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TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD
2:00 p.m. - 6:00 p.m.
THURSDAY, MAY 18, 1978

The House met at 2:P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

I would like to welcome to the galleries this afternoon sixty-five grade V students from St. Augustine's Littledale accompanied by two of their teachers, Miss Shirley Crawley and Sister Margaret Mulcahy. I know hon. members join me in welcoming these students.

SOME HON. MEMBERS: Hear, hear!

STATEMENTS BY MINISTERS

MR. SPEAKER: Hon. Minister of Mines and Energy.

MR. PECKFORD: Mr. Speaker, it gives me great pleasure to announce that Cabinet today approved applications by the Total Eastcan group for forty-eight first round exploratory permits covering some 18,500,000 acres pursuant to Section 139 of the Newfoundland and Labrador Petroleum Regulations.

SOME HON MEMBERS: Hear, hear!

MR. PECKFORD: The issuance of these permits represents a major milestone in the long struggle by this government to protect the ownership rights of the people of this Province to their offshore mineral resources against Ottawa's unfounded and unwarranted claim to them.

The House will recall that this milestone did not come easy, that this Province was offered the illusionary short-term gain of an immediate resumption of drilling but at the price of amendments to our regulations which would have jeopardized our basic long-term economic and social objectives. I wish to assure the House that no such amendments have been made - our basic principles have not been compromised and we will have the drilling too.

A major point of contention has been the amount of acreage to which Eastcan would be given rights - Ottawa has been far too free on this issue. I am happy to say that Eastcan has agreed to accept 33 per cent less acreage from the Province than it presently has under federal permit. In addition, it will drop 40 per cent of the

MR. PECKFORD: sections under permit at the end of six years and a further 10 per cent at the end of nine years.

Mr. Speaker, while offshore oil and gas has the potential to create a virtual revolution in our employment and business opportunities, that potential will pass us by unless we adequately stress education and training and research and development. Our regulations provide for such a programme and as a term and condition of their permits the Eastcan group will spend some \$1 million per year on such programs, starting immediately. The total amount committed by the three groups having provincial permits now stands at approximately \$1.5 million per year.

The administration of these programs will be given a very high priority by my officials in co-operation with other relevant departments. When all first round negotiations are completed, I will be establishing an advisory committee composed of representatives of the Province, the oil industry, and local interest groups to draw up a set of guidelines in this respect. The impact of this program is already being felt to some extent in terms of the placing of research contracts with local firms and the hiring of university graduates for on-the-job training in Calgary. However, it will be some time before we have a full program organized in terms of establishing on-the-job opportunities for skilled and semi-skilled trades. I will make a full statement in this regard setting out the details of our proposed program in the near future.

In so far as the drilling is concerned, eight wells which the Eastcan group has already drilled have been accepted as satisfying Eastcan's drilling commitment on eight of ten groups of permits, leaving a minimum of two wells to be drilled in the initial six year exploration period. At the end of that period the Eastcan group will have to commit to further wells or drop its permits. Eastcan is presently in the process of obtaining drilling equipment for a one drillship program for this summer and I am confident they will mount an

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MR. PECKFORD: even larger program next Summer.

Mr. Speaker, this government is not aware of the potential hazards which offshore drilling could pose to the environment should a massive oil blow-out take place. I wish to

MR. PECKFORD: inform the House that contrary to suggestions from certain quarters this Province will take its full share of responsibility for the protection of the environment and the fisheries which are the very lifeblood of our Labrador and Northeast Coasts. The specific drilling programme proposed by Eastcan for this Summer will be examined in great detail by my officials in this light. However, I should add that the Government of Canada have claimed, and indeed probably have under our present constitution, a concurrent responsibility in this area of fisheries and the environment. I should stress that that responsibility is quite separate and apart and does not arise from its groundless claim to the ownership of our offshore oil and gas resources. They are entirely two separate issues.

Given this divided jurisdiction, I am happy to say that I expect that relations between Ottawa and the Province in this area will be marked with the highest level of co-operation and co-ordination possible. I am confident that my federal counterparts feel the same way.

I have said before, and I repeat now, that this great victory would not have been possible without the full support which this government has received on this issue from an overwhelmingly vast majority of Newfoundlanders. It is, Mr. Speaker, a shining example of the potential of the political solidarity of the Newfoundland people when they stand as one man - dedicated to the future of their Province.

I hasten to add, Mr. Speaker, that while we have won a great battle, the war is not yet over - next comes an epic clash with Ottawa before the

MR. PECKFORD:

Supreme Court of Canada.

Mr. Speaker, a major part of our legal case will rest on the struggle of the Newfoundland people to protect their natural resources against seemingly overwhelming odds. We will be citing such great victories as the resolution of the French Shore problem in 1904 which secured our West Coast, the North Atlantic Fisheries Arbitration of 1910 which forced American fishermen from our bays and the Labrador boundary case of 1927 which confirmed our rights to Labrador. Not only will the basic legal and political principles which are at the core of these great victories be dissected and examined but in doing so the tremendous achievements that those victories represent will once again become a source of pride and strength to all Newfoundlanders.

Mr. Speaker, perhaps today's announcement does not rank with those great victories. However, it should now be apparent to all concerned, whether in Ottawa, Calgary, Houston or Paris, that the tide of events in the question of offshore oil and gas has changed and that it is now flowing, relentlessly and with increasing momentum, in favour of the Newfoundland people.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Eagle River.

The hon. the member for

MR. STRACHAN:

Mr. Speaker, I do not know whether this was an oil and gas policy or a description of the Battle of Britain with epic clashes and victories, etc.

I should say, Mr. Speaker, in responding, the ministerial statement that the Minister of Fisheries presented was only two pages long - very short -

MR. STRACHAN: but he had to cut his as always to give it to us so we could respond to it intelligently. We have asked a number of times that statements like this surely a few minutes beforehand could be given to us so we would be able to respond to it intelligently.

There are a few points I would like to make. The minister, as usual, took a few slashes at Ottawa continually all through for its unwarranted and unfounded claim - no arguments there, we agree with that - took a few slashes here and there almost all the way through as though this battle was between Newfoundland and Ottawa. And in essence, what it was, was that in coming to terms by the oil companies with this Province's oil and gas regulations, it was nothing to do with the seabed per se, it was more to do with their coming to terms with this Province's oil and gas regulations rather than fighting with Ottawa.

And then, Mr. Speaker, the minister, after stating that, after slashing Ottawa, then stated in the ministerial statement that he is confident that Ottawa and Newfoundland will co-operate. And it makes us wonder, if you keep lashing people and hitting them over the head, whether they will continue to co-operate.

I also notice a few things here, and I will state here quite clearly on the environmental aspect - it is something that we have talked about a lot - the minister states that the government, the administration opposite will accept its full share of responsibilities, and I will state here now and go on record as our point

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MR. STRACHAN: here, that if the environmental questions which are seriously in doubt in this kind of drilling are not taken care of with all kinds of guarantees and extremely rigid regulation, then I think that the administration opposite will take its full share of responsibilities and its full share of the blame as well, because I think there could be a very serious situation occurring in drilling off the Labrador Coast.

And I will state here and now that I think that there are no technological advances yet which will take care of any kinds of

Mr. Strachan: blowouts at the depths, and the waters we are talking about drilling, and that Eastcan is talking about drilling.

SOME HON. MEMBERS: Hear, hear!

MR. STRACHAN: I think this should be pointed out very clearly.

The last point is that Eastcan, of course, have drilled eight wells, two more to go, and this will complete their drilling aspect. One of the arguments— and, of course, the original argument was that they held large acreages and there was no question these acreages had to be reduced. These acreages originally were held a number of years ago, considerable years ago under federal permit. They have now reduced them by 33 per cent.

MR. PECKFORD: Under the provincial permit.

MR. STRACHAN: Under this provincial permit. They have reduced them to 33 per cent, and of course, in nine years they are going to drop it again by another 40 per cent, I believe, the figures were, and then a 10 per cent drop later on. Surely what the drop is now is just a natural drop, and I think that it needs to come, that they have to drop these kinds of acreages because they cannot continue to hold them. But I think that they are also playing a very wily game, and that the acreages they are dropping are obviously the acreages of their previous work they feel will be unsuccessful or unproductive. And, of course, it suits them as well as it suits us at the moment to keep dropping acreages of that nature.

Otherwise, Mr. Speaker, there is nothing I can go on, I will have to read it very arefully and very thoroughly before we could get into any reasonable and intelligent debate. But I would interested if the minister would table all the regulations, the amendments, whatever is involved, we would like to see, it. And it would be advisable if we could manage to get these statements a couple of minutes before.

MR. SPEAKER: The hon. the Minister of Fisheries.

MR. W. CARTER: Mr. Speaker, I am pleased to announce today that my department will be establishing a Fisheries Regional Office in Happy Valley-Goose Bay to look after the needs of the fishermen in Labrador.

Mr. W. Carter: This office, which will be staffed by a Regional Representative, will be set up by early Summer. A Fisheries Field Representative will also be appointed within the next month and will be stationed in the Mary's Harbour area. The Field Representative will concentrate his efforts in the Eastern and Southern Labrador Coastal area.

Considerable thought was given, Mr. Speaker, to setting up the office in Happy Valley-Goose Bay rather than on the Coast where the majority of fishermen are located. The main reason was because of transportation problems on the Coast. Happy Valley-Goose Bay is situated near an airport which makes it more feasible for the Regional Representative to travel to any other part of the coast that he desires.

This office, Mr. Speaker, will provide Labrador fishermen with up-to-date information on Departmental programmes and projects, the training programmes of the College of Fisheries, the Fisheries Loan Board and new harvesting and processing methods.

This, Mr. Speaker, brings to seven the number of Regional Offices that my department has established throughout the Province. The other offices are located at Port au Choix, Port Saunders, Gander, Bonavista, Grand Bank, and Harbour Grace. Field Representatives are also located in St. Anthony, Marystown, St. John's, Wesleyville and Bay Bulls.

During the next year or two Field Representatives will also be appointed in the Port au Port area and the Baie Verte area which will complete our field staff programme.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the member for Eagle River.

MR. STRACHAN: Mr. Speaker, in responding to the statement I would again wish to thank the minister for allowing us a copy of his statement. We, of course, welcome this announcement. It has been a position, a regional office in Goose Bay-Labrador which we have asked for, for many years. My colleague here who represents the Department of Fisheries on our side, the member for Trinity-Bay de Verde (Mr. F. Rowe)

Mr. Strachan: has been pushing a number of times to set up this regional office, and of course, we welcome this regional office. I agree with the regional office being in Happy Valley-Goose Bay because it is the central point, it is the hub of Labrador, in fact. If you travel from the North to the South of Labrador you have always got to come through Goose Bay to go South again or vice-versa, so it is obvious that Goose Bay with its airport should be and is the centre of the regional offices in Labrador.

I hope that this one man will only be the start because I think that you cannot just put one man in or think that by putting one civil servant there you will solve the problems of the Labrador Coast, in the fisheries. I think you have to beef up that department, I think, you have to have people who are knowledgeable about the local situation and conditions as well. And by putting the field representative in Mary's Harbour, in liaison with Goose Bay, I think, is a start on that programme. And I commend the minister for making this start which we waited for

MR. STRACHAN: many, many years and we have called for for many, many years, and I would like to say that we welcome this. It will be of much use to the people there who know nothing about government programmes, who know nothing about the various loans and so on they can get. I get constant requests for that and I think that this kind of office, beefed up hopefully in the near future, is the kind of office we are looking for.

MR. SPEAKER: The hon. Minister of Forestry and Agriculture.

MR. MAYNARD: Mr. Speaker, I would like to make a statement on a stabilization programme for one of our most important agriculture commodities -

MR. NEARY: Mr. Speaker, a point of order.

MR. SPEAKER: A point of order has come up.

MR. NEARY: Would the hon. gentleman get a little nearer the mike because we do not -

MR. MAYNARD: I am sorry, the mike is on.

MR. NEARY: We do not have the ministerial statement in front of us. We would like to hear what the minister is saying.

MR. MAYNARD: Mr. Speaker, I would like to announce a new Swine Industry Stabilization Program which is applicable to all commercial swine producers who market hogs through the Newfoundland Farm Products Corporation outlet. Before I outline the details I would like to provide some background information.

The Government has been encouraging a minimal disease swine program for a number of years and in 1976 the Minister of Forestry and Agriculture outlined a detailed five year plan to further develop and expand the industry. The program is designed primarily to produce fresh pork for the local market and eventually compete in world markets as a supplier of minimal disease breeding stock.

MR. MAYNARD: Animals owned by commercial swine producers registered under the Government swine program are free of some specific diseases and are the result of a planned crossbreeding program. These two important factors mean the pigs grow faster, more efficiently and consequently the Newfoundland Producers can be competitive with Mainland producers even though some production costs are higher. This, of course, means that many consumers have an opportunity to purchase fresh pork. This would not be possible if we did not have a local swine industry.

In 1977 twenty-three commercial producers marketed 25,700 hogs through the Newfoundland Farm Products Corporation. This resulted in 4.2 million pounds of processed carcass and the gross return to producers was 2.8 million dollars. In addition 1,600 small weanling pigs were sold on the open market to people wishing to raise one or two for their own use. Newfoundland swine producers, with an average of 188 animals per farm, reported the largest average production units of all the Provinces in Canada.

It is hoped that production will increase to 50,000 hogs per year in the next few years. In the Eastern part of the Province the killing and cooling facilities at the abattoir have been limiting expansion. However, at the present time Newfoundland Farm Products Corporation is expanding its facilities in order to double the capacity of the plant. Also, further processing of some pork products is under consideration to eliminate exporting the by-products to the Mainland for further processing.

Private multiplier breeding herds are being established to transfer a portion of the breeding program now carried out at the Provincial Swine Breeding Stations to private industry. This means that the industry can expand without expanding facilities at the provincial stations.

MR. MAYNARD: Further steps are also underway to ensure protection of the superior health status of the swine population. Last year new regulations under the Livestock Health Act were introduced to prohibit swine producers on the Mainland from selling, to Newfoundland, pigs harbouring diseases not prevalent in our Province. Also plans are underway to eradicate pigs within the Province not under the swine program so as to eliminate any diseases they might be carrying. This involves about sixty individuals who keep a few breeding animals outside the provincial program primarily for the production of weanling pigs. This way of life has been traditional with many of our rural people and it is not government's intention to change it, but rather to take positive steps to improve it. The procedure for eliminating the possibly diseased pigs will be to require the slaughter of all pigs of unknown health status, the cleaning and disinfecting of the buildings in which they are kept, and restocking by the government, if it is so desired by the owners, with the minimal disease animals.

The foregoing shows that there is an important and unique swine industry in Newfoundland and there is a detailed plan to further develop it.

A few months ago the North American outlook information for hogs indicated a higher volume of hog slaughterings and lower prices to producers starting in the last half of 1978. The projections suggest that the prices to producers may fall below the cost of production from time to time during the next year or so.

MR. MAYNARD: It is unreasonable to expect primary producers to remain in production for any extended period of time if the returns from their business cannot cover production costs and the stabilization program now being offered is a remedial course of action if this situation does, in fact, occur.

The purpose of the Hog Stabilization Program can be described as follows;

- (1) To bring greater stability to the production of hogs so that producers, during below cost of production prices, are not forced to cut back production because they are unable to meet their direct operating costs, or are forced out of business completely. However, if producers wish to stabilize their incomes beyond the cost of production level then it should be their own responsibility. Our program is not a guaranteed income but only a stabilization program covering producer's cost of production.
- (2) To provide a safeguard for the lending institutions who may be, or already have been, asked to provide long, intermediate and short-term capital for the industry.
- (3) To provide a safeguard to the contribution that the industry makes, or has made, to the economy of the Province in the form of protection for the people employed in the primary industry, the processing industry, the service related industries.
- (4) To make up the difference between payments by the Federal Agricultural Stabilization Board and payments necessary to sustain a viable hog industry in Newfoundland because of higher than national average costs of production.

The stabilization plan is effective immediately and will operate as follows:

- (1) The current cost of production in Newfoundland is estimated to be fifty-four cents per pound. If prices drop below that base price then Newfoundland Farm Products will advance producers payments equivalent to fifty-four cents per pound for all hogs indexing 102 and over. This

MR. MAYNARD: index is a measure of quality and thus the stabilization program is also designed to encourage quality production.

(2) The guaranteed price of fifty-four cents will be raised if costs of production increase and it will be lowered if costs of production decreases.

(3) Producers will begin refunding advances made to them when the price for pork exceeds the guaranteed price by two cents per pound.

In summary the program represents an interest free loan to producers at times when prices are high or where their product falls below the cost of production.

For the longer term a Hog Stabilization Board will be established under legislative authority of the Natural Products Marketing Act. The Board will consist of two swine producers, two members of the department and one member from the Newfoundland Farm Products Corporation. The Board will be commissioned to undertake the following:

(A) A complete cost of production study for the Newfoundland Swine Industry.

(B) A cost component indexing system such that the cost of production can be updated at three month intervals.

(c) A review of the short-term program and, if appropriate recommend the establishment and administration of a long-term program which will achieve the objective and purposes as outlined in this paper. This would replace the present short-term program and could be operated independently or in harmony with the Federal Agricultural Stabilization Board.

The purpose of these actions is to more accurately refine the components of a stabilization program for the swine industry. At present the cost of production figures being used are estimates and actual figures should be developed.

I have outlined on behalf of government the rationalization for a Swine Industry Stabilization Program and the details as to how it will

MR. MAYNARD: operate. I am confident that continued co-operation between industry and government will result in continued development and expansion of a viable swine industry in our Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Hon. member for St. George's

MRS McISAAC: In reply to the minister's statement I think again that this is an insult to the members of the House to pass around a statement of this length while the minister is on his feet speaking -

SOME HON. MEMBERS: Hear, hear!

MRS McISAAC: which does not give the shadow Cabinet minister a chance to read it and see what it is all about. And as far as the swine production and the swine breeding station is concerned I think it is nothing but a mockery and an insult to the intelligence of the farmers in Newfoundland.

SOME HON. MEMBERS: Hear, hear!

MRS McISAAC: It is driving people out of production, they do not have firm policy, the Department of Agriculture does not have a firm policy and certainly not where swine breeding is concerned. I know in my own district there are people who have had to go out of production, out of swine production. There is no

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MRS. McISAAC: way under the stringent regulations that are being brought in by this government, there is no way in the world that swine breeders can stay in production, and they have gone out.

SOME HON. MEMBERS: Hear, hear!

MR. HODDEK: Of course they have.

MRS. McISAAC: And to go further, they are not permitted to import swine, not even for their own use. If I wanted to import one to raise for my family I am not allowed to do it - I am under a \$500 fine if I import it.

MR. FLIGHT: What?

MRS. McISAAC: Yes, a \$500 fine if I import one from Nova Scotia, ^{But} in the meantime, the swine production stations in this Province are not capable of producing the required number of hogs that are needed in the Province. I have evidence of that in my district. And the minister is fully aware of that fact. There were two of his representatives out in the Codroy Valley or Robinsons area last week and they were told that they would probably have a chance to obtain swine sometime in July. Now the swine breeders in this Province do not want swine or young pigs in July, they want them early in the Spring so that they can raise them to their full growth and make a dollar off them. But the way that the programme is set up and the way that the minister is handling the swine breeding production or the swine breeding station in this Province is doing nothing but driving our swine producers out of business and making it impossible for them to compete in any which way or form.

I would like to have had the chance to study this for a couple of days, but instead of that, this gets passed around while the minister is on his feet speaking -

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SOME HON. MEMBERS: Hear, hear!

MRS. McISAAC: and there is no time -
nobody in the world can read it and understand it,
and I do not think there is that much in it to understand
anyway. Thank you.

SOME HON. MEMBERS: Hear, hear!

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The hon. the Minister of
Rehabilitation and Recreation.

MR. HICKEY: Mr. Speaker, I wish to table
on behalf of the Newfoundland Amateur Sports Federation
a copy of the history of the Canada Summer Games.

The history was put together,
Mr. Speaker, as a joint financial project on behalf of
the Secretary of State and my department, a report
depicting the success of our own athletes, of course,
and all the other athletes from across the country at
what was, as I am sure all hon. members will agree, a
very successful Games during the past year and certainly
it is one that should be recorded for history's sake.

NOTICES OF MOTION

MR. SPEAKER: The hon. the Minister of Justice.

MR. HICKMAN: Mr. Speaker, I give notice that
I will on tomorrow ask leave to introduce a bill, "An Act
To Amend The Detention Of Intoxicated Persons Act, 1973."

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

MR. HICKMAN: I table a reply to an oral
question asked on April 25th of me by the hon. the member
for St. John's East (Mr. Marshall).

ORAL QUESTIONS

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

MR. W. N. ROWE: Sir -

SOME HON. MEMBERS: Oh, oh!

MR. W. N. ROWE: A takeover bid. I wish the
hon. the member for Ferryland district (Mr. Power) would
call a leadership convention, Sir, we would not have to
put up with these ministerial statements filled with
purple pros all the time - lengthy five page statements.

Mr. Speaker, owing to the
importance of the matter - ordinarily I would address it
to the Minister of Labour and Manpower - but in this
particular case because it is so important, I will ask
the Premier this question.

As he is aware, Sir, a strike
vote was conducted on Thursday, I believe, the 11th of May,
among the lab and X-Ray technicians bargaining unit and
the minister was notified, I believe, on the same day
that they had voted to strike, which right to strike
accrues due if I am not mistaken, Sir, as of 12:00 midnight
tonight. So at 12:01 tomorrow they have a right to go on
strike - a very important segment of the health service
of this Province, with the possibility perhaps of a
sympathetic failure to cross the picket lines by other
people involved in hospitals, Sir.

Now, what

MR. W. ROWE: I would like to ask the Premier, in view of the importance and urgency of this, has he or his colleagues or anyone in the government, official or otherwise, been in contact with this bargaining unit, or any representative of it, since the strike vote was taken in an effort to get the parties together again in the hope of averting what may be a provincewide strike in this field?

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, first of all to the Leader of the Opposition's opening comments as he led up to this about the leadership convention being called by the member for Ferryland (Mr. C. Power), Sir, you see the difference is that the member for Ferryland, as opposed to the member from St. John's West (Dr. Kitchen), does not have any aspirations for that particular job at this point in time. But having said that, and the member from the Straits -

SOME HON. MEMBERS: Oh, oh!

PREMIER MOORES: - is not here to defend himself so I will not comment any further. But regarding the particular question that the Leader of the Opposition asked, it is of a serious nature. It is one that the Treasury Board officials have been negotiating with this particular group on for several months and I think in all fairness that rather than the Minister of Manpower and Labour, or myself for that matter, I think the President of the Treasury Board could give a better position on it than either of us.

MR. SPEAKER: The hon. President of Treasury Board.

MR. W.N. ROWE: (Inaudible)

MR. MAYNARD: Does the hon. gentleman want the question answered or what?

Yes, Mr. Speaker, it is true that the lab and x-ray technicians have a legal right to go on strike as of midnight tonight. Our people are standing by in case they

MR. MAYNARD: want to sit down and do some more bargaining. I am sure my colleague, the hon. Minister of Labour, would quite happily provide any services that he could provide, mediation, conciliation, or whatever. We put our position forward, a position that we feel that we can live with and until such time as the two sides can get back together, I guess the situation will remain at an impasse. But as I say we are ready and willing at any time to sit down at the table with the lab and x-ray people or with any other group to carry on further negotiations.

MR. W. ROWE: A supplementary.

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

MR. W. ROWE: By way of preliminary prelude to my supplementary question I might say, Sir:- Mr. Speaker, everyone in the Province knows that the only way the Premier was able to hold his group together the other night for that heinous vote of expulsion, was the promise of a leadership convention within the next six months.

MR. HICKMAN: To whom? You did not talk to me.

MR. W. ROWE: Well he only talked to the important aspirants. Those who were not leadership aspirants, Sir, he threatened with an election. Of course that kept them in line.

MR. FLIGHT: That will take care of them.

MR. W. ROWE: That is why they all voted in the free vote, Mr. Speaker. But to get back to more important matters of public policy, I wish the minister would answer the exact specific question I asked him, Mr. Speaker; has anybody in Treasury Board, the minister or any of his officials, been in contact with or approached or sat down with any representatives of this bargaining unit, the lab and x-ray technicians bargaining unit since the minister was notified of the strike vote having been taken and the vote being

MR. W. ROWE: yes, I believe about a week ago. Has anybody been in touch with them, to sit down with them?

MR. SPEAKER: The hon. President of Treasury Board.

MR. MAYNARD: They have certainly been in touch with the people, Mr. Speaker, but they have not been negotiating with them as such during the past week. The union, as I understand it, made it quite clear that they were taking a strike vote and then they served notice through the Minister of Labour and the situation has been pretty well stalemated from that point in time. We have made our position and I assume that if the union wants to take a strike then that is the only way that they will go about it, they will. But we would hope that before they go on strike they will come back and have another try at negotiating a settlement with the officials of Treasury Board.

MR. SPEAKER: A supplementary.

MR. W. ROWE: The minister is hard to understand, Mr. Speaker. I do not know if his mike does not work or if he is too far away from it or what? I cannot hear a word he is saying half the time.

But, Sir, in any event - is the minister saying that he is not going to exert as a member of the government with the threat of a strike of x-ray and lab technicians hanging over us and perhaps people not crossing the picket lines in hospitals and so on, Mr. Speaker - is he saying that the government is going to wait now for the next move to be made by the union who have already made their intentions perfectly well known? They are going to go on strike unless some action is taken to avert the strike. Is the minister going to see to it that somebody goes and sees them and hopefully sit down with them and try to negotiate an end to this impasse? If there is a stalemate then

MR. W. ROWE: surely there is a responsibility on the government as well as on the union to try to get the parties together and try to get over the stalemate and try to get this strike averted. I am frightened, Mr. Speaker, I put it by way of a question to the minister, I am frightened at the arrogant attitude assumed by the Treasury Board president in this regard and by the government as a whole. Why does not the minister call up or get one of his officials to call up the representative of this bargaining unit and say "Come on let us sit down. Rather than go on strike give it one more last ditch effort to avert what would be a very disastrous strike in an essential portion of the public service." Why does he not do that?

MR. SPEAKER: Hon. Minister.

