions, Mr. Speaker, for the manner in which concessions were given out and have been given out in this Province in times past nothing else can.

So if you want to look at the schedules which are

MR. MARSHALL: being substituted, this is the area that you are talking about. In the Nalls Bay area we are talking about 934 square miles. In the Shapio Lake area we are talking 371.1 square miles. In the Pilley's Island area, 20 square miles, Seal Lake area 3,232.7 square miles; you know, that is just small change I suppose. 1,099 square miles in another area under area E and so on, 557 square miles under area F and under area H 19.2 miles and so on. Just small change, Mr. Speaker, just small change, just small change, small change indeed for the people of this Province who have been subjected really to the effects of the huge concessions of this nature so carelessly drafted that they now have to be defined after this length of time.

MR. SPEAKER: The hon. member for Burgeo - Bay d'Espoir.

MR. WHITE: The hon. Dobbin supporter.

MR. W. ROWE: He has got to leave. Look! He has not got the nerve.

MR. WHITE: Leave, boy. Yes, leave.

MR. W. ROWE: He has not got the nerve.

MR. SIMONS: The member, Mr. Speaker, has left in some embarrassment having delivered a real body blow to us over here, having just about bowled us

MR. SIMMONS: over a minute ago. He has gone out now in embarrassment for being so vicious in his onslaught of us over here. The fact is, Mr. Speaker, twenty-seven years ago when I was in the Cabinet and making all those decisions.

MR. W. POWE: In your short pants.

MR. SIMMONS: You know, I should really apologize to the member for St. John's East (Mr. Marshall) for having made such grievous errors in the early days of my time in politics, my earlier incarnation. I should really apologize to him for those sins of 1952 which I now abjectly regret. How stunned of me that quarter of a century ago to have been a party to all these giveaways, Mr. Speaker, how shocking of me, how stunned at that time. Or to put it another way, Mr. Speaker, I cannot except vicariously, apologize or make amends for or take credit for what happened twenty-five years ago. But I will tell you what I can do, Mr. Speaker, and that is be true to the people who sent me here and be true to the cause that we represent in 1978.

MR. WHITE: Hear, hear!

MR. SIMMONS: And in that way, Mr. Speaker, I cannot find myself on one day getting up and justifying a \$70 million rip-off because it happened in 1978 or 1977 and in the same breath or the next breath say there is something wrong with a rip-off in other terms a few years previous.

MR. WHITE: Twenty-five years previous.

MR. SIMMONS: What has point in time got to do with it, Mr. Speaker? How is that the issue? If it is wrong, it is wrong. If the millions of dollars they are shovelling up to Montreal -

MR. J. CARTER: What happened the other day?

MR. W. POWE: It was not for want of trying.

MR. SIMMONS: Okay, I will give some examples. It only did not happen because the Premier got caught, that is all, he caught. caught. The member for St. John's North (Mr. J. Carter) wants some examples of what has happened. What has he got to say about the \$2 million rip-off that is being shovelled up to Montreal to the Premier's buddies? How is

MR. SIMMONS: that for a modern day rip-off? Not twenty-five years ago - that is the one to McConnell is for the special Action Group.

MR. WHITE: Read the budget boy, Read the budget.

MR. SIMMONS: Want to hear some about the Scrivener rip-off while we are at it? That did not happen twenty-five years ago. The Carbonear hospital rip-off, the Public Works rip-off.

MR. W. ROWE: The Dobbin rip-off.

MR. SIMMONS: These did not happen twenty-five years ago.

MR. W. ROWE: The Sealand Helicopters.

MR. SIMMONS: The Sealand Helicopters rip-off.

MR. W. ROWE: No contracts.

MR. SIMMONS: The Viking Building rip-off.

AN HON. MEMBER: This has nothing to do with the bill.

MR. SIMMONS: The Public Works issue is not sub-judice.

I wish, Mr. Speaker, somebody would tell me how to pronounce that word. I have heard the soft 'c' and the hard 'c'. Which is it? Is it sub-judice?

MR. W. ROWE: It depends on whether you are high church or low church.

MR. SIMMONS: It depends on what school you want to, I guess, Mr. Speaker. But anyway, sub-judice, whatever; nothing sub-judice about the Public Works issue. I predict a lot about it will be sub-judice before we are out of the woods on this one. Now we are not in the woods over here on that one.

MR. WHITE: He is not as good as he used to be.

MR. SIMMONS: Mr. Speaker, the member for St. John's North (Mr. J. Carter) actually unwittingly, and he does most things wittingly but tonight unwittingly, he has given me a peg on which to hang my remarks. But all the things that he fears are sub-judice now are not at the moment sub-judice. The Scrivener issue will be, I predict, but it is not right now. The Carbonear Hospital issue is not sub-judice today, I will say to him,

MR. SIMMONS: but it will be very soon. The Vikings Building - well part of that is sub-judice now, I refer, Mr. Speaker, to the part which is not, but it will be. It will be, I say, for the Premier who has honoured us with his presence. He set a record last year, he did. He visited Newfoundland seven times, the Premier of the Province. A lot of those issues, Mr. Speaker, a lot of those issues - the Premier does not like to hear about it, Mr. Speaker. He thought he was going to do it as he did in the dark of night and it would never be heard about.

PREMIER MCGREGG: Try outs for leader.

MR. SIMMONS: What is he talking about? Is he talking or is he burping?

A lot of the modern day rip-offs, Mr. Speaker, if the member for St. John's East (Mr. Marshall) wants to talk about rip-offs

MR. SIMMONS: I will listen to him, Mr. Speaker. Let him tell me about the rip offs of 1952 and '53, and when he is finished I will give him my views on that if he wants them.

MR. MARSHALL: The member mentioned (inaudible).

MR. W. ROWE: Giveaways, let us talk about giveaways.

MR. SIMMONS: Giveaways was the term used on the other side of the House.

MR. WHITE: The modern day term is rip off.

MR. SIMMONS: No. There is a difference, Mr. Speaker. Mr. Speaker, in one case, I would submit, the member for St. John's North (Mr. J. Carter) was talking generally about giveaways in 1952. But it has gone a step further now. It is not enough to give which involves some voluntary action, now it is actually rogued out of you. It is worse than a giveaway. It is one thing to give something, but to have it stolen from you, rogued from you, is another issue altogether. And so it has gone; it has a new refinement. I say to the member, in 1977 and '78, the issue of the money being shovelled up to Montreal to McConnell, to McLean while he was still in vogue.

MR. W. ROWE: Where is the fat guy now?

AN HON. MEMBER: I do not know.

MR. SIMMONS: Not a bad place for him, in vogue, when you come to think about it.

But a new refinement now, Mr. Speaker, on the McLean, McConnell, Scrivener, Davidson deals. It brings me to a point, Mr. Speaker, while we have the Premier here in the House, while we have got him here in the House, he talks often and long about members on this side having the guts to say something. I am going to ask him whether he has the guts to say something outside the House.

Last Thursday in his press conference, following the all night sitting, he made reference to some members on this side and he named three in particular, the Leader of the Opposition the member for LaPelle (Mr. Yeary), and myself, and then almost in the next breath he talked about spokesmen for Doyle.

MR. H. BOWL:

was clever enough.

Not quite that breath, though. He

MR. SIMMONS:

He was clever enough and cowardly enough at the same point. If that man, I give him notice, if that man ever -

He was clever enough and cowardly enough

MR. SPEAKER:

Order, please! A point of order.

MR. SIMMONS:

- outside of this House infers I am a spokesman for Doyle we will have a court case going.

- outside of this House infers I am

MR. SPEAKER:

has come up.

Order, please! A point of order

PREMIER MOORES:

there on that?

Are you speaking for all members over

MR. SIMMONS:

I am speaking for me.

PREMIER MOORES:

Oh!

MR. SPEAKER:

Order, please! A point of order.

MR. HICKMAN:

Mr. Speaker, on a point of order.

The comments of the hon. gentleman from Burgeo - Bay d'Espoir (Mr. Simmons) are so far removed from the principle of this bill that it is not just straining the rules of relevancy but it has broken them in total.

MR. SIMMONS:

To the point of order, Mr. Speaker.

MR. SPEAKER:

The hon. member for Burgeo - Bay d'Espoir.

MR. SIMMONS:

was allowed a certain -

The member for St. John's North (Mr. J. Carter)

MR. HICKMAN:

for St. John's North.