MR. MAYNARD: Mr. Speaker, the hon. Leader of the Opposition seems to have a hard time understanding too. I said that our people had been in contact with the people who are negotiating for the Lab and X-ray group but there had not, in the last few days at least, been any negotiations as such. I am not going to discuss bargaining strategy here, we will discuss bargaining strategy at the table if there is a strike situation - which I hope there will not be. If there is a strike situation and anyone wants to know what our present position is and why they went on strike well then I can give it but at this point in time there is no strike, our people are willing and able and ready to sit down at any time with the bargaining unit for Lab and X-ray people and that is where the situation stands right at this moment.

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

MR. SPEAKER: A supplementary.

MR. W. ROWE: If the minister wants to have a word to say after, Sir, he can. I want to direct a supplementary to the president of the Treasury Board. Sir, I do not think he is right when he says that they have been in contact with the bargaining unit. My information as of an hour or so ago was that government had not approached the bargaining

MR. W. ROWE: unit, maybe they have in the last couple of hours -
I do not know what is wrong with the Minister of Manpower over there,
Sir.

SOME HON. MEMBERS: Oh, oh!

MR. W. ROWE: Well he can get up now in a second. Is the minister saying that he is going to wait for a strike to occur and parties have dug in and it is a difficult job for anyone to do anything because everyone is afraid of losing face and so on, and then he is going to try to take positive action to stop the strike. Is that what he is saying? If so, Sir, I would like the minister to answer that because if so it is a highly irresponsible attitude to take towards the possibility of a strike in this essential sector of the public service.

MR. MAYNARD: I did not say that.

MR. W. ROWE: Well it sounded like you did.

MR. SPEAKER: Hon. Minister of Labour and Manpower.

MR. ROUSSEAU: If I may, Sir? I just checked with the office and the conciliation officer has been intouched with both parties and a meeting has been arranged for Tuesday morning, I think it is at 11 o'clock.

MR. NEARY: When did that -

MR. ROUSSEAU: Oh I suppose sometime this morning or yesterday.

I do not know. I just checked with the office.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I want to give the hon. Minister of Transportation an opportunity to table the proposals re; helicopter contracts that I asked for the other day by asking the minister if it is correct-and I was astounded to hear this statement on the radio, that the Sealand helicopters have not yet received one penny from the public Treasury. Is this a true statement? I heard on the radio that Sealand helicopters are working for charity that they have not received one cent yet from the public Treasury. Could the minister confirm or deny this and then table the documents that I asked the minister to table the other day?

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Tape No. 3301

AH-3

MR. SPEAKER: The hon. minister.

MR. DOODY: Greater love than this hath no man than he lay down his helicopter service for his Province.

AN HON MEMBER: Or his friends.

MR. DOODY: Or his friends. The situation is, Sir, that there have been no bills submitted by that company because we have not had an opportunity to sign an agreement with them. We have a contract insofar as the tender call has been the lowest tender that was submitted and it was accepted by government. I will pass over the entire file to the House as soon as the legal people on both sides agree on the verbiage of the actual contract, the formal contract and then it will be possible to pay these people for the work that they are doing for the Province. But until that time I am afraid that we cannot pay any bills.

Mr. Doody: The first document that I have here, Sir, and I had all of these documents here yesterday, Mr. Speaker, which was my commitment. Unfortunately, I was not in the position to table them because we went on at great length, and properly so, in discussing the Labrador highway situation. The first document is the terms of reference for the tender call which the Department of Transportation set forth, and it calls for the provision of helicopter services, the hourly rates, the options for negotiation at the end of a three year term, the flying service, it will entail medical evacuation, forest firefighting, and terrain surveillance, aerial search, personnel transportation and so on. The main base of operation will be at Gander, the minimum number of hours, the minimum number of helicopters, the type of helicopters, the float gear, the gear load, the sling load, whatever all of that is all about, turbines, and so on. And a copy of the bidders current approved CTC tariff was to accompany the tender. The department does not bind itself to accept the lowest or any tender. And for further details please contact the Director of Transportation, and the Department of Transportation and Communications.

And then the next document is the requisition for supplies or services which was the document, I guess, that went to the purchasing agency authorizing them to put the tender call in the various newspapers and in industry periodicals and magazines across Canada.

The next document then is one which is an actual copy of the tender call itself copied from one of the local newspapers. I know not which it was, it does not seem to identify itself here, but it is clearly stated, signed by the then minister, and it confirms the detail of the -

SOME HON. MEMBERS: Oh, oh!

MR. DOODY: Pardon? Is there a question?

SOME HON. MEMBERS: Table it! Table it!

MR. DOODY: I am going to table it. I am going to table it. This is a very important issue which gentlemen have been referring

Mr. Doody: to and hon. people in the House have been referring to for a great deal of time and a great length of time and there is a lot of money involved, and there is a lot of controversy involved, and I want to make it abundantly clear to this House and to this Province that I am not or this department is not or this Province is not concealing or hiding anything. Now hon. people opposite asked for this information. And I have every intention, Sir, with your permission to provide this information, and I have every intention of tabling it. But I have no intention of just throwing a bunch of papers on the Table of the House to be construed or misconstrued as may be at the will or so on of members. So I am just passing it on to the best of my ability in the way that I think best. And if hon. members do not want the information they can tell me so and I will take it all back and put it back in the files were I found it.

AN HON. MEMBER: No threats now.

MR. DOODY: No, no, this is a promise. Let it never be said that I ever threatened anyone.

The next one is the particulars relating to the contract for provision of helicopter services, and this is the D.M's the Deputy Minister's directive which outlines very clearly what was felt to be necessary. It describes back up helicopters of each type OAG whatever that is, equipment slings, nets, chokers, and things, I am sure - oh, yes each type of helicopter will be capable of rapid conversion to air ambulance configuration as required, a two stretcher configuration as a requisite. That was a very important part of the whole bit. Float gear will be available as required for each type of helicopter at no extra charge. Back up helicopters of each type available, and so on and so on. Out-of-pocket expenses, approval of out-of-pocket expenses and so on.

Then we have the Tender Board report, which is one that the House should be very interested in, because, I think, this answers perhaps indirectly one of the questions that the hon. the member for LaPoile (Mr. Neary) asked directly as to what the input Director of Air Services had in the tender process

Mr. Doody: The Tender Board report which is the evaluation of the tenders which were received in reply to the Public Tender process which I just described to the House, the evaluation was done by a Committee of the department headed by Mr. D. B. Simmons who is the Director of Air Operations, and consisted of the Assistant Deputy Minister of Technical Services, who is Mr. Lew White whom most people in the House know, the Director of Air Operations, who is Mr. Simmons, the gentleman whom I just mentioned, and

MR. DOODY: the Administrative Officer of Engineering, who is Mr. William Knight, These three gentlemen evaluated the tenders after they had been opened publicly in the department, having been advertised as being opened publicly. The list of the eight tenders which were received are here and it is signed by the then minister over the signature of D. B. Simmons, Director of Air Operations. Mr. Simmons says, "I approve the award of a contract as recommended above and -

MR. W.N. ROWE: Who were they?

MR. DOODY: Who were who?

MR. W.N. ROWE: The eight.

MR. DOODY: Oh, the eight people who tendered.

Sealand Helicopters Limited had the lowest tender - \$1,558,582; the next one was Heli-Voyageur Ltd.

MR. NEARY: We can read.

MR. DOODY: You have not demonstrated that to my satisfaction as yet. So, with your permission, Sir, and with the permission of the House I will continue to answer the question.

SOME HON. MEMBERS: Oh, oh!

MR. DOODY: If the hon. House wants the information on the tendering process of this government and of this department then I have every intention of providing it -

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: but if the House does not want it, Sir, I will take it back.

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: I will give it in detail or not at all.

MR. NEARY: Mr. Speaker, a point of order.

MR. SPEAKER: A point of order.

MR. NEARY: The hon. gentleman, Sir, got himself in hot water the other day with his colleagues, and now the hon. gentleman is trying to make up for it by stalling the Question Period. I would submit, Your Honour, that the hon. gentleman put the information on the table of the House. We can interpret it. We have people who can read, and we have people who can go over the information and look it over. And we will put our own interpretation on it. We do not need the minister's interpretation.

MR. DOODY: On that point of order, Mr. Speaker, if indeed it was a point of order. My thoughts on the idea - at least my feeling on the idea is that a minister when asked a question has the option of either answering it or not answering it. My information to the House as I expressed it was that I would answer it. I have no intention of just throwing in dribs, drabs, bits and pieces. I have every intention of supplying the House with all the information that is available in that particular file and I want to do it in such a way that the press, the public and the members of this House get all the information that is available in that file and not just bits and pieces, Sir.

MR. NEARY: To that point of order, Mr. Speaker.

MR. SPEAKER: Order, please! To the point of order.

MR. NEARY: Mr. Speaker, just to refresh Your Honour's memory, the question put to the hon. gentleman had nothing to do with what the hon. gentleman is reading out now. It had to do with a question that I asked the hon. gentleman on whether Mr. Dobbin and Sealand Helicopters were working for this Province for charity or whether they

MR. NEARY: were being paid. That was the question I put to the hon. gentleman, and the hon. gentleman, Sir, is not answering my question.

MR. DOODY: Mr. Speaker, may I speak once more, Sir -

MR. SPEAKER: The hon. the minister.

MR. DOODY: With your permission, Mr. Speaker, the hon. gentleman opposite also asked me to provide the House with the information regarding the tendering procedure - who was the lowest tenderer, and if indeed, Sealand Helicopters had a second crack at the tender, if my memory serves me correctly. And I am now trying to provide that information, but if the House does not want it, Sir, I will put it back in the files. I have all the original documents.

MR. NEARY: No, table the information.

MR. W. N. ROWE: Sir, may I speak to that point of order, please?

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

MR. W. N. ROWE: I refer Your Honour to Standing Order 31.(a) of this House, in which it is stated, 'provided also that the minister to whom a question is directed may take such oral question as notice to be answered orally at a later sitting, but where any such reserved question requires as its answers a lengthy statement, such statement shall be given under the ordinary daily routine proceeding "Statements by Ministers." '

Now, Mr. Speaker, it is a gross insult and abuse of the Question Period for this hon. minister to be taking up one half hour of valuable time, Sir, when he could be making that ministerial statement.

MR. W. N. ROWE: None of his other colleagues hesitate to make ministerial statements, Instead Sir, we are having a half hour of the most valuable time available to private members of this House being taken up needlessly, Sir, in order to stall in the answer of urgent questions which members of this House have.

And, Sir, I would ask the hon. member - I would by leave, Sir, allow him to revert to Statements by Ministers and make the statement, which he should do, under Standing Order 31. then we can have some time left for the Oral Question Period which is essential to the running of this House.

SOME HON. MEMBERS: Hear, hear!

AN HON. MEMBER: Shame! Shame!

MR. HICKMAN: Mr. Speaker, if I may, to that point of order.

MR. SPEAKER: The hon. the Minister of Justice.

MR. HICKMAN: The hon. gentlemen opposite have been asking questions of the hon. the Minister of Transportation and Communications for the last couple of days and again today with respect to the tendering process, and the minister, with that kind of question, is entitled to present this House with facts.

MR. SPEAKER: Order, please!

MR. HICKMAN: And the hon. gentleman has an obligation - I would say, a very serious obligation - to answer by facts innuendoes which have been coming across the House

MR. HICKMAN: dealing with this matter and it is the truth, the whole truth, so why should anyone be upset because the hon. gentleman wants to give the truth.

MR. SPEAKER: Order, please! On this matter I think there are two -

AN HON. MEMBER: (Inaudible)

MR. SPEAKER: Order, please! Two authorities which I will allude to , one quoted by the hon. Leader of the Opposition, and the other from Beauchesne.

Standing Order 31 (a),

I will read the entire thing because it is quite relevant.

"The ordinary daily routine proceeding "Oral Question"

provided in Standing Order 14 shall last not more than thirty minutes, including supplementary questions and points of order.

In these periods questions on matters of urgency may be addressed

orally to Ministers of the Crown, provided, however, that

Mr. Speaker shall disallow any question which he does not consider urgent or of public importance; provided also that

if in the opinion of the Minister to whom a question is

addressed it requires a lengthy answer, he may require it

to be placed on the Order Paper; and provided also that the

minister to whom a question is directed may take such oral

question as notice to be answered orally at a later sitting,

but where any such reserved question requires as its answers

a lengthy statement, such statement shall be given under the

ordinary daily routine proceeding "Statements by Ministers."

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please! I draw to hon.

members attention as well Beauchesne, section 181, paragraph

(1) "Questions must be answered briefly and distinctly, and

be limited to the necessary explanations, though a certain

latitude is permitted to Ministers of the Crown whenever they

find it necessary to extend their remarks with the -

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please! - to extend their remarks with the view of clearly explaining the matter in question."

A very difficult situation the Chair is in here. It would appear, and obviously we cannot work retroactively, it would appear perhaps that this problem would have been precluded if the hon. minister had required the question to be on the Order Paper, because then the answer would not have come under Oral Questions. However, he is under no obligation to have so done.

What one has to balance here it says, "Where any such reserved question requires as its answer a lengthy statement, such statement shall be given under the ordinary daily routine proceeding Statements by Ministers." That is operative on this House as it is on me. I must also bear in mind that where a minister finds it necessary to extend the remarks with a view to clearly explaining the matter in question then obviously the minister has a certain discretion there and not one with which I can interfere too much in the exercise because he has to use his own judgement.

I think all I can say is this, that the rest of the hon. minister's reply should be quite brief. I will not say he cannot reply any further but should be fairly brief, bearing in mind what the Standing Order says that, "Where any such reserved question requires as its answer a lengthy statement, such statement shall be given under the daily routine proceedings of Statements by Ministers."

So what I would ask the hon. minister is to, at least in the answering of it in the Oral Question period, to have the rest of his answer brief and of

MR. SPEAKER: course, if he does not feel that is satisfactory he may always chose other options in which to give the information.

The hon. minister.

MR. DOODY: Thank you, Mr. Speaker. I appreciate the dilemma and I appreciate the problem. It is not a question that can be answered briefly. It is a question of pressing importance that has been made so by the tenor of the questions and by the shape and innuendo of the questions as they were so presented and I was attempting as quickly as possible to get the information on the table of the House. I would much rather have preferred to have taken the time to have prepared a statement and to have presented it that way. However, since it is the wish of the House that it be done in that manner then I will hold back on this particular item and with the House's permission I will prepare a ministerial statement and at that time I will table all the relevant information. I would have liked to have made it all available to the public today, Sir.

MR. NEARY: Mr. Speaker, a supplementary.

MR. SPEAKER: The hon. member for LaPoile, a supplementary.

MR. NEARY: A supplementary, Sir. First of all the hon. gentleman still did not anwer my question of whether

MR. NEARY: Sealand is working for charity, or if they are receiving progress payments from the Public Treasury? And would the minister when he is answering that question also tell us -

AN HON. MEMBER: (Inaudible).

MR. NEARY: If the Premier would just stop prompting for a moment, I know the hon. the Premier is very touchy about this situation. It will all be discussed down on the golf course probably this afternoon, Sir, if it is a fine evening.

PREMIER MOORES: Do you play?

MR. NEARY: No. I do not play either in Antigua or in California, or at Bally, Haly. I do not hold my meetings down there.

PREMIER MOORES: It would do you good, boy!

MR. NEARY: Yes, it might do me good.

But would the minister tell us how the minimum number of hours were arrived at? And is there any limit to the hours over and above those specified in the contract? How the minimum number of hours were arrived at that are included in the contract? And how many hours or is the sky the limit, over and above the minimum hours specified in the contract?

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

MR. DOODY: Mr. Speaker, all of that information is here in document seven, I think it is seven or eight or nine, I do not know. In any event, obviously I cannot do it briefly because in helicopter service, obviously, the sky is not the limit, there is a limit in any kind of service. I would like to be able to present the information properly. I think the public deserve the information, and I would like to be able to provide it. I have it here. I am not allowed - obviously. I cannot do justice to it.

MR. NEARY: Table it.

MR. DOODY: But I will provide the House with that information and any other items that the gentlemen opposite have on that item, they should put on the Order Paper then so I can deal with it properly and

Mr. Doody: get it to the House as quickly as I possibly can.

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

MR. SPEAKER: A supplementary.

MR. NEARY: Would the hon. gentleman indicate to the House now if there is anybody keeping a record of the number of hours that these helicopters are spending aloft or have spent aloft since May, I believe, when the public tender was called? Is anybody logging the number of hours? Who is authorizing the trips? Who is authorizing the flights and so forth? Whose jurisdiction that comes under? Is anybody keeping tabs on it in case invoices will be submitted to the Public Treasury?

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

MR. DOODY: In light of the fact that the hon. members opposite will not let me provide the public with the information which has been asked I should really ask the hon. member to put that on the Order Paper as well. But because of the inference that there is dereliction of duty or that there is nobody in the Department of Transportation and Communications capable of keeping track of the number of hours that helicopters are in the air I have to answer quite emphatically that certainly they are being kept track of, and certainly they are they being -

MR. NEARY: By whom?

MR. DOODY: - Officially looked after. By a gentleman named Mr. O'Brien who is the Director of Transportation in the department, and by his immediate subordinate, Mr. Simmons, whose name I mentioned here earlier, the Director of Air Operation, both gentlemen of impeccable character whom I have no doubt will be dragged across this House as other people have been during the course of this afternoon's -

MR. NEARY: A supplementary.

MR. SPEAKER: Orders of the Day.

MR. NEARY: A point of order, Mr. Speaker.

MR. SPEAKER: A point of order.

MR. NEARY: Your Honour during the Oral Question Period, Sir, the Minister of Transportation and Communications read from certain documents

MR. NEARY: and my understanding of the rules of this House, Sir, is that when you quote from a document -

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: - and the hon. gentleman quoted from certain documents he had in his hand before getting to the public tenders, these documents have to be tabled in the House -

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: And I ask Your Honour to order the hon. gentleman to table the documents.

MR. W. ROWE: Do not forget your -

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

MR. DOODY: Mr. Speaker, these are Crown documents taken from the files of the Department of Transportation and Communications. I am under no obligation to table them unless I so desire.

MR. W. ROWE: No, Mr. Speaker.

MR. NEARY: No, Mr. Speaker.

MR. W. ROWE: To that point of order, Sir.

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

MR. W. ROWE: As I understand it the minister indicates his desire and willingness to table the documents. The only reason for not tabling Crown documents is if the minister says it is not in the public interest to do so.

SOME HON. MEMBERS: Right.

MR. W. ROWE: Or it is against the public interest to do so. He has already indicated a willingness to do so, -

MR. DOODY: And the desire.

MR. W. ROWE: - and the desire, and that it is in the public interest to do so.

MR. DOODY: (Inaudible) by the Opposition.

MR. W. ROWE: And he will not table the documents -

MR. SPEAKER: Order, please!

MR. W. ROWE: - in an obvious cover-up attempt by him and his colleagues, Mr. Speaker.

MR. DOODY: Give me leave.

MR. NEARY: Leave!

SOME HON. MEMBERS: Hear, hear!

MR. W. ROWE: And the point of order, Sir, is that the minister having quoted from the documents should table the documents or if they want to revert to Ministerial Statements.

MR. NEARY: By leave!

MR. W. ROWE: Or simply by leave of the House he can table the documents and have a little word to say on them if he so desires. We are interested in getting these documents before the House. The minister can put his own, I will not use an adjective, Sir, his own interpretation on the documents that he wants, we will put an interpretation on it as well. But, Sir, there is clearly an obligation on him now to table these documents, put them on the Table of this House so we can see them.

SOME HON. MEMBERS: Hear, hear!

PREMIER MOORES: Mr. Speaker, to that point of order.

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: First of all, Sir, it is not a matter of tabling the documents, I think, by leave of the House and by leave of the Opposition if the minister now could carry on uninterrupted to give the full story of this particular situation

PREMIER MOORES: in which questions have been asked by the Opposition I am sure the minister would be only too glad to go into great detail and pass on this information. The only thing is, Sir, -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER MOORES: -having agreed to pass on all the information which has to have explanation as well as tabling - if the Opposition wants the information as by innuendo they had accused us of not providing it - now that it is available to be provided in detail I would assume, Sir, the Opposition will be only too glad to hear exactly what that information is.

MR. NEARY: Mr. Speaker.

MR. SPEAKER: The hon. member.

MR. NEARY: Perhaps I can help the hon. Premier and the hon. Minister of Transportation out a little bit because I know they have themselves boxed in, Sir. We have such a thing in this House called a Standing Order 23 and Mr. Speaker as there exists throughout the Province an uneasy general feeling that proper safeguards do not exist for expenditures or commitment of large sums of public money on office buildings, rental of office space, helicopter and airplane contracts, public works and services-

AN HON. MEMBER: (Inaudible)

MR. NEARY: I move, Mr. Speaker. I move.

MR. SPEAKER: I must dispose of the point of order before I hear the hon. gentleman's motion. I had not realized what was going on until a moment ago.

MR. NEARY: I will give the hon. gentleman an opportunity to -

MR. SPEAKER: Order, please! The point of order before the Chair is whether the hon. minister is required to table documents in his possession. I refer to May pages 431 and 432. This citation has been read on a number of occasions this session and on previous sessions but it is the one germane. "Another rule or principle of debate may be here added.

MR. SPEAKER: A minister of the Crown is not at liberty to read or quote from a dispatch or other state paper not before the House, unless he is prepared to lay it on the table." This restraint is similar -

MR. NEARY: Hear, hear!

MR. SPEAKER: Would the hon. gentleman please wait because unless one hears the matter in its entirety it is meaningless or indeed can mean the contrary to what it will in its entirety.

"This restraint is similar to the rule of evidence in courts of law, which prevents counsel from citing documents which have not been produced in evidence. The principle is so reasonable that it has not been contested; and when the objection has been made in time, it has been generally acquiesced in. It has also been admitted that a document which has been cited ought to be laid upon the table of the House, if it can be done without injury to the public interests."

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: There have been a number of rulings in the House of Assembly which have cited this and stated explicitly that the only exception here, apart from private letters or private memoranda, is that when a minister makes a claim of what I call for shorthand, Crown privilege which is a claim that in the minister's opinion it is not in the public interest to table those documents. Now when that claim is made the Chair has no authority to review the documents and to make a judgement, the Chair is not in a position of a matter being on trial and making a finding of fact. It is submission which is immediately operative and therefore according to May, and to its application and our precedence, since the minister has made that claim, then he is not required to table it.

MR. NEARY: The minister told us he was going to table them, Sir.

MR. W.N. ROWE: He did not make the claim.

MR. DOODY: I did not make any claims.

MR. SPEAKER: Order, please! I did understand and I am quite sure that in his last submission or in a submission the hon. minister said

MR. SPEAKER: that in his opinion it is not in the public interest to table it.

MR. NEARY: No, Mr. Speaker, No.

MR. SPEAKER: Order, please! I ask the hon. gentleman whether I heard him correctly or not.

MR. DOODY: Mr. Speaker, what I have said is that the documents from which I quoted various unrelated sentences and bits and pieces, figures and numbers, unless they are in thier entirety would not be in the public interest so to do because they could very well be misinterpreted. And I want to present to the House, to the press and to the public the full and complete picture of this particular tender call. And those particular litte bits and pieces that I quoted - now if the House wants me to read all these documents then certainly I will lay them on the table of the House but I was prepared to present the whole picture, Sir, and until such times as the House is prepared to accept them I do not think it would be in the public interest to just lay little bits and pieces on the table of the House.

MR. NEARY: Lay it all on the table.

MR. SPEAKER: Order, please! I have made a ruling that once a minister makes that claim it is out of my hands, If he does not make the claim he must table it, if he does make the claim it is out of my hands. I cannot require him -

MR. NEARY: Well, Mr. Speaker, I would like to give the hon. gentleman an opportunity to put the documents on the

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MR. NEARY: table of the House and to have this matter thrashed out and I would like to help the hon. the Premier out.

MR. DOODY: I will when I get a ministerial statement together.

MR. NEARY: Mr. Speaker, I am making a motion now under Standing Order 23. Mr. Speaker, there exists throughout the Province -

MR. HICKMAN: Is that by leave?

MR. NEARY: No, it is not by leave, it is Orders of the Day.

MR. WHITE: That is right. You do not have to have leave.

MR. SPEAKER: Order, please!
Upon the calling of Orders of the Day, the hon. gentleman is now making a submission under Standing Order 23.

MR. NEARY: Mr. Speaker, there exists throughout the Province an uneasy general feeling that proper safeguards do not exist for expenditures or commitments of large sums of public money on office buildings, rental of office space, helicopter and airplane contracts, public works and services. Therefore, Sir, I move that the regular order of business of this House be interrupted to discuss this urgent matter, and the advisability of setting up a Select Committee of the House to examine this whole matter and recommend whatever steps are necessary to safeguard the Public Treasury and eliminate the present feeling of uneasiness over careless use or possible misuse of hard earned taxpayer dollars in these departments.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Agree with it? You agreed with it.

MR. SPEAKER:

Order, please! Order, please!

Under this procedure I am not required, actually, to hear any arguments and I think that I shall continue on that basis.

Under Standing Order 23 there are a number of things in which for this motion to become operative, for it to be in order, have to be identified by the Chair. One of them is the urgency of debate and then, equally operative with that must be whether there will be within the reasonably near future, an opportunity to debate the matter. In other words, the matter being urgent does not put it immediately operative, nor even the urgency of debate. Once this has been conceded, the Chair has also then to ask itself whether there will be in the reasonably foreseeable future, an opportunity to debate this matter, and with the Budget Debate on the Order Paper and the certainly reasonable expectation that it will be called within the next few days - it is my expectation; I do not know, the Address in Reply being there as well - then certainly it would appear that there will be an opportunity to discuss these matters in the quite near future. That being so, I cannot accept it as in order -

The hon. member.

MR. NEARY:

I wonder, Sir, if Your Honour cannot find it within the rules to allow this motion to be debated, could we debate it by leave? Would the hon. gentleman who wants to give information to the House and to the people - could we have it by leave that we would debate this matter?

MR. DOODY:

Mr. Speaker, the hon. gentleman has asked me a question and I would be most happy to answer it. It has been suggested by hon. members opposite that

MR. DOODY:

I deliver the documents in the form of a ministerial statement rather than in the form that I wanted to do them today and that I am quite prepared to do. So there is really no need to get involved in leave or anything else. I will prepare a statement, a rather lengthy statement that will outline in detail every document that is in this rather voluminous file which I took from the registry of the Department of Transportation and Communications and make it available to the House in the very near future.

MR. SPEAKER: I understand that the hon. gentleman does not have leave.

MR. NEARY: Too bad! Cover up.