He has not spoken on this bill, the member

MR. SIMMONS:

The member for St. John's North spoke on the preceding bill and the member for St. John's East (Mr. Marshall) spoke on this one and the last one, and they were allowed certain latitude and I was figuring, Mr. Speaker, that I was being allowed the same kind of latitude. I can understand the Minister of Justice does not want to hear it but I will get quickly to the point. I realize that I was speaking about giveaways in the broader context and giveaways that the minister does not want to hear about, but I

MR. SIMMONS: do not tailor my remarks to what he wants to hear, and he should know that by now.

MR. SPEAKER (DR. COLLINS): Order, please! In regard to the point of order before the Chair, a ruling was made a short time ago in the same area of discussion that the bill now under debate, as was the bill then, had to do with concessions of, shall we say, provincial property, and whereas it deals particularly with land and mineral rights and so on and so forth, allusion to other types of concession would not be out of order but nevertheless should be mentioned without going into great deal and specifics, I would rule.

MR. SIMMONS: Mr. Speaker, I was just making a passing reference to a comment made by the Premier and it was only meant to be a passing reference, but at the same time a very on-target warning, a notice to him that if he stated outside of the House in sufficiently specific terms what he implied the other day, or what I understood him to imply, then I shall indeed take him to court for saying it. Because it is the most vicious kind of innuendo, and given the preachings we have had from the Premier on the subject about people having guts and that, I ask him, has he got the guts to go outside the House tonight or tomorrow and say what he said the other day or what he implied? I have not even met this character Doyle.

PREMIER MOORES: What have you got against Doyle?

MR. SIMMONS: Oh, come off it! What was the question?

PREMIER MOORES: What have you got against John Doyle?

MR. SIMMONS: What has the Premier got against him for that matter, Mr. Speaker. I have nothing against him or for him. I happen to think, as I believe the Premier does, that he is a fugitive from justice. And I happen to think that the courts ought to take care of him and will if they can get their hands on him. But, Mr. Speaker, that does not give the Premier licence in one of his fits of frustration, of which he has many and with good reason these days, it does not give him the licence to swear me on the public air waves as he did the other day, and he should at least be

MR. SIMONS: man enough -

PREMIER DOORES:

Why did you not say you were sorry?

MR. SIMONS:

We said something you did, Sir, and

we will say it again.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMONS: My colleagues can each speak for themselves. We had the courage last week to say what we wanted to say. We said it in terms that were unparliamentary, and that is the only reason we do not say it a second time, Mr. Speaker.

Now, Mr. Speaker, on the subject of -

MR. SPEAKER (DR. COLLINS): Order, please! Order, please!

I feel I should interject here. Mention was made of one John Doyle who clearly did hold concessions within the Province, and this would not be out of order. But I would feel that it is a peripheral issue and it should not be gone into in great detail.

The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Thank you, Mr. Speaker.

Now, Mr. Speaker, I shall get away from the issue of John Doyle. I think, the Premier has the message on this one. I hope he has the message on it. I hope he will have the courage to either shut up on that subject or else say outside of the House what he inferred by vicious sly, low innuendo the other day. I say for the record, although it need not be said, I suppose I would know John Doyle if I saw him, Mr. Speaker, I have seen enough pictures of him. I never talked to the character in my life.

SOME HON. MEMBER: Tut-tut-tut!

MR. SIMMONS: I do not know what all of the tutting is about, I am trying to protect myself. The Premier is on the airwaves inferring that somehow we are the spokesmen for John Doyle.

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: Now the member for St. John's Centre (Mr. Murphy) would not know anything about it.

MR. MURPHY: This is not on the bill.

MR. F. WHITE: Speculation.

MR. SIMMONS: He spent his lifetime on my money down in Florida.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMONS: How would he know what he did with it.

MR. MURPHY: Whose money?

MR. SPEAKER (DR. COLLINS): Order, please!

MR. SIMMONS: How would he know?

MR. SPEAKER (DR. COLLINS): Order, please!

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (DR. COLLINS): Order, please!

MR. SIMMONS: My tax money.

MR. SPEAKER (DR. COLLINS): Order, please! Order!

MR. SIMMONS: My tax money.

MR. SPEAKER (DR. COLLINS): Order, please!

I feel that the debate is running astray and I will encourage hon. members to debate the bill before the House.

The hon. member for Burgeo-Bay d'Espoir.

MR. WHITE: You have thirty-five minutes left.