MR. SPEAKER: Motion 8.

Motion, the hon. the Minister of Tourism to introduce a bill, "An Act To Amend The Wild Life Act," carried. (Bill No. 43)

On motion, Bill No. 43 read a first time, ordered read a second time on tomorrow.

Motion, second reading of a bill,
"An Act To Amend The Welfare Institutions Licensing Act To
Ensure Greater Emphasis On The Inspection Of Welfare
Institutions In The Future." (Bill No. 22)

MR. SPEAKER: The hon. Minister of Recreation and
Rehabilitation.

MR. HICKEY: Mr. Speaker, this could be classed
I suppose by the look of the bill as minor changes but
I would suggest to Your Honour very important changes.
The main purpose of the bill is to draw attention to the
fact that the licensed boarding homes will undergo great
scrutiny and inspection in future more, than before, and
also to replace the Licensing Board which has been
operating for something more than a year now. That board,
Mr. Speaker, is charged with the responsibility of
investigating, inspecting and licensing private boarding
homes in the Province. It is being changed now to an
authority. The composition of the board is the same
under the amendment, under the change which will be
referred to as an authority. The same number of members
who can do the same thing with the exception of placing
the emphasis on the inspection aspect of those homes,
not only, Mr. Speaker, before such homes are licensed but
thereafter during the operation of such homes.

Hon. gentlemen will recall
the tragedy that we had a year and a half or more ago
and as a result of that a number of things came to the
surface, a number of inadequacies in the boarding home
system. And from that date on, Mr. Speaker, this
government has been striving to improve that situation
to ensure that (a) the homes that would be licensed
would be constructed properly, would be inspected regularly
and operated in the proper manner to ensure first and
foremost the safety of the inhabitants, not to mention, of

MR. HICKEY:

course, the service and the caring for those people.

The change here in legislation is just another step forward in that direction. And as I said at the outset a most important aspect of it is to draw attention to the fact by those people who are affected by this legislation that the real emphasis and the most important aspect is indeed on the inspection, in the first instance, the licensing based on the inspection and the inspection which would be ongoing after the home is licensed. I have much pleasure in moving second reading.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, we support the bill, Sir. It is not really all that earth shattering, it merely provides for the appointment now, an amendment to replace the existing members of the Licensing Board and unfortunately, Sir, the members of the board are still officials of the minister's department. There is no independant person on the board, nobody from outside of government and I was hoping that if the Licensing Board for welfare institutions which are really, Sir, homes as hon. gentlemen know, homes for senior citizens, for the infirm, for the handicapped and ex patients of the Waterford Hospital and so forth and so on. There are quite a number of these homes, a couple in my hon. friend's district there in Conception Bay South and there are quite a few down around the Goulds area, in that part of Newfoundland, part of the Avalon Peninsula.

This bill, Sir, probably came about primarily due to the tragedy that occurred in the Goulds there, I believe, it was the Christmas before last, was it not?

MR. NOLAN: The Chafe home, yes.

May 18, 1978

Tape 3308

IB-3

MR. NEARY: The Chafe Boarding Home down in Petty Harbour, down near the Goulds. And I believe, Sir, ever since the minister and the department, and rightly so, are trying to beef up the licensing and the inspections of these homes. There have been quite a few changes in

MR. NEARY: the last year or so. The rates for instance have been increased. I do not know if they have been increased to the level where the homes can now afford - Is the hon. gentleman listening to me or is the hon. incompetent Minister of Health interfering in the - I am trying to get the attention of the hon. gentleman here. The king of Duckworth Street, I am trying to get that hon. gentleman's attention. Not the King of Kensington the king of Duckworth Street. Is the hon. gentleman listening to what I am saying?

MR. W.N. ROWE: He is going to be down there a lot I am sure.

MR. NEARY: Mr. Speaker, I do not know if I am talking to myself or -

MR. HICKEY: A point of order, Mr. Speaker.

MR. SPEAKER: A point of order.

MR. HICKEY: It would not make much difference if the hon. gentleman was talking to himself. The kind of jargon and garbage that we are listening to here, unparliamentary remarks.

MR. SPEAKER: Order please! I think it is probably a difference of opinion.

MR. NEARY: Now that I have the attention of the king of Duckworth Street I would like to ask the hon. minister if the rates for homes for these people have now reached -

MR. HICKEY: Mr. Speaker, I am fascinated by this Duckworth Street bit. I rose yesterday, Your Honour. I think we should really allow the hon. gentleman to explain this very interesting comment about Duckworth Street or is he talking about Portugal Cove Road?

MR. SPEAKER: Order please! Order please! The principal of this bill certainly is related to the desirability of amending the Welfare Institution Licensing Act in order to ensure greater emphasis on the inspection thereof and unless there is such an institution on Duckworth Street to which hon. members are referring then it would be out of order to discuss matters totally foreign to the bill.

MR. NEARY: Mr. Speaker, there maybe institutions, there maybe welfare homes on Duckworth Street and there maybe some on Portugal Cove Road and there maybe some on Bell Island but it does not make any difference if the hon. gentleman wants to enter into debate on either. It is perfectly okay with me.

MR. HICKEY: (Inaudible) the hon. gentleman made.

MR. W.N. ROWE: There is another institution on Duckworth Street.

MR. NEARY: Mr. Speaker, there are all kinds of institutions on Duckworth Street.

MR. W.N. ROWE: Very important ones.

MR. HICKEY: Yes, according to the rumours I am hearing.

MR. NEARY: Rumours the hon. gentleman is hearing about what?

MR. HICKEY: Speak away.

MR. NEARY: Go ahead, Mr. Speaker. The hon. gentleman, Mr. Speaker, in 1972 in this hon. House made wild irresponsible charges and allegations, Sir, that backfired on him and now if the hon. gentleman has any more to make now is the hon. gentleman's time to do it.

MR. SPEAKER: Order please! Order please! I will now direct both hon. gentlemen that the debating of this bill does not give them the parliamentary right to engage in personal debate on matters not related to the bill or to personal differences of opinion or former events or former debates and matters in which they might be in conflict. Both hon. members and all hon. members only have the right to debate what is related to Bill No. 22 and they will have to find another kind of motion on which to speak if they wish to engage in other matters of a personal nature on which there are differences of opinion between them.

The hon. member.

MR. NEARY: Mr. Speaker, I would think, Sir, I am not quite sure now but there used to be welfare homes on Duckworth Street. I know there are some over here by the Newfoundland Hotel on LeMarchant Road, in that area and I believe there are a number of institutions on Duckworth Street and the hon. gentleman maybe familiar with these institutions, I do not know.

MR. W.N. ROWE: He is going to be familiar with them.

MR. NEARY: But if the hon. gentleman is not, perhaps in the foreseeable future the hon. gentleman may become familiar with some of these institutions.

MR. HICKEY: (Inaudible).

MR. NEARY: Mr. Speaker, I wonder if Your Honour, could you ask the hon. gentleman, Sir, to restrain himself so that I can be heard in silence.

MR. SPEAKER: The hon. member has the right to speak with interruption.

MR. NEARY: I do hope, Sir, that when the hon. gentleman is in the Duckworth Street area in the foreseeable future, no doubt he will have occasion to visit there, that the hon. gentleman might drop in and take a look at some of these boarding homes in the area to see that their license have been issued under the strict regulations that are laid down by the minister's department under this bill. And, Mr. Speaker, I started to ask the minister a question and what probably got me sidetracked was the Minister of Health up whispering in the minister's ear. I was asking the minister if the rates have now reached the level in these boarding homes so that the owners can hire security people after hours, twenty-four hours a day,

MR. NEARY: especially from 4:00 o'clock in the afternoon until, say, 8:00 o'clock in the morning. Are they now able to hire with the rates that they are being paid sufficient staff to ensure that we will not have a repeat of the fire in the Goulds the Christmas before last? And would the hon. gentleman also take note of my point that somebody from outside of government other than the officials of the minister's department should be put on this Licencing Board? And perhaps the hon. gentleman can tell us how much beefing up is being done on the Welfare Licencing regulations with regard rates, inspections, food served in the homes and so forth, give us a kind of a general report of how the situation now stands with these licenced boarding homes that are so important and where people, in a lot of cases, have to spend the rest of their lives. Is the minister satisfied now that the owners of these homes are doing a good job? In most cases I would assume that they are. Are they being paid sufficiently well that they can take care of the needs of the residents of these homes? So perhaps the minister could give us a little updating on just what is happening now in connection with these so-called welfare institutions?

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

MR. C. POWER: A brief word on this bill and a question for the minister. There is great concern in my district and in the district that takes in Kilbride and Conception Bay, and certainly in the lower end of Ferryland district. There are a great number of small nursing homes and small private care homes. And there has been a great deal since that very tragic Chafe fire in Petty Harbour, in the Goulds - there have been a great deal of renovations and new restrictions placed on people who own private nursing homes and the like. And there is also a great deal of concern expressed by many of those very small private owners as to what is the future of those small private homes within the framework of the total care of aged people within the Province. Some of them are expressing some concern as to whether or not the government has an intention or a philosophy, if you want, of weeding out or eventually eliminating all those small private homes that are in my district, in Conception Bay South and in Kilbride, and, I suppose, in other parts of

Mr. Power: the Province.

My own feeling is that those small private homes, although they may not provide a quality as great as in the Hoyles Home or some of the other major homes within St. John's, in the larger cities, but they do supply a type of home care for the aged, in particular, that allows for an individual personal contact and very often older people find that very satisfying. So I would like for the minister when he gets up to speak again if he would sort of reaffirm the government's intention or at least its policy on how it intends to deal with these small private homes in our areas in the immediate future. Does the government have any intention of weeding out or eliminating the small private homes that provide home care for many of the aged in my district and in other districts?

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

MR. NOLAN: I rise very briefly, Mr. Speaker, to ask a question or two about the bill because here is something that we have to be particularly careful about in many instances. In view of the fact that while some considerable attention has been directed towards these homes - brought about tragically, I am sorry to say, by the terrible fire in the Goulds on Christmas last, I believe, but the fact is we have in these homes many senior citizens, some of whom are forgotten by their alleged loved ones, some of whom I have heard call to see some of these people to sign their old aged pension cheques and then go off and leave them again after collecting the money.

MR. RIDEOUT: Go away! Is that right?

MR. NOLAN: It has happened in hospitals here in town, and things like that. But it is just shocking to see how callous some people can be. In reference to some of the people who have really paid their dues, as I believe they say in show business, and deserve a little more passion, attention, understanding -

SOME HON. MEMBERS: Hear, hear!

Mr. Nolan: - than they are given, you cannot legislate love or care, compassion and so on. It cannot be done. So it is not even to merely blame the state or the minister or anybody else for the neglect, it is often times exhibited by some relatives who are all too interested sometimes in funneling their loved ones away out of sight and out of mind.

And in this regard may I say that many of the proprietors of some of the homes with which my hon. friend for LaPoile (Mr. Neary) and the Minister of Rehabilitation and Recreation are certainly familiar have - and I just had a meeting with some of them recently, in fact, who came to visit with me, who really care very, very much about the people who have been assigned to their care,

MR. NOLAN: and are really concerned by the type of homes that are operated, how they are operated. Oftentimes we go from one extreme to the other. There were some areas of real neglect I am sure prior to the Chafe home fire. Now in some instances, and I am certainly not stating this as a fact, but I am told that in some cases perhaps officialdom may now be swinging the pendulum all the way to the other end so we have to be careful that the bureaucracy is not such that it is going to make it difficult and untenable to operate some of these homes.

Now the minister would have more detailed information on this, of course, than I. The other thing that I am concerned about always is some rehabilitation for these people, some activity. The people in the homes cannot always provide it. They can provide very little in some instances although I have know of cases where people who have a substantial amount of land have had some of the people who were there assist in farming and any number of other things which gives them some kind of a purpose, some kind of a - I am sure my friend is familiar with some of them - a reason something to do every day. What does a person do? I believe, as I understand it the board to which we are now referring is going to be made up totally of civil servants?

MR. NEARY: It always was.

MR. NOLAN: Why is this a biblical writ?

MR. NEARY: No, no it should be changed.

MR. NOLAN: Maybe my hon. friend would consider not just sticking to his guns on this thing. Why not make provision for someone outside the Civil Service? I am sure the minister knows of many competent and capable people outside the Civil Service who could have some real input into these homes, either one of the home owners or if not someone who is associated in almost any sphere of activity throughout the community, unless there is some very, very good reason why it would be injurious to the people who we are attempting to help assist and serve

MR. NOLAN: in this particular instance and why this bill is being brought in. If it is not firm that you must have those who are already in the employ of the Civil Service and if you feel that it could be beneficial and good well, why not take a look at it right now and bring in someone outside of the bureaucracy. I think it would add to the board, I am sure there are many people of the minister's acquaintance and of the acquaintance of members of this House who would be glad to serve and help or assist in this regard. And by the way, I do not know when the Gushue Report is coming out but I am told by some people who have made application to the minister's department for these homes, and so on, that they are being given the - what they sometimes refer to as the excuse, that the Gushue Report. Now they have been hearing about the Gushue Report for some time. Maybe the minister expected to have it a month or two ago, I do not know. But I think that these people who have these homes and so on, or would like to start the homes, deserve an explanation. When is the Gushue Report going to be made available? Could we possibly see some input from the community within the board that the minister hopes to set up?

This is a very difficult task the minister has in the overall administration in some of these Homes and I would hope that we could take a good hard look at it not only in this bill, but in other debates that will no doubt arise here in this House - to see what if any input we can have to help and assist these people who are in the homes and to help those who have the homes and help those who are in there in any way that we possibly can. So let us start by not making it appear that we have a bureaucratic board that is designed to protect the department or the minister or the government or the members of the House of Assembly or anything like that. God knows, you know, what happens in the public mind oftentimes in reference to officialdom. So why not take a look at it? Unless there is some very, very good reason why it will not work let us put a layman on the board.

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

The hon. minister.

May 16, 1978

Tape No. 3311

AH-3

MR. HICKEY: Mr. Speaker, I will attempt to answer some of the points raised by my hon. friend from Conception Bay South (Mr. Nolan) and my hon. friend from Ferryland (Mr. Power) first because they did raise some -

MR. NOLAN: I cannot hear the hon. minister.

MR. HICKEY: I said, Mr. Speaker, I will attempt to answer the questions or concerns by my hon. friend from Conception Bay South (Mr. Nolan) and my hon. colleague from Ferryland (Mr. Power) first because they raised some rather important areas and certainly areas which are

MR. HICKEY:

of concern to all of us. So far as the Gushue Report is concerned, in the first instance we should have had it a month ago or a month and-a-half ago. However, Mr. Speaker, as I am sure hon. members appreciate, that gentleman is very busy and I understand that one of the problems he has is that he has to sit in court with the other judges which does not necessarily allow him the same kind of time as compared to some other judges. He has communicated with my department to the effect that he is proceeding with the greatest of speed and should have the report to us during the month of June.

When the member for Conception Bay South (Mr. Nolan) says that the answer is given people applying for licenses-or that they are given the excuse about the report, we are awaiting the report I can assure my hon. friend and I appreciate that that is sometimes the way it is looked upon, as an excuse. But I can assure him that it is not an excuse. It is deliberate in the sense that there is a freeze on licensing of boarding homes until we receive the Gushue Report. We must take into account, Mr. Speaker, that the people who open licensed boarding homes do so with the expressed purpose in mind of it being a paying proposition and I do not think anyone quarrels with that. There has to be, certainly for the costs that are involved in setting up a boarding home, and there are high costs involved, there has to be a reasonable guarantee, not a legal guarantee in the strict sense of the word but there must be a reasonable guarantee that they are going to make both ends meet and probably make a small profit from the operation.

To license boarding homes when, in fact, we do not know what the report is going to contain

MR. HICKEY:

or indeed if we might even have to remove patients from certain homes or for that matter close out some homes would, to say the least, be irresponsible. Or indeed the report might contain, because it is covering the whole spectrum, a recommendation of new direction in which to follow in caring for the aged and the infirm which might well mean a decreasing of licensed boarding homes as opposed to an increase. That being the case we would have to provide some kind of security to those homes which are already in existence and that are already complying with the standards and have gone to great cost to meet the standards that are now being set. So I assure my hon. friend it is no excuse, it is a deliberate move by my department to hopefully keep things in reasonably good shape until such time as we get that report so that we do not make any wrong decisions by licensing new homes.

My understanding is, at least since I have been minister, that there probably have been two homes licensed where there had been a commitment and where they had been ongoing before the Chafe fire, for that matter. With regard to the activities that are provided or developed for those people who live in those homes, I need not do any more than remind my hon. friend for Conception Bay South (Mr. Nolan) that right in his own area which he is I am sure quite familiar with, a social center which is a credit to those people and which certainly was brought about by the initiative of the people who own and operate the boarding homes. And some of the patients, indeed, who live there worked on it and are part and package of that whole programme and it is working very nicely.

The whole question of care, Mr. Speaker, is one which naturally we are concerned about and we do the best we can. There are

MR. HICKEY: rigid inspections. I should point out to my hon. friends that there are two types of licensed boarding homes. One, the ones which come directly under my department in terms of filling of course, they all come under my department from the point of view of inspection and licensing but in terms of filling those homes some are filled by Waterford Hospital, ex-psychiatric patients, and the others are people who are sick, infirm or just old, aged people who have no place to call home and who want accommodations. So there are two distinct areas there. We have in some of those homes bed care patients and I might say, Mr. Speaker, that in some homes we are concerned insofar as the overall situation is concerned with regards to proper care, the capability of people to handle as many patients as indeed they might have. I think it is fair to say, and again in response to my friend and colleague from Ferryland, that there is no desire on the part of my department to place into jeopardy the investments made by a number of those people. In the first instance building a home and having it licensed. In the second case modernizing and improving based on more recent standards as laid down by my department. Those people have gone into a fair investment to stay in business and to live within the regulations that have been recently laid down.

I can assure my hon. friend that there is no intention on the part of my department or the government to place in jeopardy that investment or in any way to create problems for those people. In fact, Mr. Speaker, that is one of the problem areas, trying to make sure that we do not place someone in a financial jam so to speak. If a home is such that it cannot be renovated to the extent that is required, then we just might reach a point where we have to close that home. But I suggest, Mr. Speaker, that if and when that time comes I am sure that as always government will not be blind to the fact that (a) there is a livelihood involved for a couple of people and (b) there is an investment which we must look at though we tread very cautiously in that particular area. As I said we do

MR. HICKEY: the very best we can with our inspectors and with all of our people, our social workers to ensure that the level or the standard of care for those people is nothing short of excellent. I cannot give hon. members an absolute guarantee that it happens in every home. I would hope, Mr. Speaker, it does. I can certainly give hon. gentlemen one guarantee though, that in any case where it does not, and where I have an opportunity based on some facts where it is not, I will not hesitate to pull that license off their wall in a hurry because let us face it, there can be no disagreement between any of us when it comes to, as my hon. friend mentioned, you cannot legislate affection or care in the strict sense of the word. I think we all agree with that. That is true. But certainly through legislation we can go a long way to make sure that you get as close to perfection as indeed you possibly can.

In any event, I assure my hon. friend that we are very conscious of that particular problem and we do everything we can to ensure that the level of care is, as I said, as near excellent as one can get. As I said some of the bed care patients might well have to be moved to other locations. I have attempted to act responsibly and I know that I have created some temporary problems for some people who have boarding homes, but I have informed my staff that unless there is some very real emergencies that I do not want to see any bed care patients admitted to private licensed boarding homes but rather that I would prefer to see them in the more institutional type facilities such as the Inter-Faith Home, Hoyles Home and homes of that nature. I believe, Mr. Speaker, that one direction we do want to move in, I do not know how quick we can move there or I do not know how far we will get because there are problems inherent in going in this direction, and that is the desired situation would be to have in licensed boarding homes throughout the Province purely and totally ambulatory patients or patients who require limited care. Certainly, I do not think it is desirable to have bed care patients unless you have a fairly large and sophisticated type institution

MR. HICKEY:

where there are nurses on staff and all the rest that goes with it. I think we have to ensure in the first instance the safety and the general well-being of those people and in order to do that I am afraid that sometimes we might have to make decisions which are, indeed, not very popular. But be that as it may, we will certainly pursue the question aggressively along the lines that I have just outlined.

In regards to the question raised by the member for LaPoile (Mr. Neary) insofar as the security staff are concerned, it is too bad, Mr. Speaker, that the hon. gentleman does not follow very much what goes on in the House. He tells me that he has difficulty getting my attention but certainly that was not so. I heard what he said all along. If he had been following the debate that has gone on here on a few occasions he would have known that during my estimates on one occasion and on another occasion I went into great detail to outline that there is security staff in those homes from eleven to seven in the morning, that those security staff members are paid for by the government. In the first instance paid for by the boarding home owners and the boarding home owners are then compensated by my department. So that the whole question he raises about the rates being such so as to allow someone to break even or make a profit because they have to hire security is totally unfounded. It does not really enter into the picture at all because government picks up the payroll of those people.

I think, Mr. Speaker, that is about all the areas that were raised with the exception, of course, of the question of boarding homes as raised by the member for LaPoile (Mr. Neary) in his usual, very usual -

MR. HICKEY:

I will not say unusual - but very usual way when he talks about boarding homes on Duckworth Street. I do not know anything about boarding homes on Duckworth Street, Mr. Speaker. We have no boarding homes on Duckworth Street, We have no boarding homes on Portugal Cove Road, We have no boarding homes in a number of areas. I do not know what the temperature on Duckworth Street is today. They told me yesterday it was warm down there. But yesterday, Mr. Speaker, the temperature was equally high on Portugal Cove Road and several other areas of the city. I really do not know what possesses the hon. gentleman to interject with such comments.

MR. NEARY: It is going to get higher and warmer.

MR. HICKEY: Now that is very interesting, Mr. Speaker. We hear about the temperature increasing and getting warmer again. It is also going to get warmer in a number of areas in the Province and, in fact, Mr. Speaker, it might even reach a boiling point on Portugal Cove Road.

MR. NEARY: Is that right?

MR. HICKEY: That is right. That is right. That happens to be in my constituency, God's country, Mr. Speaker. Portugal Cove Road is God's country.

MR. NEARY: Some new voters the hon. gentleman was trying to get.

MR. HICKEY: I simply -

MR. SPEAKER: Order, please!

The principle of the particular bill is being discussed at the present time.

The hon. minister.

MR. NEARY: No wonder the Premier was getting false and suspicious information. Now I know what you were attempting.

MR. HICKEY: Mr. Speaker, I was attempting to get to the questions raised by my hon. friend. I answered the other questions which I said took precedent over anything the hon. gentleman said. I am answering the questions, Your Honour, in order of priority and now I am trying to reflect on the comments of Duckworth Street and I think I made some on Portugal Cove Road. I do not wish, Mr. Speaker, to lower the level of debate in this House by speaking further -

MR. NEARY: A.B. Walsh has nothing down on Portugal Cove Road.

MR. HICKEY: Ah, here we hear about A.B. Walsh again.

MR. NEARY: Do they have coloured television sets or anything on Portugal Cove Road?

MR. HICKEY: Mr. Speaker, I do not know where he has got coloured television sets but that is his own business, I suggest. We covered the matter of coloured television sets last year, Your Honour. If the hon. gentleman wishes to go into that again or indeed, Mr. Speaker, if he wishes to go into the whole question of A.B. Walsh let him name the day.

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

MR. HICKEY: I am only too delighted to go into that.

MR. SPEAKER: I do have to remind hon. members that the Chair is bound by the rules of the House and that is that the bill under discussion

MR. SPEAKER (DR. COLLINS): can be debated in terms of its principle.

The hon. Minister of Rehabilitation and Recreation.

MR. HICKEY: Thank you, Mr. Speaker. Fine, so we got that out of the way. All I was attempting to do, Your Honour, was say that I have no jurisdiction over boarding homes in such places as Duckworth Street or Portugal Cove Road or any of those areas. I am talking about this bill, this bill talks about, this bill refers to licenced boarding homes for the aged, the infirm, the sick, what have you, it has nothing at all to do with some of the foreign areas interjected by the member for LaPoile (Mr. Neary). But some people do get on thin ice, Mr. Speaker, occassionally. I suggest that the hon. gentleman is, and he might drown one of those days, but I will wait -

MR. NEARY: The hon. gentleman tried that one time before -

MR. HICKEY: I will wait and the hon. gentleman done his job before. And we will not go into that debate unless the hon. gentleman wishes -

MR. NEARY: You still have not resigned.

MR. HICKEY: Anytime the hon. gentleman wishes to bring out the Mifflin report I am ready to bring it out and read it.

MR. NEARY: The government street king should have resigned before.

MR. HICKEY: Mr. Speaker, you know, it is next to impossible to stay on a subject with the hon. gentleman. I am trying my best.

Let me end on a pleasant note, Your Honour, and say that everything possible is being done for the senior citizens, the sick, the infirm in this Province. Everything possible is being done, and that will continue, Mr. Speaker, despite the fact that the hon. gentleman can interject with frivolous items and, you know, can get very funny, and comical. In reading the bill, Your Honour, I do not see where it is impossible to appoint people from the community under the old section, under the old bill, the one we are amending, I think, it is spelled out who would be on the Committee, but I do not see where it is spelled out here. And the precedent is already set. The record

Mr. Hickey: is already set by this administration that it favours placing people from the community at large on boards and authorities and whatnot. That is an innovation, Mr. Speaker, that this government takes credit for, not the hon. gentleman opposite.

Mr. Speaker, I have much pleasure in moving second reading.

On motion, a bill, "An Act To Amend The Welfare Institutions Licencing Act To Ensure Greater Emphasis On The Inspection Of Welfare Institutions In The Future", read a second time, ordered referred to a Committee of the Whole House presently, by leave. Carried.

MR. HICKMAN: Motion 11, Bill No. 20

Motion, second reading of a bill, "An Act To Amend The Conflict Of Interest Act, 1973." (Bill No. 20).

MR. SPEAKER: (DR. COLLINS) The hon. the Minister of Finance.