MR. SIMMONS: Mr. Speaker, we are talking about Bill No. 25, Mr. Speaker, "An Act To Amend Further The Government-British Newfoundland Exploration Limited Authorization Of Agreement Act, 1957." Now, Mr. Speaker, much has been said tonight in this House about giveaways. Is there anybody, I wonder, is there anybody whom we could give the member for St. John's Centre (Mr. Murphy) to, Mr. Speaker? There is nothing worse, Mr. Speaker, than to have your gift returned as being unwanted, and that is the only reason why I do not give him to somebody.

MR. MURPHY: Like the teachers did with you.

MR. SIMMONS: There he goes again, Mr. Speaker. That is his third speech this session, Mr. Speaker.

MR. MURPHY: Have a look into your backyard, my son.

MR. W. N. ROWE: What did he say? What did Sarasota say?

MR. SIMMONS: Something low, insinuating; some innuendo again. He is good at that.

MR. SPEAKER (DR. COLLINS): Order, please!

I feel that I should interject again and ask that the House return to the business at hand.

The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: I do not know what the member for St. John's Centre (Mr. Murphy) is getting so uptight about, Mr. Speaker.

MR. MURPHY: (Inaudible) May I have protection of the Chair? Why is the gentleman referring to another member in mentioning this? I am not connected with the Labrador concessions or anything else. Let us stick to the point. Carry on.

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: Oh well, we will soon get something. We may have a cheque here tonight. It is not a cheque, is it?

MR. W. N. ROWE: It is a report card.

MR. SIMMONS: It is okay, Mr. Speaker, I think I just got my cheque. I think I now have the example of the latest giveaway, either that or it is the pictures of the land that we are redescribing here tonight.

MR. W. N. ROWE: Your report card.

MR. SIMMONS: The Mummers' Troupe, Mr. Speaker. A tremendous troupe; if you did not see them, you really should. You really should. Well that is another issue. I got excited. I thought I was going to get a cheque or something under this new bill here.

Mr. Simmons: Now shall we go back on the subject
of giveaways or -

MR. MURPHY: Bill 25.

MR. W. N. ROWE: I think that subject is adequate.

MR. SIMMONS: Mr. Speaker, this Bill, like 26, is
a very routine bill. It is one of those common type bills
that has of necessity to come before the House. And unlike
the member for St. John's East (Mr. Marshall), I believe,
Mr. Speaker, unlike he, I believe it is important that the
House always guards jealously its right,

MR. SIMMONS: its legislative right, even if the exercise of that right involves what appears to be a fairly routine, even consumingly boring item. The fact is there are certain requirements of government which are in the legislative area. And as much as people like the member for St. John's East (Mr. Marshall), for example, would like to expedite and make more efficient the process of government, our type of government was never meant to be, first of all, efficient. Hopefully one of its by-products will be a degree of efficiency, but when we get to the point where the overriding concern is what is efficient and what is tidy, then I believe we are missing the entire point about the parliamentary system where a government has to come back to a House of Assembly, to a House of Parliament, several times during the life of a given agreement, if necessary, a statutory type of agreement, where a government has to come back to seek new approvals for changes in the document. That is as it should be, it is axiomatic. is it not? Why should we beg the question on that one? This is a very routine issue, I agree, but it is symbolic of the reason we are here, to insure that the government is required to provide government which is not only efficient in the accountant's sense of the term, but a government which responds to the needs and the requirements of the people through the House of Assembly.

This debate, Mr. Speaker, could have been, as I said before, about a three or four or five minute debate, But as soon as hon. members, like the member for St. John's North (Mr. J. Carter) interjects in the debate with nonsense about giveaways! I ask him will he during the Budget Debate or on another bill tonight, or for that matter tomorrow, talk about giveaways in 1952? Because I give him notice and I give the member

MR. SIMMONS: for St. John's East (Mr. Marshall) notice, and I ask them to make a special effort to be in the House at that particular time if they can cut into their other schedules enough, to be here and to talk about giveaways then and now. And I agree now that I will talk about both. I will give my frank views. They might not conform to party views on the subject - that does not particularly bother me. Because, as I said just now, what I did twenty-five years ago during my first stint at this I abjectly apologize for. So if you want to talk about giveaways then and now it would make a good subject. Perhaps the member for St. John's North (Mr. J. Carter) in one of his more creative moods might want to put a motion down on that particular subject, or put it in rhyme perhaps, a couple of rhyming couplets on the subject. There are all kinds of possibilities. Perhaps Shakespeare has had something to say about the matter.

MR. W. N. ROWE: Yes, he did. He said, 'First let us kill all the lawyers.' That is what he had to say about it.

MR. SIMMONS: So the subject of giveaways, if this is the subject of the bill as we are told by the member for St. John's North and the member for St. John's East, if the subject of this bill is the subject of giveaways certainly we ought then to have a debate not only about one specific giveaway, the giveaway the member for St. John's East would like to talk about, but let us talk about all the giveaways and let us bring in a bill, I ask the government, let us bring in a bill that would make what the Premier did on the Dobbin deal not only ill-advised, but make it illegal. Anywhere else the Premier of the Province would have resigned after that fiasco whereby he had a signed document and then could not get his colleagues to support him on it. Imagine that! Could not get his colleagues to support him!

MR. SIMMONS: Anywhere else - out in British Columbia the minister of one of the departments out there, Mr. Davis, resigned because he was dealing in small change, converting first class tickets to economy and apparently, if we are to believe the press on it, pocketing the change. That is what it amounted to, did it not? Well, the change here, Mr. Speaker, was in considerably larger coins.

MR. NEARY: Do you want to see what the member for Kilbride (Mr. Wells) says about giveaways?

MR. SIMMONS: Yes, while we are on the subject of giveaways, Mr. Speaker, while we are discussing Bill No. 25, the giveaway amendment, it would be interesting to see, by the way, Mr. Speaker, in view of the fact that the member for St. John's East (Mr. Marshall) is against the whole concept embodied in this bill, whether he is going to vote for it. I can

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MR. SIMMONS:

assure he is not going to vote for the amendment.

MR. NEARY:

Do not quote him because he might want you to table it. He is talking about Brinco.

MR. WHITE:

Go ahead, boy.

MR. SIMMONS:

No, no way. The member for Kilbride (Mr. Wells) could never have said that. He is too choosy about his language for that, much too choosy about his language.

MR. W. POPE:

It is right on tape.

MR. NEARY:

Well I can get the transcripts of tape.

MR. SIMMONS:

You should check the transcript again. 'Steve,' because there is no way that the member for -

MR. NEARY:

I played it the other day and I could not believe it.

MR. SIMMONS:

There is no way that the member for Kilbride (Mr. Wells) would say something that ill-advised.

MR. P. WELLS:

What has telephone conversations got to do with it?

MR. SIMMONS:

Now, Mr. Speaker, what have telephone conversations, as the member for Kilbride just interjected, what have telephone conversations got to do with giveaway agreements?

MR. WELLS:

The Premier has. telephone conversations and your former colleague, Mr. Greene.

MR. SIMMONS:

The member for Kilbride, if I can believe that transcript, gave away more than he thought, unwittingly gave away more than he thought. Perhaps it was one of the bigger giveaways in recent times, if we want to talk about the general overall subject of giveaways, but I admit, Mr. Speaker, it is stretching the point somewhat. even the overall point of giveaways. But within the narrower ambit of giveaways, Mr. Speaker, we have had in the last few days many reminders that giveaways are not quite in the same category as dinosaurs, that giveaways are by no means an extinct breed, that giveaways are alive and well. Mr. Speaker, and being fed and nurtured by this administration.

MR. SIMMONS: They are healthier today, Mr. Speaker, than ever they were, healthier than ever they were. And what is more, Mr. Speaker, these giveaways, healthy youngsters that they are, are getting their schooling from some very surprising and unexpected sources. They are getting coached, Mr. Speaker, by the same people who stand in this House tonight and condemn giveaways twenty-five years ago. I can only assume that the date was wrong, Mr. Speaker, that there was something particularly obnoxious about the year 1953. Obviously it was not a good year. Perhaps the member drunk some wine dated that year and had a sour stomach or a bit of ptomaine or something. Perhaps that is what he has against that particular year, I do not know, but for some reason he is dead against 1953. It was a shocking year, that year was, a shocking year for giveaways.

MR. MURPHY: The hon. member was not born that year was he?

MR. FLIGHT: Beer, the poor man's champagne.

MR. NEAPY: You are not going to retire or resign from this House without lowering the price of beer, surely?

MR. MURPHY: I plan to do a lot of things before I leave here.

MR. NEAPY: You had better get clear of that crowd as fast as you can. You had better disassociate yourself from them.