MR. HICKMAN: Mr. Speaker, the principle of the bill is a very restricted one and it is set forth in the explanatory notes, that this amendment is to give the Minister of Finance the right to suspend ~~an~~ unpaid member of a board, the boards being those set forth in Schedule A of the Act, if he or she fails to file their annual return under The Conflict Of Interest Act. For the information of the House, or to remind the House, the agencies referred to in this bill, and I hasten to add that the bill before this House has nothing to do with hon. members of the House, but only these agencies referred to in Schedule A. It is the Civil Service Commission, The Board Of Commissioners Of Public Utilities, The Ombudsman, Clean, Air, Water, and Soil Authority, The Newfoundland Liquor Commission, The Workmen's Compensation Board, Newfoundland and Labrador Housing Corporation, Newfoundland Industrial Development Corporation Board, The Permanent Human Rights Commission, The Corporation and Board referred to in The Newfoundland Municipal Financing Corporation Act, The St. John's Housing Corporation, Newfoundland Fisheries Board, The Newfoundland Fisheries Development Authority, Corner Brook Housing, The Farm

MR. HICKMAN: Development Loan Board, the Fisheries Loan Board, the Co-operative Development Loan Board, the Industrial Development Loan Board, the Newfoundland and Labrador Rural Electricity Authority, the Harmond Corporation, the St. John's Metro Board, the Provincial Planning Board and any board under the Rent Restrictions Act and the Teachers' Educational Loan Board and the Teachers' Housing Loan Board. These and these only are the agencies that are referred to in this amendment and in some instances the members of the board are unpaid and there is a requirement under the act that they must file their return annually with the Auditor General but there is no real enforcement teeth in the provision of the act, in the act as it relates to these people. I hasten to add that we have had no real problem to date but it is a housekeeping, for want of a better word, amendment brought to my attention by officials so that there can be at all times in the future effective enforcement of the provisions of the act.

I move second reading.

MR. SPEAKER(DR. COLLINS): The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, the hon. gentleman indicated to the House, Sir, that this conflict of interest act, Bill No. 20 does not apply to members of the House of Assembly granted but it does give the House an opportunity to sort of look at the conflict of interest act in a sort of a broader sense. Then any amendment to the act, Sir, would give us that right as long as we stay within the principle of the bill. Here we are talking about conflict of interest as far as volunteers, people who are not paid who are on government agencies and so forth and the minister is bringing in a law making it compulsory for these people to file their conflict of interest statements or be thrown off the boards. That is really what it amounts to. Now I do not know if that is going to backfire or not. I do not know if because of this bill that the government will find it difficult to get people to serve on boards and government agencies and Crown corporations and so forth because these people may not want to disclose their interests. They are in most instances asked to do these jobs voluntarily and I believe it is incumbent upon the government

MR. NEARY: to screen these people to make sure that - and it is very easy to determine this I suppose, to make sure that they are not doing business with the government. They may own companies, Mr. Speaker, that are completely far removed from any goings on in government and could not be in any way associated with doing business with the government. I mean, the government is going to limit itself to the number of people that they can draw on to put on ^{Crown} corporations and boards and so forth. The government itself should be able to screen people, that is what I am saying. The government should be able to screen these people to see if they are doing business with the government and then not put them on the board to put them in an embarrassing position, but to force them to file a conflict of interest statement and these people may not want to disclose their interests - I know personally I have no problem at all in disclosing my interest, I have a mortgaged home and I have a building lot on Portugal Cove Road as the hon. Minister of Rehabilitation was just trying to tell the House, just down, let me see where it is, almost down to Windsor Lake.

MR. W.N. ROWE: What do you have that for?

MR. NEARY: Well I may sell my house and build a house down there. I do not know.

MR. W.N. ROWE: Country gentleman. I always knew he was a country gentleman.

MR. NEARY: I am a country gentleman. So I have no hesitation at all in filing my conflict of interest. That is the only thing I am the owner of in this world but there are people who have all kinds of investments in companies and so on and so forth and they do not want this to be made known and yet these people might be able to provide very valuable assistance on boards and corporations and so forth.

So the government, I believe, are going to restrict themselves to the number of people that they can draw on when in actual fact, I believe, the government itself could police the situation without

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MR. NEARY: making a law, without bringing in a piece of legislation, The government itself could screen these people before the appointments are made to make sure that they are not doing business with the government and then appoint these people to various boards and so on.

I would like to hear the minister's views on that because there is a weakness in this thing that you maybe able to get some good men who may not want to disclose their interests.

MR. R. MOORES: That is right.

MR. NEARY:

I do not know why the bill was necessary in the first place. Is there now a situation where there are people that the minister feels are in conflict of interest who will not file their conflict of interest statement? Is that the reason behind it? I mean, these people are volunteers. They are not being paid and, obviously, I do not think the government would condone for one moment putting a man in a position where he is doing business with, say, the Newfoundland Hydro and at the same time is a member of the Board of the Newfoundland Hydro. I do not think the government would condone that. Now, in that case the man if he wants to stay on the board, maybe, should file his conflict of interest statement. But all these other people who are on there who do no business with Newfoundland Hydro, who do no business with the government should not be forced to file their conflict of interest statement. I do not believe that was the intention or the spirit of the Conflict of Interest Act in the beginning. I would like to hear the minister's reasons on these few remarks.

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

MR. W. ROWE: Unless somebody on the other side wants to speak, Sir, I want to say one or two words, pick up where my hon. colleague left off. He is onto something there you know. I mean it is a good point. Anybody who takes any money from Her Majesty's Treasury needs to file conflict of interest information. There is no doubt about that. Nobody is protesting that in any way, shape or form, it must be done. Anybody who is under the employ of the government or receives money from the government by way of honorariums or per diem allowances and so on and so forth, certainly let them file their conflict of interest forms filled out with the appropriate information.

MR. W. ROWE:

Otherwise, let them stay off the board or stay out of the employ of the government.

But where somebody is on a board on a purely voluntary basis and received nothing except, perhaps, out of pocket expenses, we are into something approaching a dilemma because first of all, it is possible - I do not think my hon. friend mentioned this, he might have - but it is possible for a person to be in an influential position on a board and may be doing business with the government or with that board or agency or something operated under that board and able to put himself into a position where he can get some favours or benefits from it. Certainly, we should know something about that as a matter of course and there should be some recourse against such a person if he does not provide the information. But that is one horn of the dilemma.

The other horn of the dilemma is that people who are, particularly people in business and people who have substantial holdings who may want to devote a certain amount of their time to voluntary work on government agencies and government boards, may not want the whole world to know what they are doing, what they have done nor should they be required to do so. So I do not know what the answer to it is. I think the minister is correct to bring in this legislation if for no other reason than it stimulates some debate and provokes some thought on the subject. Maybe the solution to the problem is to have two categories of forms filed with the Auditor General, those which are made public which would include anybody who receives ^{any} recompense from the government by way of per diem or by way of salary or wages and there might be another category of conflict of interest statements which are not public

MR. W. ROWE:

which are given to the Auditor General and he keeps them confidential.

Now you say, what does that achieve? Well, it achieves - the person who is putting in his conflict of interest statement knows that the Auditor General will at least know. He is a defender of the public purse, a servant of this House, the most important, perhaps, servant of this House who is not a member of the House or sitting in the House as the people around the Table do, the most important servant outside of this House, Sir, protecting the interests of the House and the Province and the Treasury - at least he would know if there was any conflict of interest and he might go to the person and say, Look my advice to you is to get off this board because you know you may be in trouble because there is a conflict of interest here. But this would not, as my hon. friend from LaPoile (Mr. Neary) has said, this kind of a procedure then would not have the inhibiting effect which an open public statement of conflict of interest might have on a great number of our people in society who do not

MR. W. ROWE: want all their private business to be made public to the world at large but do want very much to devote some of their time or a lot of their time in a voluntary capacity on government agencies and government boards. I do not know how the minister will deal with it but I certainly do commend to him the suggestions of my hon. friend here and those which I have made for his consideration in the hope that perhaps during committee, between now and this evening perhaps, some officials might be able to come up with some appropriate wording or something to deal with it or he may want to go through with it as he has put it in front of the House now, Mr. Speaker. But I think there is a grave danger in that the hon. member for LaPoile (Mr. Neary) is on to something, something serious, something which should be dealt with and perhaps the compromise that I have suggested which seems to get rid of the dilemma which arises may be the appropriate way of doing it. I do not know, maybe there is a better suggestion but I think something is needed.

MR. SPEAKER: Hon. member for Conception Bay South.

MR. NOLAN: Just a very brief word, Mr. Speaker, on this Conflict of Interest Act. God knows we need as many people as we can to participate on a volunteer basis in so many fields of endeavour in this Province. Although it may not be directly referring to the bill in terms of conflict of interest I hope that the minister might consider one little item that I would like to talk about. We have in this land, as they have in all lands, professional do-gooders. I have known people in my time who, if you offered them positions on twenty-five boards they would take them, they would get down on their knees and beg you and they would have their children and their uncles and aunts, they are professional office seekers, this is how they get their kicks, professional do-gooders. Lousy attendance by the way, if the minister would ever check. I had some acquaintance with one board one time where apparently this was another volunteer group and I will be quite happy to tell the minister privately sometime what the board was and so on, they never had

MR. NOLAN: a quorum, they never showed up for the meetings. Then the government of the day I believe instituted a small stipend to pay to the boards - I think maybe my friend opposite may know what I am talking about,

MR. A . MURPHY: He is the one I think.

MR. NOLAN: No. It was not the hon. minister, believe me. But anyway, there was a small stipend that was then instituted and it was remarkable how the volunteerism rose up - their hearts beat as one, my God they never missed a meeting, they would get out of bed to go. Now, all I am saying to the minister in this regard is let us do everything that we possibly can to encourage people to serve, on a volunteer basis, the community. God knows there are enough needs, and without volunteers, may I say, in sports, recreation and so many other things in the community in which I have lived and always lived one way or the other, and I am sure hon. members opposite will agree, you cannot do it, The Kiwanis Music Festival - it would take a department of government to put that show on the road and probably not as effectively. I only mention that as an aside. But I would ask the minister and all the ministers who may have boards under their jurisdiction, one way or another, if you got the professional do-gooders who have been knocking on your door saying, Mr. Minister, if ever the occasion arises I would like to serve in this capacity or that well fine. Now if they are in that position make them do the work, make them at least attend, if they are not attending give them the boot, fling them off and put some people on there who have a genuine interest in serving the community.

SOME HON. MEMBERS: Hear, hear!

MR. NOLAN: Now the other thing is in reference to disclosure of conflict of interest. Anyone it seems who is now involved in public life voluntarily, getting paid a small stipend, in elected office or God knows - I mean everyone seems to look at him as though - O Boy, he has got a good thing going and so on. Well now the thing is I believe that we can take the pendulum to far and this is where the

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MR. NOLAN: delicate balance I would hope has to come in, where some rational men and women will take a look at a situation whereby we are denying men and women an opportunity to serve their community for the very reason that they are afraid that if they put their name on a board or whatever that all of a sudden they are going to pick up the paper some morning and find that they are charged with some offence that they do not know anything about.

Now, the fact that a man or a woman happens to be in business or that they may have some interest in business and so on does not automatically mean that they are of themselves roughish. And we have to find a way to

Mr. Nolan: encourage men and women who want to serve, and there are many out there God knows, and many of them have demonstrated this in the past. We have got to give them a chance. And we have got to be able to give them the assurance that we will offer them some protection. We have to do that. It is amazing what happens to some people who are involved in public life, in one form or another. I know of phone calls that people get who have served on boards, threats because they might have run into a decision that is not in keeping with what some people believe they should do. I know women and children of families, some in this House, some on boards and so on who get the most vicious phone calls, obscene language and so. It is enough to drive you mad.

There is it seems to me a time that brings out the malcontents. That if you are reasonably well known through public life or something that someone has got to take a crack at you one way or another, I do not mean in political debate or argument. Let me give you an example of what I am talking about; my hon. friend, the Minister of Consumer Affairs and Environment, the member for St. John's Centre (Mr. Murphy) has a property not too far from where I live. I do not know what the gentleman has spent on it in terms of putting up a fence or a gatepost, but I will bet you he has had seventeen gates or chains up in the last two years. And sometimes when he and I are in the middle of heated debate here in the House and I drive by his gate every morning, when he is not there, I sometimes the feeling, My God, does he think I am doing it? But I mean it is just shocking what has happened to him. It is unbelievable.

MR. RIDEOUT: I would sav you just got vourself caught.

MR. NOLAN: Yes. Right.

MR. MURPHY: Drinking the Champagne out of a pool that is the worst thing.

MR. NOLAN: I do not think I said that did I?

MR. MURPHY: No, that was your buddy, the building supplies man from Bell Island.

MR. NEARY: No, no Jack Fitzgerald -

MR. NOLAN: But anyway his fence has been wrecked -

MR. MURPHY: (Inaudible).

MR. NOLAN: His gateposts have been knocked down.

MR. NEARY: What about Mallaly (Inaudible).

MR. SPEAKER (DR. COLLINS): Order, please! I do not wish to interrupt the hon. member, especially if it is the will of the House, but the principle of the bill is The Conflict Of Interest, and I think the subject is wandering a bit.

MR. NOLAN: Yes. Thank you very much, Mr. Speaker.

Anyway may I simply conclude by saying again where there are volunteers and there are many who want to serve, let them serve. But if they are office seekers - I mean those of us who have been involved in government and so on know about them - if they merely want to have their names on the annual report every year flick them off, just like that.

SOME HON. MEMBERS: Hear, hear!

MR. NOLAN: If they are there to serve the community encourage them, help them and assist them. And let us try with whatever abilities we may have, as the hon. the Leader of the Opposition mentioned, if we can find a way to devise a method whereby it is not against the public interest, it will not injure the public interest in any way to not expose certain boards or business dealings that people may have, well, fine. But we have to find a way. We cannot go on feeling that everyone who wants to serve publicly may be in some danger of having their family and so on embarrassed if they are perfectly innocent, their only crime being that they would like to do something to help and serve the people in the community in which they live. So surely we should address ourselves to this.

SOME HON. MEMBERS: Hear, hear!

AN HON. MEMBER: Well said.

MR. SPEAKER (DR. COLLINS): If the hon. minister speaks now he closes the debate.

MR. HICKMAN: I will deal with the comments made by the hon. gentleman, May I repeat so that there will be no misunderstanding this Act does not apply to volunteer boards such as the hospital boards or

Mr. Hickman: school boards or any of these, only the boards that are listed that are listed in the Schedule. And some of these, one will see are public servants, but they may be there on a voluntary basis because technically and strictly if it is decided to put someone from the Department of Finance -

MR. NOLAN: That is voluntary.

MR. HICKMAN: - as government representative, he may say I am hired to work in the Department of Finance only, I am not hired to go down and sit on the Clean Air, Water, and Soil Authority meetings at night. They do it very willingly. And I repeat, it is boards such as the Civil Service Commission, The Board Of Commissioners Of Public Utilities, that group in the main, The Newfoundland And Liquor Commission, but there are some that have people on there who are not getting paid any remuneration for it. and I would not want anyone to be under the impression that hospital boards or school boards have come within the constraints of The Conflict Of Interest legislation.

I agree, you know, with the comment of the hon. the member for Conception Bay South (Mr. Nolan) with respect to volunteer boards. I had the honour of recommending the first board of management for the St. John's General Hospital.

MR. HICKMAN: I think I can say with some pride it is one of the strongest hospital boards anywhere. The rule of thumb I followed was not to recommend anyone who was serving on any other board at that particular time. One person was on there from the ancient and honourable town of Grand Bank before the roads were paved and that is a voluntary board. He had the best attendance record of any member of that board and that board worked very well. I know a chartered accountant who went on that board and after he got on he realized that his firm were the ones that had been considered to be retained to do the audit. He stayed on the board rather than do the business. He gave it to another firm of chartered accountants. And as one of the founders of the Kiwanis Music Festival I know the amount of work that is gotten out of that group just cannot be paid for.

Mr. Speaker, I move second reading.

On motion, a bill, "An Act To Amend The Conflict Of Interest Act, 1973," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 20)

MR. HICKMAN: Order 14 - Bill No. 10.

Motion, second reading of a bill, "An Act To Amend The Local School Tax Act." (Bill No. 10).

MR. SPEAKER: The hon. minister.

MR. HOUSE: Mr. Speaker, there are two clauses to be repealed or one clause to be repealed and another one added. The first one there is Clause 28. As it is presently is one of a list of property on which there is exemption from taxation and it now reads: "Lands and buildings used in connection with and for the purpose of any hospital which receives aid from the province," we want to change that to say, "lands and buildings used directly." The purpose for that change is to get a clarification because we have residences in which public servants live connected with hospitals, doctors residences and so on where they feel that they are not subject to taxation. So we are

MR. HOUSE: changing that now to make them subject to taxation saying "Lands and buildings used directly for the purpose of any hospital will be exempted and that would not include residences."

The other part is an amendment. Right now we have a situation in the Province where we have a number of school tax authorities where the ownership of land or anything lower than \$1,000 classifies you as a resident and as a result of that we get people who are double and triple taxed in certain areas of the Province by virtue of the poll tax. So what we are doing here is to - And, of course, the part that says: "All persons not residing or carrying on business in the Tax Area who own real property within the Tax Area of a value of not less than one thousand dollars is taxed." We are going to change that. We are asking to change that to say that a natural person liable for the school tax in another area is exempt from the poll tax imposed under that paragraph. In other words, if a fisherman has a cabin or somebody has a block of land in another school tax district he does not have to pay the poll if he is paying it in another district. So we are avoiding double taxation there

MR. HOUSE:

and that is the extent of the two amendments.

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

MR. HODDER: Mr. Speaker, this particular amendment here seems to be quite straightforward and I agree that these particular changes should come into being. I would like to make a point on school tax authorities in general, that we are finding in the Province at the present time that school tax authorities in rural areas are not receiving as much money as school tax authorities in the more urban areas and the more wealthy areas of the Province. I know of one area of the Province where the old school collection system for one particular board was much more profitable for them than when the school tax came in because you have certain groups, particularly in high unemployment areas of the Province, who are exempt from paying school taxes whereas in other areas where there is higher unemployment there are more people paying the particular school tax which is causing hardship to certain boards in certain areas of the Province.

However, as far as this particular section is concerned I do agree that where there is a tax act and where there is a school tax authority that I do believe that the lands and buildings that are used should be used, you know, for instance doctor's residences and whatnot should be taxed. They should not be exempt from tax and also where there are people who are paying tax in another area, they should not be taxed twice.

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

The hon. member for
Conception Bay South.

MR. NOLAN: I am just wondering, Mr. Speaker, in reference to the bill and that is on the taxation. I have had any number of complaints and I am sure the Minister of Municipal Affairs must get them from time to time from people - and the Minister of Education, of course - on the school tax and that is in reference to the fact that say you lived in St. John's and you had a home or residence or something and maybe even a Summer residence in Spaniard's Bay or Harbour Grace or somewhere else you had some very difficult problems for some people. I think that they often times felt that we were completely insensitive to the situations that they were faced with. How the minister managed to get around it, I think there was a methodology to do it, but as I understand the minister's explanation of the bill this will no longer be a real problem and, in fact, it will be resolved. Does this have anything at all to do with the school tax as it applies in the City of St. John's and surrounding area?

MR. HOUSE: Yes.

MR. NOLAN: It does. Well, therefore, of course, the minister knows very well how we feel on this side of the House about the school tax as applied in the city of St. John's anyway and that it is so unfair in the fact that if you have a millionaire living in one place and a husband and wife working next door they will pay \$150 a year and the millionaire will pay seventy-five. So on that basis -

MR. RIDGOUT: This is what all school tax is like, regressive taxation.

MR. NOLAN: So other than that we do not really want to get, at least I do not want to get into it anymore other than what my hon. friend referred to. That is it, Mr. Speaker.

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

The hon. Minister of Education.

MR. HOUSE: Mr. Speaker, in reference to the differential, there are differentiated taxes all across the Province. Every authority may have a different rate of taxation but they all come under the same act and they all have the same regulations governing exemptions. The exemptions, of course, can go up to \$4,600, I think, per family. But where there are areas, of course, of high unemployment that is true, what you are saying is exactly true, that they get less income by virtue of the fact of this structure that we have. But this bill is not addressing itself to that at the present time.

MR. NOLAN: Would the minister permit a question?

MR. HOUSE: Yes.

MR. NOLAN: I have some figures as rounded up by, I believe, Dr. Warren or students in his faculty at the University a few years ago showing enormous deficits in collecting the school taxes. When I say deficits I mean real deficits. Like there was a heck of a lot more earned in certain jurisdictions than was ever collected, hundreds of thousands of dollars, is it still the same?

MR. HOUSE: It is improving. First of all, for instance, when we set up the St. John's tax authority for a number of years, of course - for the first year or so there was a lot of accumulated deficits there because they did not take the action. But that is improving all the time. The average collection rate for all the authorities - they do vary - but they run up in the vicinity of 75 per cent. That is about the collection rate.

MR. NOLAN: It has improved then?

MR. HOUSE: Yes. So there is a substantial amount outstanding but a lot of this is uncollectable and they get that written off. There are a number of people on welfare, for instance, who just cannot pay. They may even be making more, for instance, than the exemption allowed. But -

MR. HODDER: Would the minister allow a comment on that?

MR. HOUSE: Yes.

MR. HODDER: I think what happened for a lot of the deficits in the rural areas was that when the school tax came in - I do not know if this happens with all school tax authorities across the Province-but when the school tax authority came in people on social assistance were not exempt from the school tax and I believe it was a couple of years later that there was something passed that said that

MR. HODDER: these people on Social Service would be exempt but that bill remains there for those particular families and they continue to get bills. Of course, they are not taken to court and it remains an outstanding -

MR. F.B. ROWE: They are still getting demand notices.

MR. HODDER: They are still getting demand notices but a lot of them do not pay and that is why the thing seems to be up a bit.

MR. HOUSE: There are certain people on welfare who may be eligible but not very many. There is no law that says people on welfare are not eligible but the point about it is they are borderline and a lot of them are written off. Authorities are sending in statements to the department for write-offs and I think that will resolve that particular problem.

There has been a total of about \$34 million in the last five years collected. I want to point that out and that is a very substantial amount of money for the Province's education, about \$34 million in the last five years.

MR. NOLAN: \$34 million.

MR. HOUSE: In the last six years rather. The important thing as I said, Mr. Speaker, is the fact that I had one case where a person had to pay three school taxes by virtue of the fact that he owned a block of land in one community, a small cabin in another area and his own property in his own area and this, of course, is sort of ridiculous and this will prevent that now.

Mr. Speaker, I move second reading.

On motion, a bill, "An Act To Amend The Local School Tax Act." read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill 10)

Motion, second reading of a bill, "An Act To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act, 1973." (Bill No. 27)

MR. SPEAKER: The hon. minister.

MR. HICKEY: Mr. Speaker, the purpose of this amendment is to - What is that?

AN HON. MEMBER: How come you - (Inaudible)

MR. HICKEY: They are always making mistakes like that. I do not know, Mr. Speaker, we will get to that part of it after we have had second reading.

The purpose of the amendment, Mr. Speaker, is to give effect to the regulations covering snowmobiles and all-terrain vehicles in Labrador. Under the act - and I think it was the act of 1973, the act was drafted in such a way so as to preclude the area of Labrador as it applied to whatever regulations that would be made under that act. As a result of that, Mr. Speaker, problems have arisen in areas of Labrador such as Churchill Falls, the city of Wabush, Labrador City where people can use vehicles of this type and the RCMP find that because of the wording of the original bill they cannot prosecute, they, in fact, cannot do anything to enforce the regulations and as a result the safety of the general public is in jeopardy. They have requested as a result of that situation to have the act amended and this simply does precisely that. It amends the original act so as to include the area of Labrador so that from here on in places like Churchill Falls, the city of Wabush, Labrador City or anywhere in Labrador the regulations that apply on the Island will apply there in terms of operating these vehicles on a highway or on any area which is commonly known or accepted as a highway.

I move second reading.

MR. STRACHAN: Mr. Speaker.

MR. SPEAKER: Hon. member for Eagle River.

MR. STRACHAN: I am very sorry. I thank the hon. member for St. John's Center (Mr. Murphy). I was not aware that it would come up at the moment. It is very simple, all it is doing is defining what is a highway and applying it to a part of the Province in Labrador. We had, as you may well know, considerable objection to the Snowmobile Act

MR. STRACHAN: on the Labrador Coast and it was conceded that there would be problems in applying the act as it is from an urban area to an extremely remote isolated area where it does become your way of life. And obviously then what is happening is it is being applied to areas, like you say, Churchill Falls, Wabush, Labrador City and Happy Valley - Goose Bay. I believe, as well. But it is necessary to have this act cover these areas. There is no question of it. Obviously, there are some real dangers and if the act did not cover these areas and I believe that there had been some problems in trying to enforce it and this is why the term highway here was brought in and defined.

I would like to state at this point in the principle of the bill, that we agree totally, there is no argument. I would ask that in any future consideration of trying to extend the word highway that very serious consideration be given because I would hate to see, for instance, this word highway extend to coastal and rural and very remote areas and I hope that this is just a straightforward defining of the word rather than an extension of the act. Because we often believe that acts come in that are established in principle and then slowly encompass - and slowly you are swallowed up by it. It is the same argument that we have against sealing licences and salmon licences and so on, we have seen that they are given and what you start off with as a measure of conservation you find that two years later you are paying \$20, in three years \$100, then it becomes a source of revenue. But in this one here we are concerned that the highway does not come out into rural, isolated areas because the act cannot apply to these areas. We have argued that before and we agree it cannot apply and I would hate, for instance, to see the term highway being characterized as Cartwright or Makkovik, or Port

MR. STRACHAN: Hope Simpson, or Marys Harbour or Nain. For instance, if this was defined then I think there would be a big mistake. I would hope the minister would realize that point.

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

MR. HODDER: Just a question to the minister. I was quite involved with snowmobile groups on the West Coast when the White Paper came into being and, of course, since the act has been proclaimed I have noticed, and I am a snowmobiler myself, I have noticed that no one attempts to enforce the act. The RCMP, some of them are snowmobilers but whether we are supposed to pay \$5 for a licence - that is the only thing as far as I can see in my snowmobiling experience and the people whom I am acquainted with. The only thing that changed with the bringing in of the act was the fact that we had to pay \$5 for a little sticker which probably the administration of the whole thing, the cost of the sticker that goes on the snowmobile and the extra personnel who have to deal with it, the \$5 probably does not make anything for the Province. And besides that, Mr. Speaker, there is absolutely no policing of snowmobiles anywhere. No one checks to see whether they have that licence or not. I will admit that I forgot about it this year and I think I was snowmobiling for about two months before someone reminded me that I did not have one and I went out and bought it. But there is just no enforcement at all. All that I can see that has happened with the snowmobile regulations is that now the snowmobilers are given a little tax of \$5, which as I said before, the administration of the giving out of licences, and the cost of the sticker probably comes to \$5 anyhow. So I would like the minister to comment on that when he speaks.

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

MR. SPEAKER:
and Recreation.

The hon. Minister of Rehabilitation

MR. HICKEY:

Mr. Speaker, what the hon.

gentleman says quite possibly applies in certain regions of the Province. To say the law is not being enforced, of course, I do not think, I am not trying to say that I am interpreting my hon. friend's remarks in the total context of the whole Province, there might well be a problem in his area. I certainly do know that there have been a number of cases prosecuted where charges have been laid and the people were prosecuted and rightly so because, as my hon. friend well knows, there have been some tragedies and there have been a great number of injuries to people by the irresponsible use of snowmobiles and similar type machines.

The only thing that I can suggest to my hon. friend, and

MR. HICKEY: the Minister of Justice is listening, about the only thing one can do is report such inactivity by the police, if in fact that is the case, to the police or indeed, to the Minister of Justice, asking him to draw to the attention of that force that at least there is the feeling that the law is not being enforced.

I would not want to go on record, Mr. Speaker, in appealing to the RCMP to enforce the law in this particular instance, because as I said, I could not honestly do it because I know of instances certainly in my own area and my own constituency where indeed, the law has been enforced.

With regard to the comment by the member for Eagle River (Mr. Strachan) I am sure I can assure him on behalf of my colleagues on this side that it is not the intention to broaden to too great a degree the description of what is a highway or what is not. I think he will agree that government made the right decision when they left out Labrador in the first instance and dealt with problems, Mr. Speaker, when they arose. And one has arisen and we are dealing with it here. And because of the great difficulty in trying to establish regulations in that area of Labrador where people use those machines for a means of transportation which is vital to livelihood, certainly, to my mind there was no better way to do it.

Really, that is what the bill is all about. It is drawing attention to a particular problem in Labrador; and as other problems arise, then I would suggest to my hon. friend from Eagle River that we will deal with them responsibly in this manner.

MR. HICKEY: And I think that is the best way to do it. I move second reading.

On motion, a bill, "An Act To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act, 1973," Bill No. 27, read a second time, ordered referred to a committee of the Whole House presently, by leave.

MR. HICKMAN: Order 13.

Motion, second reading of a bill, "An Act To Amend The Dog Act, 1976," (Bill No. 29).

MR. MAYNARD: Mr. Speaker.

MR. SPEAKER: The hon. the Minister of Forestry and Agriculture.

MR. MAYNARD: I would assume that this one is going to take up a long period of time in debate.

The purpose of the amendment is spelled out in the explanatory note. There is not much I can add to it. It was an oversight when the Dog Act was passed initially, and this would give more power to municipalities to make regulations to control dogs within the confines of municipalities. I therefore move second reading.

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

MR. NEARY: Mr. Speaker, the other day I heard the member for Harbour Grace (Mr. Young), Sir, I believe, being interviewed on television in connection with roaming dogs. It apparently has been a problem in Conception Bay, especially in the member's district for a long time. And a number of sheep, I believe twenty odd sheep - I am not sure, Your Honour, if I can remember the exact number that the member for Harbour Grace mentioned, but I believe if Your Honour could look at me and indicate,

MR. NEARY: it was twenty odd sheep.

MR. SPEAKER: (Mr. Young) I would advise the hon. member that the Chair cannot answer questions.

MR. NEARY: I realize that, Mr. Speaker, but I am merely trying to remember what the member for Harbour Grace told us - twenty odd sheep had been killed by roaming dogs. And this has been a problem, Sir, just about every year in the Harbour Grace and in the Conception Bay area. Now I do not know if this bill will do anything to put a stop to that or not. This bill is meant to give the town councils more authority to prohibit and restrict and regulate the roaming of dogs. Every year since I have been in this House, Sir, and I believe this is my seventeenth term, we have had an amendment to the Dog Act. And I believe the first session of the House that I attended - it is traditional in this House for the Government House Leader on opening day to move a bill - and the very first bill that was moved in 1963 when the House opened was an amendment to the Dog Act. I was sitting down in that corner, away down by the rail there, and the hon. minister's predecessor, the hon. Mr. Curtis -

MR. HICKMAN: I was not in the House then, but apparently, the Leader of the Opposition, who was then Jim Greene, on the opening day made some rather unkind comments.

MR. NEARY: Well, I am not going to make any unkind remarks. I remember one day there was a bill brought in to regulate the collection of garbage in the Province. And at the time there was a

Mr. Neary: 'Dump Dief' Movement on in Ottawa. And I remember Mr. Greene who was fairly witty in debate, by the way, got up and said - and the Premier introduced the bill in the absence of Mr. Keough, the late Mr. Keough who was home ill that day, and the Premier had to introduce the bill because the Government House Leader called it by mistake, and so the Premier introduced the bill and he said that he hoped it was not the same kind of dumping they were talking about in Ottawa - and Mr. Greene said that he could think of nobody more qualified to introduce a bill on garbage than the hon. the Premier of the day.

That was my first recollection, Sir, of the House on Opening Day "An Amend To The Dog Act", and every year since we have had "An Amendment To The Dog Act". But there seems to be no controlling the dogs. There are complaints coming in from all over the Province, in the City of St. John's, but more seriously, of course, the complaints from the member for Harbour Grace (Mr. Young) and the other members in Conception Bay who are complaining on behalf of their constituents for having their sheep killed by roaming dogs. There must be something that can be done about this. And would the minister indicate if there is, and what can be done to stop the roaming dogs from killing off the sheep and the goats, and the other small animals in these areas like Conception Bay.

MR. A. MURPHY: Does the hon. member remember -

MR. SPEAKER (MR. YOUNG): The hon. the member for St. George's.

MRS. MCISAAC: Mr. Speaker, I do want to have a word on the dogs roaming at large. There seems to be no control whatsoever over them, and it is not only in Harbour Grace area but it is right across the Province. I have heard it on Open Line in St. John's, I have heard people in St. John's complaining about it. I do not have to listen to it I see it in my own town. And when I worked with the Council in St. George's we had a dog regulation that was never in force for the simple reason that nobody wanted to be the impounder, nobody wanted to rub their neighbour the wrong way by picking up their neighbour's dog or destroying them.

Mrs. McIsaac: But in the meantime it is getting a little bit out of hand right now because dogs are really a problem. They are running at large, and I must say there are quite a few saucy dogs. It is okay for a grown up to be attacked by a dog maybe you have got a little bit of defense but for little children who are on their way to school, that high, and probably sometimes smaller to have to face a pack of dogs, and saucy dogs, it certainly does not speak very highly for the people here in this Legislature, for the government. And I take responsibility too because as legislators, I think, we are all responsible and the dog problem is a province-wide problem. You cannot think about putting out your garbage in the nighttime, you put out your garbage and it is strewn from one side of the street to the other. The dogs that are roaming at large are not the dogs that are cared for, or not the dogs that people want. If I have a dog that I think something of I would have it licenced, and I would either have it chained or I would have a place to keep it. But those dogs seem to be dogs that nobody wants. They take them because they are little pups and they are cute and they bring them home, but once they start to grow up they are turned loose then, of course, to the mercy of the community, and everybody in it.

They are roaming at large, destroying, tearing up garbage. They are starved to death. Nobody claims them. Nobody feeds them. And this is why they are attacking sheep and individuals and anything else that may be around. I see right in my own community dogs that nobody owns, and you can go from one end of the town to the other and say, who owns this dog? And who owns that one? And nobody wants to claim it. And, of course, as I said the Town Councils, it is not good to refer to the incorporated areas, because the incorporated areas are just as much to blame as the unincorporated areas. They do not have impounders in most cases. And if they do, as I said before, they do not want to take any responsibility for it because they will rub their neighbours the wrong way. Now something has to be done about it. Someone has to be given the authority to do something with those dogs. I am not

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Mrs. MacIsaac: saying that they should all be destroyed without giving these people a chance to claim them. But it was, for awhile dumped into the laps of the RCMP officers in St. George's, and

MRS. MCISAAC: they did not want the responsibility so it was turned back to the town.

AN HON. MEMBER: I am sorry!

MRS. MCISAAC: That is okay. So it was turned back to the town. Now the town of St. Georges is just as guilty as any other town in St. Georges, they are doing nothing about it. And I mean there is no way that you can go on the street in the nighttime. You cannot let your little children go on the street because those dogs are there and they are starved to death. And unless the Humane Society steps in and does something about it, it is going to be a lot worse than it is.

I know in my own area there are sheep destroyed every year. Every year there are sheep and lambs destroyed, and cattle, hens, they even attack the cattle. So I mean they are vicious because they are starved to death. Nobody owns them. Nobody wants to claim them. Something has to be done.

MR. F. ROWE: 'Hazel', it is really bad during election time too when you are going door to door.

MRS. MCISSAC: Oh it is a terrible thing during election time when you try to go door to door and you have a dog hanging onto your pants leg.

MR. SPEAKER: The hon. member for St. John's South.

DR. J. COLLINS: If I can just say a brief little word really to back up, if that is needed, the hon. member for St. Georges' remarks. One hazard I think should be emphasized is the attacking of children by dogs. This is by no means an unusual circumstance. There are many small children who have been disfigured. I cannot recall actually a mortality offhand now but I would not be a bit surprised if one looked at the records that there are cases of children in this Province actually being

DR. J. COLLINS: killed by dogs. But I know from my personal experience of children who have been di=figured for life from attacks by dogs, and not necessarily by dogs on the loose. Sometimes this can apply to what appear to be domesticated dogs.

In my own view I think the dog problem will only be controlled when the breeding of dogs is controlled. I think it cannot be done by destroying unwanted dogs, it is too difficult a task. I know that this is a sensitive area because a dog is a man's best friend and all that sort of thing, and there is a tradition of dog ownership in this Province, but despite that I think at some point in time we will have to face the issue that dogs can only be bred in a controlled fashion and then the regulations related to that presumably will not allow the breeding of dogs indiscriminately but only dogs who will go into proper ownership and be trained because I think it is really the untrained dog which is really the hazardous dog.

MR. SPEAKER: The hon. member for Windsor - Buchans.

MR. FLIGHT: Mr. Speaker, what I am going to say is not very earth shattering but I just wanted to have this read into the record. I believe that if the RCMP or the law enforcement agencies in this Province, took The Dog Act as seriously as they take The Highway Traffic Act, and I am talking about the present Dog Act as it is constituted, we would not need any amendments. Mr. Speaker, that if the law enforcement agencies, the RCMP, the Newfoundland Constabulary, all the law enforcement agencies in this Province, took The Dog Act as seriously as they take the criminal act, the various criminal statutes of the Province, The Wildlife Act, The Highway Traffic Act, and if they enforced those acts and those statutes - if they enforced The Dog Act as zealously as they enforce the other statutes in this Province, we would not have any problem with dogs in this Province.

MR. FLIGHT:

The problem is, and Mr. Speaker, I attended a convention of the Newfoundland Mayors and Municipalities eight or nine years ago when the Commissioner of the RCMP of the day, I do not recall his name, gave a speech on this. And he told the councillors present, right there, "We have no intention of enforcing The Dog Act to the extent that we enforce the various other acts." And it is not as romantic, I suppose, to chase dogs as it is to chase criminals or speeders on the highways. So I mean there is the problem, Mr. Speaker.

Now I can understand the RCMP and I can understand any other law enforcement agencies that do not want to get down to enforcing a dog act. But if this Legislature, I suppose, were to say to the RCMP that we consider The Dog Act as important as we consider The Highways Traffic Act, and inasfar as there are grounds to prosecute dog owners under that act, we are advising you to do it, we would not have any more trouble with dogs in this Province. But it is not going to happen. I suppose we have to live with that but I think it should have been in the record that we would not need amendments and we would have no dog problems in this Province if The Dog Act, as it exists, were indeed enforced by the law enforcement agencies. They are just not going to do it I suppose. There may be reasons but that is the crux of the problem. And we can bring in all the amendments that we like. Until we tell the RCMP that it is their duty to enforce

Mr. Flight: the Dog Act, or any law enforcement agencies, that it is just as incumbent on them to enforce that Act as it is to enforce The Highway Traffic Act, until the RCMP takes that attitude or the law enforcement agencies takes that attitude we will be bringing in amendments for fifty years and we will still have a dog problem.

MR. SPEAKER (DR. COLLINS): The hon. the member for Harbour Grace.

MR. YOUNG: Mr. Speaker, I would like to thank the hon. the member for LaPoile (Mr. Neary) for bringing to the attention of the House the serious problem in Upper Island Cove and Bryants Cove the sheep breeders are having with dogs. Now I do not know who controls them if it is the Council or the RCMP. But one cannot expect the RCMP to be on the alert for dogs at all times. And I know it would cost the Province an awful lot of money. But in the meantime over the last few years there were something like one hundred sheep that have been lost in Upper Island Cove. And these dogs are just roaming around, and when you go and ask who owns the dogs, it is usually the neighbours.

This has been the problem, Sir, in Upper Island Cove for a number of years, it is not only today. Because there is a story told, Sir, if time will permit, about a dog and an old gentleman coming in with a cane and a bowler hat. And as he was coming in the hat blew off and the guy on the other side of the street, his dog went along and started chewing on the hat - now, we in Upper Island Cove drop our 's' and buddy was laughing away, laughing away, and the old gentleman went to him and said; "I do not like your attitude." Buddy looked at him and he said; "That was not my 'at 'e chewed, that was your 'at 'e chewed." So it has been a problem for years and years and I trust that this will bring some of the dog problems to an end, this amendment.

MR. SPEAKER (DR. COLLINS): The hon. the member of Bellevue.

MR. CALLAN: Mr. Speaker, I just want to have - I do not want to waste the time of the House but I would like to have a word to say on this. And as somebody has said the House has gone to the dogs, but that has happened long before today of course. Many areas of the Province have gone to the dogs as well.

Mr. Callan: Mr. Speaker, the member for St. George's (Mrs. MacIsaac) mentioned the fact that town concillors in many small communities, small municipalities do not want to enforce the Act because of making bad friends with neighbours and so on. That may be true. but I remember being on a council at onetime and the reason we did not enforce The Dog Act was not because of any timidity that we had with our neighbours or any fear that we had of bad friendships and so on, but it would cost a lot of money, more than we could afford in our municipality to do the things that needed to be done. We had to have a dog pound and so on which costs money. All of these things cost money, so this is the reason. So it is useless, I think, to amend The Dog Act and to give the municipalities more authority unless they are also provided with funds whereby they can have the proper dog pounds, and where they can keep dogs and have them fed for a couple of days. If in this time the owner did not turn up, therefore, of course, the dog would be destroyed.

So I think that it is money that the municipalities need. Not very much money, but some money to help them enforce The Dog Act. And, of course, I agree also with the member for Windsor-Buchans (Mr. Flight) that perhaps the RCMP, to hold a little bit more respect sometimes in our communities could be doing a little bit more to make people realize that they should not have their dogs running on the loose, but they should have them, if not on leashes, then chains, and they should look after them much better than they do sometimes.

MR. SPEAKER (DR. COLLINS): The hon. the Minister for Consumer Affairs and The Environment.

MR. MURPHY: Mr. Speaker, I thought I might add a word or two to it because this thing has been recurring for a great many years. I heard the member for LaPoile (Mr. Neary) recount the story that happened in the House when the Leader of the Opposition at that time said, What difference did it make to bring in an Act because the dogs could not read anyhow. But when I saw the hon. member for Harbour Grace (Mr. Young) come down from the Chair, it brought me back again to where the district of Harbour Grace particularly is having a terrific time over

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Mr. Murphy: the years because a former Deputy Speaker of the House, Mr. Claude Sheppard, in his position, I do not know if the hon. member for Conception Bay South (Mr. Nolan) was in - he came out of the Chair to speak on the same thing. So as far as I am concerned, Sir,

MR. MURPHY: it is time—and on the LeMarchant Road, Sir, where I live, I think every dog in town comes to visit to have a go at our garbage. And up in Topsail Pond, I am sure that they build them up now about fifteen feet high on stages to keep their garbage from the dogs. So I do not think it is overdue, Sir, I think it is time for someone to take a long, hard look at this garbage thing and the dog act generally. Particularly they talk about destroying sheep, but I often wonder what the effect on milk cows are when the dog is chasing them all over God Almighty's pasture—following, following and following. So I say that in the interest of the farmers in particular I believe it is time to put some teeth in this act and take some action on it.

On motion, a bill, "An Act To Amend The Dog Act." read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 29)

Motion, second reading of a bill, "An Act To Amend The Mineral Act, 1976." (Bill No. 32)

MR. SPEAKER: The hon. minister.

MR. PECKFORD: Mr. Speaker, Bill No. 32 is An Act To Amend The Mineral Act, 1976. As hon. gentleman remember, we brought in brand new legislation in 1976 dealing with the mineral industry, the mining industry as related to exploration and development licences and so on. It was proclaimed on July 12, 1977 and thereby replaced The Crown Lands Mines and Quarries Act as the legislative framework governing mineral land tenure in the Province. Although the new act has worked very well resulting in a considerable increase in staking activity during 1977, some rather minor administrative inconsistencies have come to light concerning the conversion of rights held under the old act to rights under the new Mineral Act - this Mineral Act I am talking about now. Bill No. 32 will amend the Mineral Act, number one, to provide for the conversion of claims staked under the Crown Lands Mines and Quarries Act to claims recorded under the Mineral Act.

MR. PECKFORD: It is just a simple thing. Currently the Mineral Act provides for the conversion of higher forms of title such as development licences but does not provide for conversion of claims. They forgot in the Mineral Act to put in that the mineral claims would have to come under this new act. This amendment corrects this iniquity. And secondly, this amendment makes provision for grouping of developmental licences held under the Crown Lands Mines and Quarries Act when these are converted to equivalent title, extended licence they are called under the Mineral Act. These amendments will insure that those who hold rights granted under the Crown Lands Mines and Quarries Act are not at any disadvantage as compared to those holding equivalent title under the Mineral Act. There is some concern, as it relates to staking claims, as it relates to developmental licences, some concern and doubt that those people who have claims staked that in converting they have just as much rights under the Mineral Act as they did when they staked them under the old act. Secondly, that the developmental licences that were held under the old act, that the owners of those licences have just as much legal title and security under the new act as they did when they took them out under the old act. These amendments will also clarify the transitional provisions of the Mineral Act 1976 concerned under the old act.

The only other thing that I can really add to them is that they have no financial implications at all, they just have implications as it relates to tenure and to insure that those people who under the Mines and Quarries Act have claims staked, that they have just as much title under the Mineral Act, and those people who have developmental licences under the old act have just as much legislative authority and jurisdiction and power and security of tenure of that licence under the new act as they did under the old. It is questionable and it is being cleared up by these amendments.

So, after saying that, Mr. Speaker, that is the principle of the amendments, I sit to await a reply on the other side.

MR. SPEAKER: Order, please! If the hon. member will permit me a moment.

MR. NEARY: Yes, sure.

MR. SPEAKER: As this is Thursday, pursuant to subsection (k) of Standing Order 31, I have to inform the House of the matters to be debated on the motion to adjourn. The first item will be by the hon. member for Bellevue (Mr. Callan) with the hon. Minister of Justice, regarding provision of firefighting equipment in unincorporated areas of the Province. And the second item, by the hon. member for LaPoile (Mr. Neary) with the hon. Minister of Transportation and Communications regarding payments from the public treasury for helicopter and airplane hire.

The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I take the hon. gentleman's word for it that these are just merely administrative changes and I can see the validity in the hon. gentleman introducing second reading of this bill. When the original bill was brought in there was no provision made for converting or transferring rights under (2). So we will accept the minister's explanation for it.

On motion, a bill, "An Act To Amend The Mineral Act, 1976," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 32)

Motion, second reading of a bill, "An Act To Amend The Social Assistance Act, 1977." (Bill No. 30)

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

MR. BRETT: There are four changes in the act, Mr. Speaker. The first one is the deletion of section 3, subsection (4), "All regional directors, all district administrators and all social workers by virtue of their positions are Commissioner for Oaths," Under the old act only social workers were covered and

MR. BRETT: it was necessary to cover the other members of the staff, that is regional directors and district administrators. And it was discovered that these could be covered under The Commissioner for Oaths Act and therefore there was no need of duplication. So now it is being taken out of the Social Assistance Act and will be covered in the Commissioner for Oaths Act.

Clause number (2), the Administrative Review Committee, which is already established in each region, has a membership of three and this amendment will permit us to add two alternate members and also to make the regional director automatically the chairman. Prior to this he had to be named each time as chairman and now it will be done automatically.

Clause number (3), decisions of regional directors were appealable to the Review Committee of headquarters and we now wish to change that since under that system it was possible for a regional director to be appealing his own decision. Now such appeals will go straight to the Appeal Board rather than to the Review Committee.

Clause number (4), that is house-keeping; if clause (3) takes the appeals of the decisions of the regional directors away from the Review Committee and clause (4) puts them directly to the Appeal Board. And also in that clause, clarification with respect to legal counsel for clients with respect to the Appeal Board. There was some confusion as to whether or not the lawyers could sit on the appeal board or if the client could sit with the lawyer or what, and now that has been clarified and of course in effect the lawyer can either sit alone or he can go in with the client.

These are the four changes,

Mr. Speaker.

MR. SPEAKER:

The hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, I do not understand what the hon. gentleman said but according to the explanatory notes there is going to be some changes made, some additions to the Review Committee. I thought the hon. gentleman might tell us how the Appeals Committee has been working out since it has been established. Who are the members now and do they travel around the Province? Do people still have to write in their complaints to the secretary of the Committee and then have it gone over by the Review Committee before it reaches the independent Appeal Board? Could the minister give us some kind of an updating on how the thing is working out and how many people actually win before the Appeal Board or does anybody win or do they continuously uphold the decisions of the welfare officer and the regional administrators and so forth? How is the thing working out? It was my baby. I was the

MR. NEARY:

one who set it up. It was not the first in Canada but it was probably the second or third in Canada, the Appeal Board. But there is too much in-between. There are too many review committees and this sort of thing instead of going directly to the Appeal Board. And then the Secretary of the Appeal Board happens to be an official in the minister's department, which I never did approve of, and I think I would have changed that if I had stayed in that department. But just give us a kind of updating on the whole thing.

MR. SPEAKER:

The hon. the member for
Port au Port.

MR. HODDER:

I just want to say a few words, because I am kind of wondering about this, too, and just in the form of questions. I have a case presently where a lady had rented a house from this gentleman and for a period of time she consented that he could live there and there were certain arrangements made. And then a super snoop came out from the department and made certain findings and the woman appealed it and now she has another appeal. What I am wondering is, Does she have to come in to St. John's for that second appeal? Does the Appeal Board have the power, for instance, to - and, you know, I am not only asking about this specific case, but this is the one that brings the whole thing to mind - in this particular second appeal can this group order another investigation, because anybody who walks into a house can, you know, draw certain conclusions which are not so - that sort of thing. I would like for the minister to give us some idea of just how this type of thing works.

MR. SPEAKER:

If the hon. minister now speaks
he will close the debate.

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

MR. BRETT: The Review Committee, Mr. Speaker, is made up of senior officials of the department here. I am not certain of the names of the committee now. But a client has a right to appeal to the Review Committee or to the Appeal Board. And I am afraid that the Review Committee in many cases will uphold the decision of a welfare officer more so than the Appeal Board. But in any case, if the Review Committee does uphold the decision of the social worker then, of course, the client has the right to appeal to the Appeal Board. And now a client is permitted to have legal advice, and as would happen in most cases, they would not be able to pay for this, so a lawyer can be obtained through Legal Aid.

I think the Appeal Board is working out well, but they can only work within the framework of the legislation of the department.

I think it was something like seventy cases that were heard last year. I do not know the number of decisions that were overturned - I really do not. I do know that the one most difficult for the Appeals Board to uphold is that of common-law. And in many instances, decisions by social workers with respect to common-law unions are overturned by the Appeal Board.

MR. HODDER: You just mentioned that persons who are appealing to the Appeal Board can get legal aid. Now I understand that most of the letters that go out, or the ones I have seen, say that you must appeal within thirty days, where in fact, if you try to get legal aid, and I have had experience with that, it can sometimes take three or four months. Is there any process whereby the

MR. HODDER: thirty days can be extended in a case of that nature?

MR. BRETT: Well, Mr. Speaker, as long as the appeal is made - you know, a client can make an appeal within thirty days, but it may be six months before the appeal is heard. So as long as the appeal is made to the department and if that client would indicate that she is going to get legal counsel, then I have no doubt whatsoever that the Appeal Board would extend the date of the appeal to suit the client.

The hon. member mentioned a second appeal over in his district. The person will not have to travel to St. John's; to the best of my knowledge no one from the West Coast would travel to St. John's either for the first or second appeal, because the Appeal Board travels to the West Coast and to Central Newfoundland, and some members of the board are in that area and they would sit on the board when it sits on the West Coast. And the same thing would apply in Central Newfoundland and in the city.

MR. HODDER: In a case where a person, for instance, was waiting for the Appeal Board to appear on the West Coast, etc.,

MR. RODDER: and a person has lost the benefit of social services at that time, while they are waiting for that Review Committee to meet do they have their social assistance cut off at that particular time? Do they have to wait for the decision? Or does the welfare officer, the social worker continue to give assistance?

MR. SPEAKER (DR. COLLINS): The hon. the Minister of Social Services.

MR. BRETT: My understanding, Mr. Speaker, is that the assistance is discontinued. However, if the Appeal Board overrules the decision of the social worker then whatever money was lost will be paid retroactive to the time.

Just one more thing, Mr. Speaker, before I move second reading. One hon. member mentioned the fact that an employee of the department was secretary of the Appeal Board, and naturally I see nothing wrong with that. I think the secretary of the Appeal Board must be a person who understands legislation and who has spent quite some time with the department, has more or less come up through the ropes. And that particular gentleman who is now secretary has done a fantastic job, and if he is not already retired, he is about to retire within the next week or so, and he has done a fantastic job and we are now in the process of looking for a new secretary.

Mr. Speaker, I move second reading.

On motion, a bill "An Act To Amend The Social Assistance Act, 1977", read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. HICKMAN: Motion 17, bill No. 35

Motion, second reading, A bill, "An Act To Amend The Department Of Municipal Affairs and Housing Act."

MR. SPEAKER (DR. COLLINS): The hon. the Minister of Municipal Affairs and Housing.