MR. SPEAKER: Order, please! I must point out to hon. gentleman that on second reading of a bill the matter for debate is the general principle of the bill and without purporting to give a precise definition of the principle of the bill, certainly the principle of the bill is very closely related to the desirability or lack thereof of giving new delimitations or descriptions or designations of certain areas which were originally defined by an act of 1957 and in the agreement between the two parties as referred to in the bill.

So I would ask hon. member to bear in mind that that is the general principle of the bill now under debate.

The hon. member.

MR. SIMMONS:

Mr. Speaker, somewhere there is an expression. I know the essence of it, it has to do with causes and it - perhaps the member for St. John's North (Mr.J.Carter), our poet laureate in this House of Assembly, could help me on the point but the essence of the expression, and it relates to a person's relationship to a cause and it says, "First he abhorred, then he condoned and then embraced." I can only assume, Mr. Speaker, that the cause that the member for St. John's East (Mr.Marshall) is now on and the member for

MR. SIMMONS: St. John's North (Mr. J. Carter) is a cause that has changed in perception over the years. Because 1953, either, as I say, it was a bad year for some reason or else in the perception of those two members, giveaways at that time were fairly bad, fairly shocking. But then a traumatic, a very dramatic event took place, Mr. Speaker, a surprising event for those two gentlemen - they got elected. And somehow in the profound events which followed that election they had a completely different view of things. I suppose they had a brief transition period which you would call the condoning period, but then, Mr. Speaker, in recent weeks particularly, we have seen them come into the embracing period. I am glad, Mr. Speaker, that they have the stomach to embrace the Dobbin deal we talked about last week. I am glad they have the stomach to embrace the Sealand Helicopter deal. And the minister tells us now that is not a deal. That is the latest one, by the way.

MR. W. ROWE: Which is money being thrown out with both hands,

MR. SIMMONS: Yes. I am glad they have the stomach to embrace the McConnell deal. Do not tell us that is not a deal, or the McLean deal, or the Scrivener deal, the Carbonear Hospital deal. That same stomach, Mr. Speaker, for some reason does not extend back to 1953. They have the stomach to embrace the Public Works deal, they have the stomach for that, you know, the Viking Building deal. Some pretty hot deals, the Viking Building was one of the hotter ones, but they can embrace these, Mr. Speaker. And somehow all they can do is abhor that 1953.

No, I say to the member for St. John's Centre (Mr. Murphy), I was not born in 1953. I was not born, I was alive then but I was not born in that particular year, but that demonstrates only that the member's arithmetic is just as bad as his judgement otherwise, on other matters.

MR. NEARY: He was born the year of the tidal wave.

MR. SIMONS: Anyway, Mr. Speaker, some day we really should debate the whole subject of giveaways because there is a lot of allusion to it as though somehow it is all very terrible and as though somehow it is we on this side of the House who have to answer for all the giveaways. Well, Mr. Speaker, I have put it into the record tonight in no uncertain terms. I am sorry, abjectly sorry for all those very bad executive decisions I made in Cabinet from 1949, '53, '54, those terrible years. I am sorry for it. Every member in this House is sorry for doing all these things, Mr. Speaker. I believe I even apologize for some on the other side who were on this side of the House. I am sure my apology includes the Minister of Justice, the former Minister of Mines and Energy, the present member for St. John's West (Dr. Kitchen). I am sure my apology includes the member for Green Bay (Mr. Packford) who ran for, unsuccessfully I may add, the presidency of the Green Bay Liberal Association, not as far back as 1953. We are sorry, Mr. Speaker, but some day we will discuss all these giveaways and I challenge the Government House Leader to put down a motion which allows us in some form or another to talk about all these giveaways. If the member for St. John's East (Mr. Marshall) wants to get up and snipe about how bad a deal this was - and I have no idea, The Minister of Mines and Energy said himself it is a fairly technical matter and I was not around in those particular days except in another capacity, certainly not as a member answerable for the actions at that time - but if he wants to snipe about how bad or good it was in 1953, let him have the gumption to talk about some of the modern day giveaways of 1977 and '78. And there is a less kind word than giveaways, Mr. Speaker, a much less kind word than giveaways for what they are doing over there now. And he has gone through the stage of abhorring and condoning and now he embraces with enthusiasm. He embraces it. He mouths the same lines

MR. SIMONS: as the rest of them do. He was the one,

Mr. Speaker, who had gotten out from among them on principle.

MR. NEARY: Allowed himself to get set up.