MR. DINN: They are all excited.

SOME HON. MEMBERS: Oh, oh!

MR. DINN: The half wit is down.

Mr. Speaker, there are a few minor amendments here to The Municipal Affairs and Housing Act. They are self-explanatory. Clause (1) would bring the City of St. John's and any regional government under the minister responsible. The City of St. John's right now is in the Appendix attached to the Act, and this, of course, would put them in there and they would be reporting directly to the minister for whatever things they -

MR. W. ROWE: What are you saying?

MR. DINN: They cannot hear? The hon. the Leader of the Opposition cannot hear?

MR. F. ROWE: We hear, but it is all Mumbo Jumbo!

MR. DINN: All right. Clause (1) brings the City of St. John's and any regional government under the Minister of Municipal Affairs and Housing. Clause (2) would enable the minister to appoint a Commission of Administration. Right now, for example, if for some untoward reason a council is acting improperly, the members can be dismissed and a Commission be sent in. That is in the Act now. However, we do have times when councils resign or not enough members are on council for a quorum. In this case it will give the minister the power to send in the Commission of Administration at that point in time.

Clause (3) is a relatively simple one. I was involved last year, for example, in the Newtown area - it allows the minister the authority to conduct a plebiscite for whatever reason in municipalities. Last year we had the Newtown plebiscite. At that point in time the minister did not have the authority to conduct a plebiscite, and through the auspices of The Metropolitan Area Board we asked them to conduct it, and, of course, they did because we wished it so, but we should have the authority vested in the minister to conduct plebiscites.

MR. SPEAKER (DR. COLLINS): The hon. the member for LaPoile.

MR. NEARY: Mr. Speaker, that was an awful lot of Mumbo Jumbo, Sir. We still do not understand it. If we did not have an explanatory note, Sir, we would not be able to figure out what this bill is all about.

MR. W. ROWE: Thank God for the legislative counsel.

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Tape 3331

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MR. NEARY: Dinny failed, Sir. If the hon. gentleman
had read the explanatory note to us we would have -

MR. DINN: Is that in Order, Mr. Speaker?

MR. NEARY: Mr. Speaker -

MR. DINN: 'Dinny' - is that how you refer to a member of the House?

MR. NEARY: Dinny Dimwit, yes.

MR. SPEAKER: (Dr. Collins) Order, please! Order, please!

I do have to remind the hon.

member that there is a prescribed form for referring to members of either side of the House. I am sure the hon. member wishes to abide by the rules.

MR. NEARY: Thank you, Mr. Speaker. But, Sir, there are certain members on the opposite side of the House that we trust, Mr. Speaker. For instance, this afternoon, hon. members might recall that I took the word of the Minister of Mines and Energy that he was making administrative changes in a piece of legislation. But, Sir, for some reason or other, I do not know - there is nobody on this side of the House - I believe I can speak for every member on this side of the House, I think it is unanimous that we cannot accept the word of the Minister of Municipal Affairs and Housing for anything.

The hon. gentleman, Sir, is such an incompetent, inept -

MR. W. ROWE: He is not deliberately misleading. It is just incompetence, you know.

MR. NEARY: That is right, Mr. Speaker, it is not a deliberate thing. The hon. gentleman just cannot help it.

AN HON. MEMBER: He is too negative.

MR. NEARY: That is right. And some of the things that the hon. gentleman has done over the last few months, I think, gives us very good reason in this House to move with extreme caution in passing any legislation brought into this House by the hon. gentleman.

And, Mr. Speaker, Clause (2),

I do not mind the part, Sir, where the purpose of the amendment is to

MR. NEARY: provide the minister with the right to hold plebiscites. I do not think the hon. gentleman can do any damage worthwhile there. And as far as expanding the municipal authority to include the city of St. John's in any future regional government, well, there is probably an ulterior motive in that, but we will deal with the matter of regional government later on. We will not deal with it this afternoon.

But Clause (2) is the one that worries me, Sir, where the hon. gentleman can send in his storm troopers, send in his buddies and his friends and political hacks - and the hon. gentleman is not beyond that, Sir. The hon. gentleman has done it and will do it in the future. At the stroke of a pen, at the drop of a hat, the hon. gentleman can wipe out a municipality and put in a bunch of political Tory hacks if he wants to. And the hon. gentleman is quite capable of doing it - vindictive, Mr. Speaker, and narrow-minded - and is quite capable, Sir, of doing anything. And that is why if I had any objection to this bill it would be under Clause (2). It gives the minister too much authority.

Now if the Minister of Transportation were minister of that department we might say yes. We trusted the hon. gentleman up until this afternoon. The hon. gentleman had a good reputation in this House up until this afternoon when he started playing games. And the hon. the Premier cracked the whip and the hon. gentleman fell in line and then started playing games and would not give us the information in connection with the Sealand Helicopter contract. He should have had the courage of the Minister of Justice and stand up to the hon. gentleman. Because there is a dark cloud hanging over the head of every member of that administration and it has to

MR. NEARY: be cleared up, dissipated.

MR. SPEAKER: (Dr. Collins) Order, please! I do have to intervene to point out that the particular matter now being alluded to is not within the principle of the bill, and also I believe that there is a place for that debate coming up very shortly, So I would ask the hon. member to continue.

MR. NEARY: That is right, Sir. And as I started to say, Sir, up until this afternoon I thought the hon. the Minister of Transportation could be trusted and would make a good Minister of Municipal Affairs and Housing. Then we might have trusted him with Clause (2). But the present minister, Sir, cannot be trusted with that kind of power and with that kind of authority. And therefore, Sir, for that reason I think, and my hon. friend, the Leader of the Opposition, is going to indicate probably to the House that we are going to vote against this bill, because it gives an incompetent minister too much authority and we cannot trust that hon. gentleman, Sir, with that kind of authority to abolish a town council for whatever reason the gentleman sees fit.

SOME HON. MEMBERS: Hear, hear!

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

MR. NOLAN: Mr. Speaker, with reference to Clause (2) as mentioned by the member for LaPoile (Mr. Neary), there is no way in God's world that anyone on this side of the House and any thinking person who has even a glimmer of how municipalities work can vote for this clause. There is no way it can happen unless one is totally disinterested, unless one is willing to abolish any freedoms that people have fought for for years and years and years.

MR. NOLAN:

The minister may, upon the dismissal of a municipal authority or upon the failure to nominate and elect a municipal authority where he has ordered a new election under subsection (3), appoint by order an official administrator or a commission of administration of three persons. Fine! For how long? For a year?

MR. DINN:

Until you can hold an election.

MR. NOLAN:

Until you can hold an election.

And who determines when an election is to be held? There is where we are.

AN HON. MEMBER:

We will explain it to you.

MR. NOLAN:

You will get to me. There is no way. I mean I would hope that members opposite will rise on this clause. They too have municipalities in their districts and if they remain silent on this and let it go through as it is outlined here, I hope that the press will certainly pay heed to what is happening here.

MR. HICKMAN:

(Inaudible).

MR. NOLAN:

Now, Mr. Speaker, we are back to the establishment voice again. The Minister of Justice, Attorney General, member for Burin - is it? - Grand Bank, who will never see the light of day in this House of Assembly again. The game is over and the bench is out of reach. Right? Now whether this little act is to provide a position -

MR. HICKMAN:

Coady has that job.

MR. NOLAN:

Mr. Coady.

MR. NEARY:

Hugh Coady?

MR. SPEAKER:

Order, please! I believe the hon. member is having difficulty to make his remarks.

The hon. member for Conception Bay South.

MR. NOLAN: It is quite possible, Mr. Speaker, and I do not want to be unkind, that the provision for an administrator or a commission may be a provision for a place for the Minister of Justice in the not too distant future. And I do not want to deprive a man of making a living, but there is no way that this can go through as it is presently outlined in this bill. Because if we do, if we permit it, if we permit this, then you can have, if for example there are not sufficient people, as happens in many cases sometimes, who may not offer themselves for nomination and so on to be elected, well then you go through the process again. It is as simple as that. But there is no way that you can provide for an administrator or a commission of administration of three persons to go into a municipality and be a sort of a sophisticated bureaucratic goon squad, who could very well provide nothing but oppression for the people in the community. Because they may not necessarily be serving the people of the community. And that is what we are afraid of.

So, Mr. Speaker, I would strongly suggest to the minister that he take another look at this clause, have it redrafted, and have another look at it because there is a better way to do things under our system and the minister is in a responsible position and he should show the way. So I hope that he will, if not withdraw the bill, and perhaps that might be a good idea now, but clause (2) should never, under any circumstances go through the way that it is outlined here.

MR. SPEAKER: The hon. member for Eagle River.

MR. STRACHAN: I agree with the previous two speakers on clause (2) of this bill and I think it should be withdrawn. I was going to address my remarks to the hon. House Leader. If he urgently wishes to get through the legislation, and we as well, then I think obviously we can argue a great deal on this bill and we might hang it up in the Committee stage, so maybe

MR. STRACHAN: if he just drops a clause now, we could agree to it and carry on through the rest of the bill. Otherwise I can see we will be in here all weekend arguing on this clause. So I think possibly if the Minister of Justice wants to apply some pressure onto the Minister of Municipal Affairs and have this clause removed, then we can get on with the business of the House very quickly. Otherwise we could be here all night arguing this bill at the Committee stage.

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

MR. W. ROWE: Yes, Mr. Speaker, I must rise and confirm the sentiment expressed by my hon. colleagues, the member for LaPoile (Mr. Neary), for example, the member for Conception Bay South (Mr. Nolan), and Eagle River (Mr. Strachan), in condemning clause (2) of this bill. It is a grave and serious power and authority to give any Minister of the Crown. But this minister, Sir, who has expressed

MR. PECKFORD: and shown such narrow-minded attitudes and such vindictiveness in many respects, particularly partisan vindictiveness over the last number of months! So this is a weapon we are giving them, a bludgeon to use. I would say, Sir, that the only way this power should exist is if the whole Cabinet has it, to be exercised by twelve or fourteen or fifteen men or women in Cabinet. Not that I trust wholly and completely this Cabinet, Sir, to exercise its authority in a discrete and sensible manner but, Sir, at least one would hope to see some protection against an unfettered, vindictive use of brute force by this minister. Down in his office, Sir, with the door closed, scratching out orders to be executed, dismissing councils and setting up commissions or administrators. No, Sir, we cannot go along with it. We realize that this government, having brought the Province to the very brink of bankruptcy, we are about to fall into the gulf of bankruptcy, wants to get some practice in setting up commissions of government as in the old days, we realize they may want some practice in that, Sir, but if they are going to exercise that and get some practice in doing it then let the whole Cabinet do it, the whole Executive Council. Do not give this dreadful power to be used as a blunt weapon in the hands of this vindictive minister, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. minister. Before the hon. minister speaks, it is my understanding that we will continue with this debate until 5:40 P.M. and then have the procedure for debate commence at 5:40 P.M. Is that agreed?

SOME HON. MEMBERS: Agreed!

MR. SPEAKER: Hon. Minister of Consumer Affairs.

MR. MURPHY: Mr. Speaker, the only reason I am standing is because I am amazed at the statement made by the Leader of the Opposition, who has a very short memory. A few short years ago the same thing was done in Corner Brook - am I not right on that? - where the minister appointed an administrator. I have heard of whitened sepulchres and forked tongues

MR. MURPHY: but I think think this has about reached the stage of someone gets up there and expresses great surprise at a government doing this, and here we were in this House where the council of Corner Brook was wiped out and an administrator with three people appointed. That is not in the 1800s, that is within recent memory.

So I would only say this, Mr. Speaker, that I think the minister is perfectly within his right to fill in and it has always been the custom as far as I know in this House.

MR. SPEAKER: Hon. member for Bellevue.

MR. W. ROWE: Before the member for Bellevue speaks, Sir, if I may rise on a point of personal explanation after this savage onslaught by the member for Sarasota. Sir, I agree with the government having the power, and the power was used in the case of Corner Brook, ~~but the~~ government, but not having - just to explain my remark so it is not misunderstood for the record - what I am talking about is some minister, Sir, secretly down in his little office with the door locked, scratching out names with his pen or secretly exercising his brute power and force. Let the Cabinet have it, not one minister who may freak out and do all kinds of things which may be an embarrassment to the government. I am trying to save this government, Sir, from even more embarrassment than it has had in the past - if that is possible.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I recognize the hon. member for Bellevue and then the hon. member for St. John's South.

MR. CALLAN: Mr. Speaker, I rise to have a few words to say on this bill for two reasons; number one, I want to warm up for my five minute debate later on this afternoon and, number two, of course, I am totally against Clause (2). The purpose of this amendment would be to expand the right of the minister, to appoint an official administrator or a commission of administration where the number of members or councillors of the municipality are less than a quorum.

Mr. Speaker, I do not know how the law stands now but perhaps the minister can answer this when he stands in his place

MR. CALLAN: by and by, but I know out in my district, in a municipality in my district, the councillors there, all of them, were dissatisfied with a decision of government so they resigned. Now then what happened? That was only seven people in the population. and You would think that if the seven councillors in St. John's resigned tomorrow or next Wednesday - I do not know if the minister has the authority to remove the charter from the city of St. John's or not and set up a waste disposal committee

MR. CALLAN: for St. John's, but this has happened in my district. Seven councillors resigned in a municipality in my district and the people in the community were not given any other option at all, but the next thing that was done was through negotiations between the Department of Municipal Affairs and Housing and the Department of Consumer Affairs and the Environment, a man was sent out to call a public meeting with the idea in mind to replace the former council with a waste disposal committee and that is what we have today.

AN HON. MEMBER: That is bad, boy.

MR. CALLAN: Mr. Speaker, I do not know whose authority that was under but if it was the minister who did it then obviously he must have thought, or perhaps he already has a right to appoint or to withdraw a charter in this case.

Mr. Speaker, when I have my debate in a few minutes regarding the firefighting equipment I will get into this in perhaps a little more detail. But the fact of the matter is you see, Mr. Speaker, that this particular community, this particular municipality, was the only municipality that existed on a nineteen mile stretch of road, which included nine communities.

AN HON. MEMBER: No.

MR. CALLAN: Yes. Now then, Mr. Speaker, whatever chance the people down in that area of my district had, whatever chance they had to get firefighting equipment, which is badly needed for these nine communities, they have no chance at all whatsoever now, unless the Minister of Justice, under whose authority the Fire Commissioner comes, unless the Minister of Justice when he responds to my five minute debate shortly, stands up and says, "You have a good point. It is one of the most sensible things that has been said in this House for a long, long time. I agree with you. I thought about it and I will be bringing in a bill, or I will be bringing in an amendment to a bill

MR. CALLAN: to see that not only the municipalities are allowed to have fire trucks, but other corporations as well."

AN HON. MEMBER: Resign, resign.

MR. CALLAN: Whether it be an incorporated service club or what have you.

So, Mr. Speaker, I agree that this clause here, clause (2) gives the ministers much too much power. And as I say when he responds I hope that he will explain his actions and the actions of whoever, in the case of withdrawing a charter, when the council resigned over dispute with government as councils sometimes do resign, en masse. They have good reasons to do so. When I was chairman of municipal government a few years back I tried to persuade the rest of the councillors on more than one occasion, "Let us resign. What are we here for? We cannot get any money from the government. They will not give us capital works like water and sewer. The only thing we have here was given to us by the former administration, the incinerator we have, and the town council building that we have. We cannot get anything now. So why are we here? Why come here and sit down at a council meeting for three or four hours once a week when we could be home with our families, or out drinking beer or doing anything, much more constructive, I would say, than what we are doing."

AN HON. MEMBER: I will drink to that.

MR. CALLAN: I will drink to it too.

Mr. Speaker, I hope that the minister explains his actions when he speaks.

MR. SPEAKER: The hon. member for St. John's South.

DR. J. COLLINS: Mr. Speaker, I feel I have to rise. I feel that the hon. minister has been subjected to a most unfair attack. It has been indicated that he has been arbitrary, that he has been inflexible and from own experience I would say he has been

DR. J. COLLINS: the exact opposite.

SOME HON. MEMBERS: Hear, hear!

DR. J. COLLINS: I am particularly referring to a bill that will come before this House and I think that he has been most exemplary in accommodating the opinion of others. I would say that history will mark him down as one of the great Ministers of Municipal Affairs and Housing in this Province.

Mr. Speaker, it would seem to me we are getting into rather dangerous ground here. If I understand the complaints, it is that we can pass a bill if we like a minister, but we cannot pass a bill if we do not like the minister. I would have thought that the bills in the House actually were rejected on more substantial grounds than that.

Finally, Mr. Speaker, I would think that it would be a disservice to the members of municipalities if they did get into difficulty and the minister did not have some means of rectifying the difficulty by the appointment of such an authority or, as is outlined in section (2),

DR. COLLINS: this might mean that the affairs of that particular community were left in a state of disarray and the community would not be well served. And I would think that this is a very good section in the bill.

MR. SPEAKER: The hon. the member for Windsor - Buchans.

MR. FLIGHT: I cannot let this occasion go by without drawing the minister's attention to a situation that he knows exists.

Mr. Speaker, I am surprised that the Cabinet have allowed this particular minister to present this kind of bill, one that will give him all sorts of authority. It is obvious these past few months that the power that he has has gone to his head, and now he is lusting for more and that his colleagues would go along with him. The old cliché is that absolute power corrupts absolutely. The danger is, the Cabinet in supporting this particular thing for that minister, they must want him to become absolutely powerful.

But anyway, Mr. Speaker, talking about his board of trustees, the minister knows full well that there is a town in this Province right now with 2,500 people who have a board of trustees in place for a year. Now the minister indicated a few minutes ago that he would decide that he would dissolve a board of trustees when they were ready for an election. Now that minister and the minister prior to him resisted all sorts of representation on behalf of that town. They refused to let a town of 2,500 people elect their own council. They rammed through a board of trustees of their own choosing. That board of trustees has been in place one year and there is no

MR. FLIGHT: indication that an election is coming. Let us hear the minister when he stands up tell me - he knows the town I am talking about, I do not have to -

MR. PECKFORD: Badger, is it?

MR. FLIGHT: - that minister knows too and he has more coming on this one.

MR. PECKFORD: Rattling Brook?

MR. FLIGHT: No, Rattling Brook is one of the places that they porkbarrelled in Green Bay district by the hon. minister.

So I want to hear the minister tell the House how he justifies, for argument sake, making a statement - here he is asking for authority to appoint boards; no indication as to how long he intends to have the boards in place. I know, and other members of the House know, that there are town councils in this Province that if they caught the minister outside the overpass it would be goodbye, minister. There are all kinds of councils in this Province that would give their eye teeth to get their hands on that particular minister. And maybe this has to go through, and when it goes through, look out! The councils that he knows have no time for him as a minister, beware those councils and watch a board slip in that the minister can deal with.

But more seriously, Mr. Speaker, we have a town in Newfoundland today of 2,500 people from whom the minister received all sorts of representation asking for a right to elect their own council. The minister and his predecessor ignored that representation, ignored the pleas of the people to be involved in their local government. The board has been in place for a year.

MR. FLIGHT: The board is doing a half decent job, I will concede that, but they are in place for a year. And what time is that minister going to recognize his responsibilities in a democratic way and say, 'Now that town has the right to elect their own council'? How much longer is he going to leave that particular board in place? It has been there a year, there is no indication at all that he intends to do anything about it, and when the minister stands to close the debate I would like for him to tell the House how long that particular board will be in place. And assuming that this bill is passed, that the Opposition relents and lets the minister have his way on this bill, I want to hear him tell us how long he foresees any board that he appoints administering the affairs of a town in this Province, having done away completely, as he will do here, with the democratic process - taxation without representation.

SOME HON. MEMBERS: Hear, hear!

MRS. McISAAC: I have a few words to say but it would take too long.

MR. SPEAKER: The hon. member could move the adjournment of the debate.

If the hon. the minister speaks now he closes the debate.

MRS. McISAAC: I move the adjournment, Mr. Speaker.

MR. SPEAKER: The hon. member has moved the adjournment of the debate.

It being 6:40 P.M., there are two matters for debate before the Chair and the motion to adjourn is deemed to be before the Chair. The first subject, the provision of firefighting equipment in unincorporated areas.

The hon. the member for Bellevue.

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MR. CALLAN:

Thank you, Mr. Speaker.

Mr. Speaker, this may not appear to be a very important topic for perhaps a lot of members, but I think it is. A couple of days ago, Mr. Speaker, I asked the hon. the Minister of Justice what provision there is for firefighting equipment in unincorporated areas, And the minister said, 'There is none. Only municipalities, incorporated areas, can have firefighting equipment - fire trucks and what have you - within their jurisdiction.'

Mr. Callan:

Mr. Speaker, I find something wrong with that for a various number of reasons. The first question I ask is this, if the Department of Health will allow ambulances to be owned and operated by unincorporated areas of the Province, then why cannot unincorporated areas of the Province own fire trucks, and again, have voluntary firemen, and do the same thing that ambulance drivers are doing? I am sure that the member for Placentia (Mr. Patterson), will agree that the Lions Club out in Placentia are doing an excellent job. They have an ambulance out there run by the Lions Club, and they are doing an excellent job. They are doing just as good a job perhaps as if it were owned by some other group of people, like a council or what have you. So, Mr. Speaker, if it can be done for one area of government then why can it not be done for another?

Mr. Speaker, the reason I bring up this subject at this time is because I am sure most people heard on the radio or television that just a couple of weeks ago two fishermen at Southport, which is on the dead end of a nineteen mile stretch of road that leads from the TCH, Northwest Brook to Southport, two fishermen lost all their possessions, which may or may not have happened - we do not know that, we cannot judge that - but which we assume may not have happened if there had been a fire truck and a contingent of voluntary firemen located in close proximity to that community. And, Mr. Speaker, Clarenville is not in close proximity to Southport, it is forty miles away. So even if the fire trucks at Clarenville or the firemen there had got the call, I would venture to say by the time they had reached Southport that everything would have been gone up in cinders any way.

But what I am suggesting, Mr. Speaker, is this; I am suggesting that just because a community is not incorporated for a various number of reasons, it does not have a municipal government, I do not think, Mr. Speaker, that that should be any reason why a group of interested people, whether they be a service club, like the Lions Club at Hodge's Cove, Caplin Cove, Hodge's Cove, or whether they be a

Mr. Callan: group of people who have set themselves up as a committee, and who can easily get incorporated. I incorporated the Lions Club in Hodge's Cove because they wanted to be incorporated. So they are a corporation just like the municipal government in St. John's or Norman's Cove or Clarendville or anywhere else. They are incorporated. Therefore, of course, they have all the rights and privileges of an incorporated municipality as far as I am concerned. They are a bunch of responsible people, and, therefore, I think, they should be, you know, afforded the responsibility that goes with maintaining a firefighting system in their community, and for the surrounding communities.

Mr. Speaker, last week, last Friday night, as a matter of fact, in Bellevue, the community after which the district of Bellevue takes its name, there was a fire. The firemen who left Norman's Cove, the voluntary firemen in Norman's Cove in my hometown, who got in that fire truck, or their own cars and trucks, and went to Bellevue to fight that house fire, they did not do it because the fire truck was owned by the municipal government in Norman's Cove, they did it because they were voluntary firemen. They would have done the same thing if the fire truck was under the jurisdiction of the Lions Club or under the jurisdiction of a half a dozen interested citizens.

When my good friend, whom the member for LaPoile (Mr. Neary) knows quite well, when my good friend Charlie Wareham went down through the roof of that house and spent three or four hours in hospital in Markland in an oxygen tank because he got smoke in his lungs, he did not do that, he did not take these risks because the fire truck at Norman's Cove was owned by a municipality. So what I am suggesting, Mr. Speaker, is this that the Minister of Justice bring in a bill or an amendment to a bill to say, to include unincorporated areas where it can be proved, obviously, where it can be proved to the satisfaction of the minister or his officials that these people are not a bunch of crackpots who would like to get a fire truck out in their community and two weeks after they get it there and two weeks after the

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Mr. Callan: novelty is wore off that they will disband and no longer be voluntary firemen or no longer hold their weekly or bi-monthly drill that happens of course im most municipalities, where there is a voluntary fire brigade, as we have as I say in Norman's Cove.

Mr. Speaker, I am suggesting, I think there is a good case for it,

Mr. Callan: that an amendment be brought in to the Act, whatever the Act may be, to leave it up to the discretion of the Department of Justice, under whose jurisdiction the Fire Commissioner comes, to determine whether or not there is a good case for a voluntary fire brigade and, of course, the services of a firefighting truck.

AN HON. MEMBER: The hon. the member's time has expired.

MR. CALLAN: By leave. I will take four minutes of the -

AN HON. MEMBER: The hon. member's time is up.

MR. CALLAN: - minister's time because he only needs one minute to reply.

MR. SPEAKER: Order, please! The hon. gentleman's time has expired.

MR. CALLAN: By leave?

MR. SPEAKER: The hon. the Minister of Justice.

MR. HICKMAN: Mr. Speaker, -

MR. PECKFORD: Where is this fellow from?

SOME HON. MEMBERS: Norman's Cove.

MR. CALLAN: Right.

MR. PECKFORD: Yes, but you are from Norman's Cove.

MR. CALLAN: The serious fire was in Southport.

MR. PECKFORD: In Southport.

MR. CALLAN: Ask the member for Trinity North. He knows all about Southport.

MR. SPEAKER: Order, please!

The hon. the Minister of Justice.

MR. HICKMAN: I thank you for the protection, Mr. Speaker. The time is up. The question raised by the hon. member for Bellevue (Mr. Callan), which he raised here earlier this week, is a very valid one. And there are places in this Province, the area that he has just named and another area up the Southern Shore where there are unincorporated areas, we do not need any new legislation to take care of that problem. It is a matter of coming up with a new policy, and it is an oversimplification to say that if you have a group of interested volunteers to form a fire brigade that, therefore, they should obtain

Mr. Hickman: a fire truck. There is more to it than that. It is the 50-50 cost sharing programme of which the Department of Municipal Affairs pay, or the minister- or the government through the minister- pays 50 per cent, and the municipality the other 50 per cent.

Now I am sure that if a well established organization, a service organization came to the Minister of Municipal Affairs and said, Here is our 50 per cent of the funds, here is the report from the Fire Commissioner saying, that there is a need, and here is the kind of equipment that is needed - and we are talking about big money, Make no mistake about that.

MR. CALLAN: The truck cost \$11,000.

MR. HICKMAN: Oh, the trucks cost more than that, Mr. Speaker, I am afraid that -

MR. PECKFORD: \$11,000?

MR. HICKMAN: - we are running a lot higher than that. I think that -

MR. CALLAN: It is only a pickup.

MR. PECKFORD: Yes, but that is no good. That is not -

MR. HICKMAN: In any event, Mr. Speaker, the prescribed firefighting equipment is a fairly expensive item. I would think that the Minister of Municipal Affairs in consultation with Justice would see if we could find a formula for it, because we have been trying to find one in another area where the hon. the member for Ferryland (Mr. Power) has been actively engaged in trying to get some equipment.

MR. DOODY: And Marysvale.

MR. HICKMAN: But, Mr. Speaker, let us not lose sight of what has happened here in the last few years in Newfoundland, we do now have in this Province a very strong firefighting unit province-wide, and it has happened within the last few years. When I first became Minister of Municipal Affairs, or Justice rather, in 1966, I found there were few, if any, fire brigades in the Province with any worthwhile equipment. We

Mr. Hickman: availed of, and I found that there had been a cost sharing programme with EMO with one year left, and we lost -

AN HON. MEMBER: At that time -

MR. HICKMAN: - I think it was nine years but they were kind enough to give us two for the last year, and two for the year before, and four trucks were then purchased on a cost sharing basis, two of them were properly christened, and another went to Placentia, and another went to Glovertown. Since then there have been, you know, a very large number in the last, particularly the last five years of trucks acquired.

But that is only part of the programme. We also have a programme, Mr. Speaker, of training volunteer firemen. There was a time when they used to have to come to St. John's, go out to EMO's headquarters and receive some training there in co-operation with the Fisheries College. This was not satisfactory. Number one, it was expensive for the volunteer firemen to give up a week's pay to come in here. Number two, they were being trained on one particular piece of equipment which might not be at all similar to what they had in their town. So now we have a training brigade to start in June and keeping going until Fall and it covers as much of the Province as they can each year, and spend whatever time is necessary with volunteer fire brigades and train them in the use of their equipment.

They also at the same time, Mr. Speaker, take a look at public buildings and other places of assembly and recommend certain fire prevention innovations in these areas.

MR. HICKMAN: Whilst we will continue to strive to improve, we should not lose sight of the vast improvements that we have seen of late.

MR. SPEAKER: The second matter for debate concerns payments from the Public Treasury for helicopter and airplane hire.

The hon. the member for LaPoile.

MR. NEARY: Mr. Speaker, this is the third time, Sir, today that I am giving the Minister of Transportation and Communications an opportunity to table all the proposals in connection with the helicopter contract.

The minister was bellyaching earlier today, Sir, that he did not have the opportunity to lay out his case. Well, now, Sir, the hon. gentleman has an opportunity for the third time today.

Now, Mr. Speaker, there are some very peculiar goings on in connection with this helicopter contract. Here we have, Sir, a situation in this Province at the present time that you would not know but what you were in Saudi Arabia with the number of helicopters that are flying around. Last Sunday afternoon there was a water bomber display down here at Quidi Vidi and helicopters - you would not know but what it was the Second World War - helicopters going around everywhere, flying around without a contract.

AN HON. MEMBER: Rival of the Queen.

MR. NEARY: Yes, and flying without a contract. And when I asked the hon. gentleman the day before yesterday about the contract, and the hon. gentleman admitted to the House that there was no contract, I saw the hon.

MR. NEARY: the Premier wincing. And today the hon. gentleman tried to make amends for telling the truth. And the hon. gentleman had a good reputation up to today for telling the truth, being straightforward and honest in answering questions, up to today when the hon. gentleman started to play games and did not lay the information on the table of the House. And by the way, let me say this straightaway, Sir, that it was the hon. gentleman who raised the names of Mr. Simmons and Mr. O'Brien, who, I think, are two fine, decent, honourable gentlemen. I hardly - well, I know Mr. Simmons just to meet him, but I know of his reputation, and I have met Mr. O'Brien, Sir, and I would feel very comfortable, Sir, to have the decisions left in the hands of either one of these gentlemen. But I am afraid, Sir, that the decision-making is not in their hands, and therein lies the problem, Sir. It is the gentleman who has a car carte blanche from this government, the only man outside the Premier who has a car full-time to drive around in, the Director of Air Services. And the minister should look into that too.

But we would like to know, Sir, how the government arrived at the minimum number of hours that were to be used by helicopters, because we have examined this thing very carefully on this side of the House and we notice in the estimates - the minister is probably more familiar with that than I am - there is more money allocated in the estimates for the hire of helicopters and fixed wing aircraft than is called for in the contract, which indicates to us, Sir, that where the gravy is is going to be into the extra hours, the additional hours over and above the minimum requirements that are laid down in the contract, if it is ever signed. I would like to know what is holding up

MR. NEARY:

the agreement.

So, Mr. Speaker, we would like to know how the government arrived at the minimum number of hours in this contract. Who had the input? Was it the ministers in the various government departments who had the input? And who had the final say? It is all right for the minister to tell us that the proposals were passed over to Messrs. Simmons and O'Brien to go over, and they did their job and they probably did it well, but there is too much hanky-panky and too much politicking going on, Sir, in arriving at the minimum number of hours, and we would like to know how this was arrived at. And we would like to know how much time the government expects the helicopters to be used over and above the number of hours called for in the contract, because therein, Sir, lies the big question mark. Anybody could bid under. Anybody could bid under Universal knowing full well, Mr. Speaker, that they are going to get these additional hours to get the cream.

MR. DOODY:

That is nonsense.

MR. NEARY:

No, that is not nonsense, Sir.

We saw it happen over here on the Health Sciences Complex where contractors were told to bid low, bid under, and they would make it up in extras. Now is this what is going to happen in this case? I am merely asking the minister a question. It would appear, Sir, that that is what is going to happen. And how much time is going to be used, for instance, like the Minister of Tourism, for going down to his district? How much time is being allocated for ministers and members on the government side, on the government benches to use for visiting their districts?

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MR. NEARY:

Mr. Speaker, there are a lot of unanswered questions, Sir. And as I said today, the people of this Province, Sir, their faith in the administration, their faith,

MR. NEARY:

Sir, in the public treasury being protected has been shattered and I would like to see a select committee of this House, Sir, set up to look into this whole matter of contracts for airplanes and helicopters so that people's minds can be put at ease, Sir, in this Province and the public treasury will have proper safeguards and not be left open for careless use or possible misuse of public funds.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. Minister of Transportation and Communications.

SOME HON. MEMBERS:

Hear, hear!

MR. DOODY:

Mr. Speaker, I think we have achieved a new milestone in parliamentary history today. The Minister of Transportation and Communications is being subjected to some criticism for having offered and tried to table all the documentation and supporting evidence from the file of the Department of Transportation and Communications on the Sealand helicopter arrangement, which is now in the hands of government. All of the tender bids, all in this package, all available to the House, all offered to the House, but the hon. gentlemen opposite refuse to allow the public to have access to that information.

SOME HON. MEMBERS:

Hear, hear!

MR. DOODY:

I attempted today, Sir, to supply the House with all the information leading up to the tender call, how the process was arrived at and what the actual tenders were, what the amounts of money that were offered by the various people who were interested in obtaining the contract, the seven or eight of them, however many there are. I got as far as the second one when it appeared obvious that Sealand helicopters had indeed put in the low bid acceptable and demonstrated to be so by a committee of people, public servants, in whom the hon. member has just indicated he has complete confidence; then I was cut off immediately. The

MR. DOODY: Opposition members wanted to hear none of this. There appeared to be absolutely no scandal and no ridicule and nothing wrong with it. There was no suggestion of impropriety and so I was cut off immediately and I was unfortunately unable to present to the public at this time the information that was required.

Now, Sir, the hon. member for LaPoile (Mr. Neary) has once again suggested that he is giving me the opportunity to present or to table the documentation. Mr. Speaker, I do not need to be given an opportunity by the hon. member for LaPoile (Mr. Neary) to do anything in this hon. House, or anywhere in this hon. Province.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker, I will do whatever is right, what is just. I do not need any great recommendation for truth and honesty from the member for LaPoile (Mr. Neary). I would feel much more comfortable if I were on his list of dislikes than his list of likes. I feel far more comfortable now that he has decided that I cannot be trusted because I offered to tell the House the truth today. This I find rather strange and rather startling.

But to get on to this new piece of business that we had dropped on the House just a few moments ago, and that is the question of the extras. How about the extras? Who is going to get all the plums and all the gravy? Now it is easy for one company to put in the low bid because they are going to pick up the extras, the gravy. I can assure this hon. House right now, Sir, that what that company bid for is what that company will get.

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: They will get the number of hours that are in that contract.

Now, Mr. Speaker, I can go a little bit further than that and I can tell you that we have already undertaken, through the departments for which I am responsible, to break down inasfar as is possible all those blocks of extra flying time the Department of Mines and Energy have a contract, an arrangement to the Government of Canada to do mapping and exploration and mineral work in Labrador and elsewhere. There are extra flying hours in that that are not in that contract. We are now preparing a tender call for that and let the lowest bidder get it.

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: And if it be Sealand or if it be Universal, or if it be Viking, which are the three companies that I am most concerned about because they are operating here in this Province, then whoever it be, and they can provide an adequate service and can give this Province the service that it needs, at the price that is reasonable and honourable then sobeit. Let it be so.

MR. FLIGHT: What kind of fishing -

MR. DOODY: This hon. member has never - That is another wonderful thing, Sir, I do not fish, and I do not even go on fishing expeditions like the hon. member for LaPoile (Mr. Neary) who tries to get the little bait out. But when the bait produces a great big fish he is not interested in it because it is not a red herring, Your Honour; it is the facts and it is the truth and it was demonstrated here today to be the truth, and the hon. member would not accept it. He would not give me leave to answer the question.

SOME HON. MEMBERS: Shame!

MR. DOODY: Now, Mr. Speaker, I will answer the question in my way, when I am ready. I offered to do it

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MR. DOODY:

today, I was informed that the proper way to do it was through a Ministerial Statement, there will be a detailed Ministerial Statement and it will probably be one of the longest and the most detailed Ministerial Statements that this House has ever seen and there will be no question in the minds of anybody about the priority of the Sealand Helicopter.

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: And, Mr. Speaker, further, to clear up another point there had been no monies paid to Sealand because of the fact that there has been no authority to pay them and there will be no money paid until there is authority.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please! The motion before the Chair is that the House now adjourn. Is the House ready for questions? Those in favour 'Aye' contrary 'Nay' In my opinion the 'Nays' have it.

I leave the Chair until 8:00 P.M. this evening.

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
8:00 p.m. - 11:00 p.m.
THURSDAY, MAY 18, 1978

The House resumed at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

I would like to welcome to the House of Assembly on behalf of hon. members ninety young men and women from various parts of the Province who are here to attend a provincial conference of the Newfoundland and Labrador Youth Commission. I know hon. members join me in welcoming these young men and women to the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

MR. HICKMAN: Order 17.

MR. SPEAKER: Order 17, the adjourned debate on Bill No. 35.

The hon. the member for Trinity - Bay de Verde.

MR. F. ROWE: I do not have any great urge, Mr. Speaker, to go, because we are intending to vote against this particular bill because of Clause (2), but my understanding was that my colleague, the member for St. George's (Mrs. McIsaac) adjourned the debate and I do not believe she spoke to the bill -

MR. DINN: I can verify that.

MR. NEARY: Sit down and be quiet while my colleague is speaking.

MR. F. ROWE: - and I am wondering if she is just trying to get up over the stairs or to the elevators in order to speak to the bill.

MR. STRACHAN: A point of order, Mr. Speaker.

MR. SPEAKER: A point of order.

MR. F. ROWE: I will yield to the minister if he has an explanation.

MR. SPEAKER: A point of order. I have to hear a point of order.

MR. STRACHAN: Mr. Speaker, the Minister of Municipal Affairs was on his feet there competing with my colleague who had already been recognized, so I wondered whether two people are supposed to be on their feet at the one time?

MR. SPEAKER: It is true the hon. gentleman was on his feet when hon. colleague was speaking, and hon. colleague was on his feet when the hon. gentleman was speaking to the point of order.

MR. STRACHAN: Tell him to sit down.

MR. SPEAKER: But all hon. members actually, when any one is speaking, all others should be seated, and when the Chair is speaking, all should be seated.

MR. STRACHAN: Go on, one of you.

MR. DINN: This is just a point of explanation to the hon. the member for Trinity - Bay de Verde (Mr. F. Rowe).

MR. NEARY: You are not closing the debate?

MR. DINN: No, I will not close the debate.

The member for St. George's (Mrs. McIsaac) explained to me during the intermission that she did not really want to speak. She had some of the points clarified by me during the intermission.

MR. NEARY: She is the only one.

MR. DINN: That is fine.

MR. STRACHAN: Who clarifies points to us?

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

MR. F. ROWE: Mr. Speaker, I have to stand, as did my colleagues this afternoon, and speak against the principle of this bill particularly as it relates to Clause No. 2, because the explanatory note says that "The purpose of this amendment would be to expand the right of the minister to appoint an official Administrator or Commission of administration where the number of members or councillors

MR. F. ROWE: of a municipality are less than a quorum." And also, Sir, "The Minister may upon the dismissal of a municipal authority or upon failure to nominate and elect a municipal authority where he has ordered a new election under subsection (3), appoint by order in writing an Official Administrator or a Commission of Administration of three persons."

Now, Sir, as other members have said, we feel that this is a very dangerous clause in this particular bill, particularly since it gives the power to one single individual. And the record of the present Minister of Municipal Affairs and Housing, Sir, gives us no grounds whatsoever to allow him to have that particular type of authority.

Now I think the Leader of the Opposition this afternoon suggested - I do not know if he moved an amendment because I stepped out for awhile - suggested - and we can probably get at this in Committee stage - suggested that a much better way of dealing with this would have this authority placed in the Lieutenant-Governor in Council, in other words, the Cabinet.

AN HON. MEMBER: That is what it does.

MR. F. ROWE: Well, that is not what it says, Mr. Speaker. It says here that "The purpose of this amendment would be to expand the right of the Minister," so presumably the minister has the right to do these things that are stated in the explanatory note, namely, name three persons-or a Commission of Administration of three persons or an Administrator. And we do not feel, Sir, that this is the right direction for this particular bill to go. So, Sir, I would suggest that probably at the appropriate stage in the Committee stage that

Mr. F. Rowe: we might give some consideration, or when the minister is closing the debate on this particular bill, if that is the case, if, in fact, it is the Lieutenant-Governor in Council who carries out this particular function at the present time, why is it not stated in the explanatory notes or in the relevant clause in the bill? I do not know how else you can get around it, Sir. If for some reason or other a municipality ceases to function for some reason or another, or is turfed out or fired for misappropriation of funds or something along that nature, obviously some form of authority has to take care of the situation. I suppose, if you want to carry logic and democracy one step further here, you might almost say that this should be a function of the House of Assembly. I do not know if that would be too cumbersome or not. But to put this particular function or responsibility in the hands of one single person, who may in fact be one of the most incompetent ministers of the Crown, I think is a very dangerous thing to have in an Act.

MR. NEARY: Especially if the minister is incompetent.

MR. F. ROWE: Especially if the minister is incompetent, as I said, Sir.

Now in the Committee of the Whole after we have heard the minister close the debate, and if it looks as if the law is in fact that it is the Lieutenant-Governor in Council, the Cabinet, we might be able to swallow this particular section of the bill. But, Sir, it has already been pointed out in another debate that a certain agreement was signed and there was strong evidence to show that that Cabinet meeting was a very mini, mini, mini Cabinet meeting.

AN HON. MEMBER: The alleged agreement.

MR. F. ROWE: Not alleged agreement, the agreement between the developer, Mr. Dobbin, and the government and the directive of Council, called Cabinet, presumably was signed by the Cabinet. But

Mr. F. Rowe: we have had evidence to suggest that there were a great number of ministers who knew nothing about that agreement whatsoever.

MR. NEARY: The Minister of Fisheries, Lundrigan.

MR. F. ROWE: Because, Sir, as the member for St. John's Centre (Mr. Murphy) knows full well, there is no quorum required for a Cabinet. So in fact you can have a Cabinet meeting of two people.

MR. MURPHY: Was the hon. gentleman there?

MR. F. ROWE: No. The member for St. John's Centre, Mr. Speaker, is extremely sensitive when we are talking about the Dobbin affair.

MR. MURPHY: I am not a bit sensitive.

MR. F. ROWE: I was using it simply as an example that a Cabinet meeting can be a meeting of two Cabinet ministers, and decisions can be made, very grave decisions can be made without the knowledge of the vast majority of the administration and the rest of the members of the Cabinet or in fact the members of the House of Assembly. So I do not know where the answer lies, Sir, but I think it is a bit dangerous to have this responsibility vested in just one single person. I would like the minister when he closes the debate on this particular bill to relate specifically to that point because I believe just about every member -

MR. NEARY: On both sides of the House.

MR. F. ROWE: - on the other side of the House as well has spoken about this particular Clause (2), and in fact I would like to hear more members opposite speak to this particular Clause of Bill 35 before the minister has an opportunity to close the debate. If the minister does not explain this particular anxiety that we have over here relating to Clause (2) satisfactorily, we will have to deal with it in the Committee stage and make the appropriate amendments.

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

The hon. Minister of Municipal Affairs and Housing.

MR. DINN: Mr. Speaker, most of the objections obviously to this bill refer to Clause (2). The hon. member for LaPoile got up and besides his personal attack, which I do not mind anyway because that is what we expect from the hon. member for LaPoile (Mr. Neary), indicated that I would have the power to dismiss a council and put in political hacks. All I can say is that based on the record, and the record can be verified by the hon. member for Baie Verte-White Bay (Mr. Rideout) who had a council resign out there, at that point in time since

MR. DINN:

I did not know people in White Bay that I thought could serve on council, I called the member for Baie Verte - White Bay (Mr. Rideout), who at the time was in Prince Edward Island, in Charlottetown - I had some difficulty in getting him but I did get him-and he was kind enough and good enough and concerned enough about the community of LaScie to get in touch with people in his riding, in his constituency, and give me four names so that they could have a quorum in LaScie, so that we could appoint some people -

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

- Mr. Speaker, to look after the community of LaScie because when these things happen they put a municipality in a very difficult, precarious and dangerous position. So that answers the hon. gentleman from LaPoile (Mr. Neary), The member for Conception Bay South (Mr. Nolan) got up and did not address much to me -

MR. NEARY:

What about Isle aux Morts?

MR. DINN:

- but instead took a vicious attack on the Minister of Justice, at that point in time had nothing to do. He abused the Minister of Justice.

AN HON. MEMBER:

Who did?

MR. DINN:

The hon. member for Conception Bay South this afternoon.

AN HON. MEMBER:

You are kidding!

MR. DINN:

Yes, a vicious attack, a scathing attack on the minister. And we expect that. That is what we have come to expect in the House. The fact of the matter is another case in point is the municipality of Southern Harbour; in this case the council resigned. We had nobody at the time to run. We held another election and nobody came forward and it came to a point where we basically had to close down the municipality. At that point, and only at that point, and when the municipality was in a very dangerous position it had a water system, it had garbage collection and disposal.

MR. DINN: It had street lighting, it had these kinds of services that had to be kept up. We had a clerk out there that had no authority at all to operate that town, and eventually we had a strong petition from the people in the municipality to hold another election and I conceded to their wishes, had another election and we got fifteen people, I believe at the time, who ran for council and we saved that municipality. But we have times in Newfoundland, the hon. member for Saie Verte - White Bay (Mr. Rideout) can attest to at least one case, Southern Harbour is another case -

MR. NEARY: No Tories down there, That is the only reason the hon. gentleman had to go

MR. DINN: Mr. Speaker, first of all it is a breach of the rules of the House to cut in and butt in, as the hon. member for LaPoile (Mr. Neary) continually does in this House of Assembly, and I ask for protection from the Chair,

MR. SPEAKER: Order, please! Order, please! I must point out to two things: Number one, every hon. member has a right to be heard without interruption; people in the gallery are always welcome in the Legislature, members on both sides welcome them, but the rules do not allow them to participate.

The hon. Minister of Municipal Affairs and Housing.

MR. DINN: Thank you, Mr. Speaker. The hon. the Leader of the Opposition commented on the grave power that we are assigning to the minister in this clause (2), and got very concerned, but he did not seem to be very concerned as the hon. member for St. John's Centre (Mr. Murphy) said when he stood in his place, he did not seem to be very concerned when it became necessary to appoint a commission of administration in Corner Brook, which they did at that point in time. The hon. member for Bellevue (Mr. Callan) got up and another scathing attack on the minister and mentioned Hodge's Cove, and Hodge's Cove as a case in point and the hon. member appears not to be aware, but should be aware, of at least what is going on in his own district.

MR. DINN: The Hodge's Cove case is a case where the municipal authority decided that they did not want to serve as a municipal body, they wanted to convert to a waste disposal committee. We sent people out from my department, from the hon. Minister of Consumer Affairs and Environment, from his department. They went out and talked to people, held a public meeting and it was the consensus of that public meeting that they should disband the municipal authority and only upon request from that municipality of Hodge's Cove did we take that kind of a step. And they now -

SOME HON. MEMBERS: Hear, hear!

MR. DINN: - Mr. Speaker, have a very workable waste disposal committee under the guidance and care of the hon. the Minister of Consumer Affairs and the Environment and I am sure they will succeed in that community.

Now, Mr. Speaker, the hon. member for Windsor - Buchans (Mr. Flight), and I address myself to him for the next minute or so, talked about the fact that the Minister of Municipal Affairs appointed seven people to operate and maintain and do whatever they could for the Local Improvement District of Buchans: It was a shame, it was a terrible thing for the minister to do! But in the next year, Mr. Speaker, a committee

MR. DINN:

from my department made up of very senior officials plus the Local Improvement District of Buchans have succeeded in negotiating with Price (Nfld) and ASARCO, as a case in point, for the homes. And all of the homes right now are transferred to all the people. They did not own any of the homes there, they were all owned by ASARCO, and a committee of officials from the department got together, went out and met with ASARCO

MR. FLIGHT: That is not true! Not true.

MR. SPEAKER: Order, please! I must direct hon. gentlemen and insist that the rule that one person speak at a time be observed.

MR. DINN: Senior people in the department, the Deputy Minister, the Director of Urban and Rural Planning and the Assistant Deputy Minister went out and they negotiated -

MR. FLIGHT: A point of order.

MR. SPEAKER: A point of order.

MR. FLIGHT: Mr. Speaker, if the minister is going to make statements in the House and inform the House as to the goings on in any community that he is responsible for, then I think he owes it to the House to put the thing in its proper perspective.

MR. SPEAKER: Order, please! I am going on both sides to be -

MR. FLIGHT: He is wrong.

MR. SPEAKER: Order, please! I am going on both sides to be stricter in points of order and points of privilege because I feel a certain leniency has perhaps grown into impoliteness. All hon. members may participate in debate but it is improper for points of order or points of privilege to be used as a method of participating in debate. I draw this to the attention of hon. members on both sides, and on both sides they are practicing a use of that procedure which is not in accord with the rules.

MR. DINN: Thank you very much, Mr. Speaker.

And in continuing on with the Buchan's situation, the senior group of people in my department, the Deputy Minister, the Assistant Deputy Minister,

Mr. Price the Director of Urban Rural Planning have sat down with the people in ASARCO with Price (Wfld), they negotiated with them. They are still negotiating on certain things. Mr. Speaker, and one of the members of that committee, the Assistant Deputy Minister of my department, was a member of the committee who was the liaison officer between the local improvement district, the Board of Trustees and the committee who negotiated with Price and ASARCO. They now have successfully concluded the negotiations with respect to all the houses in Buchans and they are now converted and all the people, the miners in Buchans who never had a house, who did not own a house, and when they quit the mines could have been thrown out of their houses now own their houses. This same committee, Mr. Speaker, is in constant negotiation. We are trying to get a Rural PAP for example, the Rural PAP programme extended to that local improvement district. We have many, many things that we need to do and want to do for that community of Buchans in my department. Mr. Speaker, and we will be successful in most of the areas that we tackle. But it is very unfair for the member for Windsor-Buchans (Mr. Flight) to get up here, who appears, Mr. Speaker - if he does not, he should know better - but he gets up here and he lashes out in a scathing attack on the minister with no foundation in fact at all. We have concluded successfully negotiations on the houses for the people in Buchans, we are fighting continually for the RRAP programme for Buchans and we hope to get that and we hope to do many things for Buchans. It does not have much to do with Clause (2), Mr. Speaker, but they addressed themselves to these problems and of course I have to reply in kind.

The next speaker, Mr. Speaker, was the hon. member for Trinity - Baie d'Verde (Mr. Powe) who got up and talked about incompetence again. One has to laugh sometimes, Mr. Speaker, when someone gets up and talks about incompetence. He talked about an agreement that was signed, it was fully debated in this House and apparently he has leave of the House to go on with another scathing attack about an agreement that was signed last week, about a Cabinet directive and

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MR. DIMM:

the fact that there was nobody at that meeting, one or two or three people. The fact of the matter is that it was tabled. Information was tabled in this House last week with respect to a Cabinet directive where all ministers in the Cabinet of the time - I was not there at the time—but all ministers who were in the Cabinet at the time attended that meeting,

Mr. Dinn: issued the Cabinet directive and the one minister, the one minister that was missing at the time was the Minister of Mines and Energy who had made the proposal, who had made the recommendations, etc., to Cabinet, and that is just to correct another, we cannot call it a misconception because it was tabled, it was a public document that was tabled in this House last week, and the hon. member cried for the information, got the information, and apparently did not read it, and was apparently unaware. And if that is not incompetence, Mr. Speaker, something has to be wrong.

But I move second reading, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: It is moved and seconded that this bill be now read a second time. Those in favour, "Aye".

SOME HON. MEMBERS: "Aye".

MR. SPEAKER: Contrary "Nay".

SOME HON. MEMBERS: "Nay".

MR. SPEAKER: In my opinion the "Ayes" have it.

On motion, a bill "An Act To Amend The Department Of Municipal Affairs And Housing Act, 1973", read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. NEARY: Mr. Speaker, before we grant presently by leave, Sir, I wonder if I can make an announcement? And the announcement I wish to make, Sir, is that today in the community of Nain in Labrador North there was a municipal election, and the successful candidate elected two to one was non other than the wife of the member for Eagle River (Mr. Strachan), Merrill Strachan.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Presently, by leave?