MR. SIMONS: I say the principal, spelled p-a-l, Mr. Speaker,

MR. SIMMONS: p-a-l, not p-l-e. I will talk about giveaways, Mr. Speaker, we can tell you about giveaways and we can tell you about scandals, and we can tell you about rip-offs.

MR. W. N. ROWE: And we will.

MR. SIMMONS: And we will tell you something else; we were not there to embrace these in 1953 and we are not embracing them in 1978, which the member for St. John's East (Mr. Marshall) cannot say with any degree of conviction. We are not embracing them now and we did not embrace them then. And that is where we are different, thank God.

We do not have, Mr. Speaker, - and we heard last week about free votes. They were free, of course, they were free.

MR. W. N. ROWE: The Premier threatened to call an election. Did you know that?

MR. SIMMONS: That would whip him into style pretty fast.

MR. W. N. ROWE: God, they call (inaudible).

MR. SIMMONS: That would whip him into shape pretty fast, Mr. Speaker, the thought of an election. Not only the results of that election, Mr. Speaker, as catastrophic as that would be, just the thought to them of how catastrophic that would be -

MR. NEARY: (Inaudible) made a deal (inaudible).

MR. SIMMONS: - but the other threats of the member for St. John's East (Mr. Marshall) in particular, the interruption. I mean, there is one thing, Mr. Speaker, to want to sit here in the gentleman's club for an hour every day, but the thought of having to interrupt your regular job for three whole weeks to go through the indignity of knocking on doors and talking to

Mr. Simmons: people!

MR. W. N. ROWE: And getting defeated.

MR. SIMMONS: Imagine! Imagine! The Premier's secret weapon, he is threatening an election. That is all, he is threatening an election, and you will whip that fellow 'Marshall' into shape, bango! The fellow for St. John's East, no sweat at all; the fellow for St. John's North (Mr. J. Carter), no problem at all. Just drop the magic word 'election' on them, 'election'. It is Pavlovian, absolute Pavlovian, Mr. Speaker!

MR. HICKMAN: Mr. Speaker, on a point of order.

MR. SPEAKER: A point of order has come up.

MR. HICKMAN: The hon. gentleman is talking about the ambitions or otherwise of the hon. gentleman for St. John's East (Mr. Marshall), which has absolutely nothing to do with the bill before us, which is simply, as Your Honour pointed out, the clearer delineation of some lands in this Province, that is the only issue that is before this House.

MR. SPEAKER: There is no doubt that the principle of the bill is largely, if not exclusively, defined by the desirability or the lack of desirability, the advantages or disadvantages, of entering into the delimitations of new areas. And I would require the hon. gentlemen speaking in the debate to confine their remarks to the principle of the bill. If we do not, then almost every motion is like the motion on the Address in Reply. So I think it is important that the principle of the bill be borne in mind and that the debate be concentrated on the principle of the bill.

MR. MARSHALL: On a point of privilege, Mr. Speaker.

MR. SPEAKER: The hon. member for St. John's East.
A point of privilege.

MR. MARSHALL: If the hon. gentleman wishes to put me in the same company as Mr. Rothschild, I do not really mind.

MR. SPEAKER: I do not feel that I am obliged or indeed that would be possible for me to make a decision on that point.

MR. W. N. ROWE: You need two copies, Mr. Speaker, to have it certified.

MR. SIMMONS: Thank you, Mr. Speaker.

I was afraid for a moment, Mr. Speaker, that Mr. Speaker was going to rule and shatter the member by telling him that he was not in the same class as Mr. Rothschild. But that matter is still in abeyance and he can think what he wants from it.

Now, Mr. Speaker, I am very glad for your ruling that we talk about the principle of this bill. I had strayed somewhat, Mr. Speaker, because my appetite to say certain things is whetted more and more every day, but I cannot get a chance to say them, because when I am in the House -

AN HON. MEMBER: Oh, oh!

MR. SIMMONS: - on those occasions, on those occasions, Mr. Speaker, when they will let me in the House they will not call the Address in Reply on those days when they let me in the House. They will not call the Budget debate.

MR. W. N. ROWE: Pick the meat off them.

MR. SIMMONS: And I guess I can be forgiven but I will not get back to it, but I can be forgiven for getting into some larger issues that I would like to talk about, and I have latched onto this bill tonight, but it is obviously not the appropriate place to do so, so I shall just say what the Minister of Mines and Energy said about an hour and a half ago that this bill, together with the bill we just put through second reading, Bill 26, these two bills together should have taken five minutes, and indeed I have only taken five minutes because the rest of it has been taken up of necessity

Mr. Simmons: trying, though vainly, to set straight the member for St. John's East (Mr. Marshall). We do not even try to set straight the member for St. John's North (Mr. J. Carter).

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

MR. SPEAKER: The hon. member for St. John's North.

MR. J. CARTER: Mr. Speaker, just a couple of words, I cannot let the remarks of the last half an hour -

MR. NEARY: (Inaudible).

MR. SPEAKER: Order, please! Order, please!

I was saying 'order' in order that hon. members could hear the hon. gentleman's submission.

MR. J. CARTER: Mr. Speaker, I do not wish to take up too much time of the House but I cannot let the remarks of the last thirty minutes go without clarifying them somewhat. I am glad to see that my few brief remarks injected a certain amount of vigor in the debate. I would suggest that we succeeded in rubbing a nerve. I have never heard such poisonous replies to valid criticism. I really have not. And I must say, Mr. Speaker -

MR. SIMMONS: Is the member saying poisonous?

MR. J. CARTER: I am also very interested, Mr. Speaker, to note that the Leader of the Opposition says that he is going to vote for this change. It is interesting that he is now crawling around trying to disavow the things that his party were responsible for for the last twenty, twenty-five years. Now I realize that a lot of the things that went on are not the fault of the hon. gentleman, but the least he could do is have the decency to blush, that is the least he could do, to blush, and to at least disavow this sort of thing. So, you know, the record of the past is a bad one. I hope the record of the future will be somewhat better but I -

MR. SIMMONS: How about the present?

MR. J. CARTER: The present? Well the present is not that good either but we are working on it.

SOME HON. MEMBERS: Hear, hear!

MR. J. CARTER: And I might add that we are having -

MR. SIMMONS: I told you all the facts if you were listening.

MR. J. CARTER: If the hon. member has charges to

MR. J. CARTER:
has on the table.

make let him lay whatever he

MR. SIMMONS:
telling the truth.

Then he would show you up for

MR. J. CARTER: The hon. gentleman was very, very clever the way he couched his remark by putting in this remark about misleading the House. It made all those remarks parliamentary. All during that all night debate, Mr. Speaker, these remarks were parliamentary because they were part and parcel of the resolution, which is a clever way around it, but I do not think it is a valid way to debate. However, that is past and done with. All I am saying is that hon. gentlemen should at least have the decency to blush when they speak about the previous administration.

MR. SPEAKER:
he closes the debate.

If the hon. minister speaks now

The hon. Minister of Mines and Energy.

MR. PECKFORD:

I move second reading, Mr. Speaker.

On motion, a bill, "An Act To Amend Further The Government-British Newfoundland Exploration Limited Authorization Of Agreement Act, 1957," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. HICKMAN:

Bill No. 41, Order 15.

Motion, second reading of a bill, "An Act To Enable The Golden Eagle Canada Limited To Become A Federal Corporation," (Bill No. 41).

MR. SPEAKER:

The hon. Minister of Justice.

MR. HICKMAN:

Mr. Speaker, the explanatory note really sets forth what this bill is. The position is that Golden Eagle Canada Limited is incorporated under the Newfoundland Companies Act. It is a wholly owned subsidiary of Ultramar Limited, which is incorporated under the Canada Business Corporation

R. HICKMAN: Act. These two companies wish to amalgamate. When they do, the amalgamated company has to register under the provisions of our Companies Act and I understand that that means instead of our recovering only the Corporation Tax, as we do now on Golden Eagle, in Newfoundland we will share proportionately in the total earnings of Ultramar Limited, the federal corporation. We did the same thing last year with Bennett Brewing. I move second reading.

On motion, a bill, "An Act To Enable The Golden Eagle Canada Limited To Become A Federal Corporation," (Bill No. 41), read a second time, ordered referred to a Committee of the Whole on tomorrow.

MR. HICKMAN: Mr. Speaker, I move that the remaining Orders of the Day do stand deferred and that this House on its rising do adjourn until tomorrow, Wednesday, at three o'clock, and that this House do now adjourn.

MR. SPEAKER: It is moved that this House adjourn until tomorrow, Wednesday, at 3:00 P.M., those in favour "aye", contrary, "nay", carried.

This House stands adjourned until tomorrow, Wednesday, at 3:00 P.M.