SOME HON. MEMBERS: By leave.

Motion that the House resolve itself into a Committee of the Whole, Mr. Speaker left the Chair.

COMMITTEE OF THE WHOLE

MR. CHAIRMAN: (MR. YOUNG): Order, please!

MR. HICKMAN: Order 5, Bill No. 26.

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 And Sons, Supplemental To The Agreement Dated The Twenty-First Day Of May, 1953, As Heretofore Amended."

On motion Clauses (1) through (3) carried.

On motion the enacting Clause carried.

On motion bill passed without amendment, carried.

MR. HICKMAN: Order 6, Bill No. 18.

A bill, "An Act To Amend The Statute Law In Respect Of Annuities Payable Under Life Insurance Contracts."

On motion Clauses (1) through (3) carried.

On motion the enacting Clause carried.

On motion bill passed without amendment, carried.

MR. HICKMAN: Order 7, Bill No. 25.

A bill, "An Act To Amend Further The Government-British Newfoundland Exploration Limited Authorization Of Agreement Act, 1957."

On motion Clauses (1) through (3), carried.

On motion the enacting Clause carried.

On motion bill passed without amendment.

On motion, a bill, "An Act To Amend Further The Government-British Newfoundland Exploration Limited Authorization Of Agreement Act, 1957," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 25).

MR. HICKMAN: Order 8.

A bill, "An Act To Amend The Consumer Reporting Agencies Act," (Bill No. 31).

MR. HICKMAN: Mr. Chairman, there is an amendment. After the word 'information,' insert the words 'and personal information.'

On motion clause as amended, carried.

On motion Clause (2), carried.

MR. CHAIRMAN: Shall Clause (3) carry?

MR. HICKMAN: There is an amendment. I move that Sub-section (2) be stricken out and amended to read as follows: " (2.1) A consumer reporting agency shall not collect, store, retain, or report any credit information unless it is capable of corroboration from another source and a reference to that source appears in the records of that agency."

On motion Clause (3) as amended, carried.

On motion Clauses (4) and (5), carried.

Motion, that the Committee report having passed the bill with amendment, carried. (Bill No. 31).

MR. HICKMAN: Order 9.

A bill, "An Act To Enable The Golden Eagle Canada Limited To Become A Federal Corporation," (Bill No. 41).

On motion Clause (1) through Clause (4) carried.

Motion, that the Committee report having passed the bill without amendment, carried. (Bill No. 41)

MR. HICKMAN: Order 10.

A bill, "An Act To Amend The Welfare Institutions Licensing Act To Ensure Greater Emphasis On The Inspection of Welfare Institutions In The Future." (Bill No. 22)

On motion Clause (1) through Clause (5) carried.

Motion, that the Committee report having passed the bill without amendment, carried. (Bill No. 22)

MR. HICKMAN: Order 11.

A bill, "An Act To Amend The Conflict Of Interest Act, 1973." (Bill No. 20)

On motion Clause (1) carried.

Motion, that the Committee report having passed the bill without amendment, carried. (Bill No. 20)

MR. HICKMAN: Order 12.

A bill, "An Act To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act, 1973." (Bill No. 27)

On motion Clause (1) carried.

Motion, that the Committee report having passed the bill without amendment, carried. (Bill No. 27)

MR. HICKMAN: Order 13.

A bill, "An Act To Amend The Dog Act, 1976." (Bill No. 29)

On motion Clause (1) carried.

Motion, that the Committee report having passed the bill without amendment, carried. (Bill No. 29)

MR. HICKMAN: Order 14. Bill No. 10

MR. CHAIRMAN: For the information of the Committee, the House Leader is going by the Order Paper.

Bill No. 10.

A bill, "An Act To Amend The Local School Tax Act." (Bill No. 10).

On motion clause one, carried.

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

MR. HICKMAN: Order 15. Bill No. 32.

A bill, "An Act To Amend The Mineral Act, 1976," (Bill No. 32).

On motion clause one, carried.

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

MR. HICKMAN: Order 16. Bill No. 30.

A bill, "An Act To Amend The Social Assistance Act, 1977," (Bill No. 30).

On motion clauses one through four, carried.

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

MR. HICKMAN: Order 17. Bill No. 35.

A bill, "An Act To Amend The Department Of Municipal Affairs And Housing Act," (Bill No. 35).

On motion clause one, carried.

MR. CHAIRMAN: The hon. member for LaPoile.

MR. NEARY: Mr. Chairman, I would like to move, seconded by my hon. friend the member for Baie Verte - White Bay (Mr. Rideout), that paragraph (2), giving the minister the ultimate power, Sir, that that be eliminated from this bill.

MR. CHAIRMAN: Does the amendment carry?

In my opinion the "nays" have it.

MR. CHAIRMAN: Shall Clause 2 carry?

MR. NEAPY: No, Mr. Chairman, we would like to make another amendment, Sir. We would like to move that the words be added, Sir, in the place of the minister, that the Lieutenant-Governor in Council. We think that this is a fair amendment, Sir, for the reasons that we stated this afternoon that power corrupts, and we do not want to put the minister in a position, Sir, where he may misuse and abuse his authority. So if it is in order, Mr. Chairman, I would like to move, seconded by my hon. colleague, the member for Trinity - Bay de Verde (Mr. F. Rowe) that the Lieutenant-Governor in Council be substituted where the minister appears.

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

MR. F. ROWE: Mr. Chairman, I think that all members on both sides of the Committee should vote for this particular amendment.

MR. MURPHY: Is not the motion finished?

MR. F. ROWE: Just a moment. We are still speaking to the motion. We are talking to the amendment.

MR. CHAIRMAN: They are speaking to the amendment.

MR. F. ROWE: We are talking to the amendment that the words, "the minister" be deleted and substituted by "the Lieutenant-Governor in Council."

MR. CHAIRMAN: Order, please!

This is the second amendment the hon. member is speaking on.

MR. F. ROWE: Yes.

Now the minister tonight, Sir, when I was speaking was nodding in agreement when I suggested that he had said that it is a fact that the Lieutenant-Governor in Council or the Cabinet that makes that decision anyway.

MR. F. ROUF:

Well this is precisely the thing that I wanted the minister to explain in second reading, and he was so intent on lashing back at the people who

Mr. F. Rowe:

have spoken on this side that he did not answer that very, very basic question. The question was raised or the accusation was made that the minister has sole and whole power to dismiss etc.

MR. NEARY: Has is correct.

MR. F. ROWE: Has! Has. Okay.

Then the minister - I suggested that it would probably be better if the Lieutenant-Governor in Council or the Cabinet collectively have that power. And the minister shot across, Sir, something to the effect, I do not know his exact words, but it is my understanding that is the situation. So if that is the situation, Mr. Chairman, why not call a shot a shot and put the Lieutenant-Governor in Council there instead of the minister? Now if that is not the cause, I still submit that the word "Lieutenant-Governor in Council" would be more suitable for this particular clause. Because I am quite serious and without relating to the personality of the present minister at all, without any relation at all, Sir, I would submit that no one individual should have that particular power, that it should be a collective decision of Cabinet.

Now I would hope that some hon. members on the opposite side will get up and speak to that particular point. Because I know the difficulties a minister has if he has got to make these decisions. The minister, in fact his officials, his officials have come to me in certain problems, and in certain communities in my own district where we have had resignations, or we have had a fuss, and people have quit and this kind of a thing, and I sort of, you know, scouted around in a particular community and I myself submitted names to the official in the department, and the only concern I had was that it would get out, you know, the fact that the word would get out that I had appointed a council. That was my big worry. But, Sir, you know, it might well be I could have quite easily had suggested a number of my good Liberal friends in these particular communities, I could have suggested some -

SOME HON. MEMBERS: Oh, oh!

MR. F. ROWE: That is the problem, Sir, the only people I know in the district now are Liberals so I do not have a problem there at all. But I could have suggested that some of the most incompetent individuals in the community who just happened to be friends of mine who wanted to be on the council for some strange reason. So it filters up to the Department of Municipal Affairs and Housing. The minister presumably accepts it, you know, and whammo! that is it.

Now I know I might be sort of taking away from the arguments. I know what the minister can quite easily do now, he can take away from the argument, and say, well the member for Trinity-Bay de Verde has already described a situation wherein the minister wholly and solely did not make the decision. That is true. That is in one particular example. But the fact remains that the minister does have the power under Clause (2) himself, alone and in isolation, to make these particular moves. And I would submit, Sir, it would be much fairer, much safer if it was a Cabinet decision. And the other extreme, of course, is that -

MR. FLIGHT: And then I would have my doubts.

MR. F. ROWE: And then one might have their doubts. But the other extreme would be, you know, for the House of Assembly to decide, but you are not going to call the House of Assembly together every time you have a municipal council or anything like that falling apart.

So I would really like the minister to speak in favour of this particular amendment, because I think it is a very fair one. It has not been presented in any partisan fashion whatsoever, and I would like for some other members to speak to it and I would like to see the minister yield to a sensible amendment and go along with it for a change.

AN HON. MEMBER: You are wasting the time of the House.

MR. F. ROWE: Do not be so anxious.

AN HON. MEMBER: Which one is that?

MR. DINN: Mr. Chairman, just to explain what Clause 2 is saying, if the hon. member would have read existing Clause (2) he would have seen that the minister has certain authority right now. What we are

MR. DINN:

talking about, Mr. Chairman, and it is a very serious problem that we have at times. The case that I used was the point of the LaScie council, at that point in time resigning. Now in order to get the names it took me a week or two, for the hon. member to get the four or five people in the community to get the names back to me and then it took a week or two to get those through the Lieutenant-Governor in Council for appointments to the council.

MR. DINN: The fact of the matter is when that happens, when you have a water system with pumping, lighting, garbage collection and that kind of thing, you have a little clerk out there who, basically, is powerless to do anything. So what we are saying here, basically, is when that happens, when we have a resignation, nobody existing there, no municipal authority, what needs to happen at that point in time, especially where we have water systems with pumps on them, where we have lighting and bills to be paid, services to be performed, we have to have a person in that community. In the LaScie case I would have loved to have had the authority at that point in time to call the clerk and say, You have the authority now to operate as an administrator for that town until such time as the hon. member, in this case the hon. member for Baie Verte - White Bay (Mr. Rideout) can get back to me with the names so that I can go to the Lieutenant-Governor in Council and get those appointed to the council so that we could have a municipal authority there.

Now, in the LaScie case it was not a very dangerous situation but we did have a three to four week span. In Southern Harbour it was a case where it was a fairly dangerous situation. What happened was the power was cut, the pumps for the water system went off and everything stopped. No garbage collection. We had a health problem. Everything developed over a period of about five weeks before we could get to another election. At that point in time it would have been the best thing that could have happened to Southern Harbour and the best thing that could have happened to LaScie, although it was not a serious situation in LaScie, the best thing that could have happened was for the minister at that time to have the authority to appoint the clerk to be an administrator for the period, for that period of time, so that I could get somebody to serve on council and get a commission to go in

MR. DINN: there, or get a person as an administrator to administer the affairs of the town until the council was appointed, until I could contact the member. And in my particular case when I have a situation happen like that in a municipality, I go to the member for the district because to me it is inconceivable the member for a district would appoint people because they are of their political orientation.

MR. NEARY: That is what the minister did.

MR. DINN: I feel, in the case of the District of Trinity, in the case of Baie Verte - White Bay, that these two hon. members, at least, can attest to the fact that I went to the members, or had my officials go to the members to submit names to me because I am not aware of four people in Baie Verte - White Bay that I could appoint to a council. And certainly, it would be inconceivable to me to call up the President of the P.C. Association, it does not even enter my mind, I call the member for the district.

The hon. member, and honourable to me means something, I called the member for the district of Baie Verte - White Bay, and I said he is the most competent person that I know of within the confines of this House of Assembly, that I trust, that I would go to - I do not suspect everybody in the world. Maybe that is the problem here, I do not know - but I would call the hon. member for the district and I would say, Look, I have a problem but you also have a problem; it is the town that needs assistance at this point time, Would you please contact people in the town or come up with four names and send them in to me? So what happens in the interim? That is the dangerous part. What happens when the pumps are on and seize up and the water system is shut off, there is no garbage collection? There is a three or four weeks interval here. That is what clause (2) does right now, it gives me an opportunity to immediately do something, say to

MR. DINN: the clerk, you are the administrator for the town until I can do something about it, and then call the hon. members whether it is from Bay Verte - White Bay, or -

AN HON. MEMBER: St. John's Centre.

MR. DINN: No, not St. John's Centre, but from wherever, St. Barbe or wherever to call these people to find out who are four or five or six competent people that we can put together so that they could serve as a council until we could hold an election.

MR. DOODY: You cannot beat paranoia.

MR. DINN: That is what happened in Baie Verte - White Bay, that is what happened with the hon. member for Trinity. We called him several times when we had certain emergencies happen within communities -

AN HON. MEMBER: Trinity - Bay de Verde.

MR. DINN: Not Bay de Verde, but in that area. We call the members and we find out, we get four names. And in the interim when you have a water system, it is not so much when you do not have the lights on or when you do not have the garbage collection, you know, it is a small council that do not have the services that they have to administer to, but when you have these services, when you have the pumping situations, the water systems that seize up, that leak, that we have all these different problems with, when you have the garbage collection where people put their garbage out and we have a health problem on our hands,

MR. DINN: when we have these situations we have to do something and we have to do something fast. I suggest that is the reason why clause (2) is there, and I suggest that is a very important reason why it is there: it gives us an opportunity to act immediately.

So, Mr. Chairman, obviously I do not agree with the amendment as I feel that is absolutely necessary for clause (2) to be in place, as it is.

MR. NEARY: Mr. Chairman.

MR. CHAIRMAN: The hon. member for LaPoile.

MR. NEARY: Mr. Chairman, the hon. gentleman just gave us a reason, Sir, although he did not do it deliberately, but I suppose it slipped out in trying to put up a defence for having this clause (2) in this bill, Sir, the hon. gentleman gave us the very reason why every member in this House should vote against it, and that is that the hon. gentleman admitted that there were occasions when the hon. gentleman had to call on members of districts for assistance to recommend names.

Well now, Sir, in the first place that is an admission of failure on the part of the hon. gentleman. If a council, Sir, resigns en masse - and there seems to be more and more councils resigning every day; practically every day you hear of councils resigning. They usually resign for justifiable reasons, in protest of something or other, usually in protest of something that the government is not doing for that community - then for the minister to have the gall to go and ask the member to recommend names of people to replace a group of responsible men and women who have probably resigned in protest of some form of government inaction, Sir, is an insult.

Can you imagine me, Mr. Chairman, can you imagine in my district having the town council, say, of Port aux Basques resign, say they resign,

MR. NEARY: they decide they are going to resign in protest -

MR. DOODY: I can easily imagine it.

MR. NEARY: Easily imagine it? Well, I could not, Sir, because they are very responsible people. The mayor and councillors of Port aux Basques are indeed responsible people and they would only resign if they were backed up in a corner by the government or by the minister.

AN HON. MEMBER: Hear, hear!

MR. NEARY: That would be the only thing that would force them to resign. They almost resigned recently, Sir. They threatened the former minister, the now Minister of Mines and Energy, they threatened to resign en masse and I was there in the office when they said, If you do not straighten out this stadium deal, a promise that was made by the former administration whereby the government would pay a grant to the stadium the same as they have done to all other stadiums in Newfoundland, including Bell Island, that they would resign. They said to the minister, We are thinking about resigning en masse.

Now, Mr. Chairman, can you imagine the minister coming to me the next day, if they had resigned, and saying, Could you recommend seven people to serve on the town council? What kind of a position would you put the member in? Why the member would want to be out of his mind. I know my hon. friend did, but my hon. friend -

MR. DOODY: He is not out of it.

MR. NEARY: No, my hon. friend -

MR. DOODY: You said you had to be completely out of it.

MR. CHAIRMAN(Young): Order, please!

MR. NEARY: Thank you, Your Honour, for your protection. My hon. friend did it probably in all innocence, being over in P.E.I., thinking that LaScie was going to sink down into the ocean if the minister does not

MR. NEARY: get six names, and the hon. gentleman gave him six names and the hon. minister appointed four out of the six. So, Sir, I would say this is a very serious matter and brings into play, Mr. Chairman, brings into focus the reasons why town councils are resigning the way they are.

I did a poll, a survey there a couple of years ago, Sir, and if I had the report of the survey here with me I could tell the minister, but I remember some of the reasons that the town councils gave for resigning. Most of them had to do with inaction on the part of the government; most of them had to do, Sir, with the minister making announcements when something good was being done in a community and allowing the town councils to do the dirty work. When taxes had to be increased it would be the minister who would force the councils to make the announcements. When there was some dirty work to be done the minister would force the town councils to do it. But when there was something good to be done, the minister would make the announcement himself, if it were a Liberal district, or if it were a Tory district, he would get the member for the district to make it so he would get the credit and the town council would not get the credit for it. That was one of the chief reasons why they were resigning.

MR. MORGAN: What is wrong with that?

MR. DOODY: They should have gotten the government or the Opposition to probe into it.

MR. NEARY: What is wrong with it? There is a lot wrong with it.

MR. MORGAN: Oh, come on!

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please! Order, please!

MR. NEARY: Mr. Chairman, perhaps the hon. gentleman did not follow what I said. The hon. gentleman may not have been listening, he may have been thinking about

MR. NEARY: the Ocean Breeze.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Now, what I said was this, that one of the chief reasons why town councils were resigning was because when something good was being done the minister or the member would, for political reasons, playing politics, make the announcement before the town knew about it.

MR. RIDEOUT: That is right.

MR. NEARY: And when some dirty work had to be done, the town council was forced to do it. Now, is the hon. gentleman saying that is fair, and decent and honourable?

MR. R. MOORES: It happened in Carbonear.

MR. NEARY: It happened in Carbonear, it happened in a good many municipalities throughout this Province, that is one reason why mayors and town councils have resigned.

The other reason was, Sir - Mr. Chairman, you might be interested in hearing this - another reason was that there was a breakdown in communications between the town councils and the minister, they had to wait too long for answers to their letters and their correspondence, their telephone calls were not being returned, they could not get to see the minister.

MR. R. MOORES: That is right!

MR. NEARY: That was another reason. And I could go on and on. I know the Minister of Justice is looking at me, but I could go on and on and on about how frustrated town councils have become in this Province, driven to desperation, and sometimes they are driven to resigning en masse. Sometimes only one or two will resign in protest, but sometimes they resign -

MR. CALLAN: Hodge's Cove.

MR. NEARY: I beg your pardon?

MR. CALLAN: Hodge's Cove.

MR. NEARY: Hodge's Cove is an example.

Look, all over the Province the councils have been driven to desperation by the attitude and the arrogance of this government. And it is a job today to get people to run for municipal elections, and now the minister is coming in and asking us for dictatorial powers.

MR. R. MOORES: Hear, hear!

MR. NEARY: to get the minister off the hook and then the ministers says, Oh, I will call to show - in defence of this clause (2), to show how broadminded the hon. gentleman is, he says, Well, I once went to the member for Baie Verte - how broadminded I am - I once went to the member for Bay de Verde. Well, Sir, that is a very, very weak defence indeed. As a matter of fact, it is justification for not voting for this clause. That is the argument the hon. gentleman put up. If there were ever an argument for throwing this out, it is the argument that the hon. gentleman just put up. The hon. gentleman should not have the power in the first place, it should be the Cabinet. The hon. gentleman should not have these dictatorial powers.

Because, Mr. Chairman, here is the way the situation would work; if we give the present minister the authority and the power to appoint councillors, Sir, in cases where councils resign en masse, then the Cabinet may never find out the real reasons why that council resigned because the minister can circumvent that information getting to the Cabinet, filtering into the Cabinet. It may be the minister's own fault and the Cabinet may want to know that, Sir.

If we put down Lieutenant-Governor in Council, then my hon. friend the member for Menihek (Mr. Rousseau), or the Minister of Tourism, or my friend the member for Harbour Main - Bell Island (Mr. Doody) could say to the minister of Municipal Affairs and Housing, Why did this council resign?

SOME HON. MEMBERS: Hear, hear!

MR. F.B. ROWE: That is right.

MR. NEARY: And the minister would have to justify it, would have to explain himself whereas now, Sir, he does not. The hon. gentleman wants dictatorial powers and I

MR. NEARY: for one, Sir, am not going to give it to him, I am going to vote against this clause (2). I will vote for it as amended, that it be subject to the Lieutenant-Governor in Council, but I will not vote for it the way it is now.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN(Young): Shall the amendment carry?

MR. RIDEOUT: Mr. Chairman.

MR. CHAIRMAN(Young): The hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Mr. Chairman, I just want to take a minute or so to speak in support of the amendment. Because even though I was used as an example here a couple of times tonight, the amendment that we are proposing would still be the same system that we operated under when the -

MR. DINN: It would not take four weeks.

MR. RIDEOUT: I do not know if it took four weeks to appoint the councillors, Mr. Chairman, but it did not take four weeks for the minister to get the names.

MR. SIMMONS: Ah, that is right.

MR. RIDEOUT: I want to say too, Mr. Chairman, that there is an ill wind, I suppose, that blows nobody any good. To make sure that both sides of the story are known to the Committee, the LaScie town council resigned en masse because the minister's department refused to approve a shared - cost paving programme within the community.

AN HON. MEMBER: How awful! How awful!

MR. DINN: They would not pay the 40 per cent.

MR. RIDEOUT: A shared - cost paving programme within the community; so they resigned. The minister called me to have so many names recommended to him and I said, of course, I would be delighted to recommend five or six names provided the minister was prepared to do a couple of things also. Number one, give me a guarantee that elections would be held as soon as the legal machinery could be put into place

MR. RIDEOUT: to do so, and the minister went along with that; and I said, number two, immediately as this interim council is appointed, you will agree to sit down with them in your office with an open mind and renegotiate the deal that you turned down a short while ago, and the minister agreed to do that. Consequently, of course, Mr. Chairman, the deal was approved so the LaScie council came off on the good end of the stick.

MR. NEARY: That was good judgement on the member's part.

MR. CHAIRMAN: The hon. minister.

MR. DINN: Mr. Chairman, you know, the reason why - just to clear up a point - the reason why the roads were not approved in the first instance was the 40 per cent. The LaScie council that existed at the time - and we had a sixty/forty programme for road reconstruction and paving - the council at the time did not have their 40 per cent nor were they willing to pay their 40 per cent.

MR. DINN: They wanted it all done by the provincial government. That is true.

MR. RIDEOUT: That is partially true.

MR. DINN: Well, I have the letter down in my office and I can get it for the hon. member. The fact of the matter is, there was no problem with the town council of LaScie coming in and sitting down and discussing with me. As long as they came in and sat down and we discussed, and they had their 40 per cent, there was no problem with getting the 60 per cent. At that point in time it happened and they got what they wanted but they got what they wanted under the programme that existed at the time.

MR. NEARY: They resigned. They resigned in protest.

MR. DINN: I did not break the programme, I did not break the rules of the game at the time. They knew what the programme was, I explained the programme to them, they did not accept the programme and they resigned. The new council that came in, came into my office, sat down and discussed - it was a sixty/forty programme - they had their 40 per cent and they got it.

MR. RIDEOUT: Those were four good names I gave you.

MR. DINN: Absolutely! Four excellent names.

MR. CHAIRMAN (Young): Shall the amendment carry?

SOME HON. MEMBERS: "Nay".

SOME HON. MEMBERS: "Aye".

MR. CHAIRMAN (Young): In my opinion the "Nays" have it. Shall clause (2) carry?

SOME HON. MEMBERS: "Aye".

SOME HON. MEMBERS: "Nay".

MR. CHAIRMAN (Young): Shall clause (3) carry?

On motion, clause (3),
carried.

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

On motion, that the Committee
rise, report progress and ask leave to sit again, Mr.
Speaker, returned to the Chair.

MR. SPEAKER: The hon. Chairman of Committees.

MR. CHAIRMAN: Mr. Speaker, the Committee of
the Whole have considered the matters to them referred and
direct me to report having passed bills Nos. 10, 32, 30 and
35 with amendment, and ask leave to sit again. And bill No.
31 with amendment.

MR. SPEAKER: The Chairman of the Committee
of the Whole reports that it has considered the matters to
it referred and has directed him to report bill No. 31 with
amendment. When shall the report be received?

MR. HICKMAN: Now.

MR. SPEAKER: Now.

On motion, amendment read a
first and second time bill ordered read a third time now,
by leave,

MR. SPEAKER: The hon. member for Harbour
Grace.

MR. YOUNG: Mr. Speaker, the Committee of
the Whole have considered the matters to them referred and
have directed me to report bills Nos. 26, 18, 25, 41, 22,
20, 27, 29, 10, 32, 30 and 35 without amendment and ask leave
to sit again.

MR. SPEAKER: The Chairman of the Committee
reports that they have considered the matters to them referred
and have passed the following bills without amendment, bill
Nos. 26, 18, 25, 41, 22, 20, 27, 29, 10, 32, 30 and 35. When
shall the report be received?

MR. HICKMAN: Now.

MR. NEARY: Mr. Speaker, can we vote on 35 separately, Sir? We want to vote against bill No. 35, can we take that one separately?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

As I understand it the report comes back with all the bills together but on third readings, of course, they are all done individually.

MR. NEARY: Oh! Okay.

MR. SPEAKER: On third readings they are all done individually.

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

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

A bill, "An Act To 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).

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

A bill, "An Act To Amend Further The Government-British Newfoundland Exploration Limited Authorization Of Agreement Act, 1957." (Bill No. 25).

A bill, "An Act To Amend The Consumer Reporting Agencies Act." (Bill no. 31).

A bill, "An Act To Enable The Golden Eagle Canada Limited To Become A Federal Corporation." (Bill No. 41).

A bill, "An Act To Amend The Welfare Institutions Licensing Act To Ensure Greater Emphasis On The Inspection Of Welfare Institutions In The Future." (Bill No. 22).

A bill, "An Act To Amend The Conflict Of Interest Act, 1973." (Bill No. 20).

A bill, "An Act To Amend The Motorized Vehicles And All-Terrain Vehicles Act, 1973." (Bill No. 27).

A bill, "An Act To Amend The Dog Act, 1976." (Bill No. 29).

A bill, "An Act To Amend The Local School Tax Act." (Bill No. 10).

A bill, "An Act To Amend The Mineral Act, 1976." (Bill No. 32).

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A bill, "An Act To Amend The
Social Assistance Act, 1977." (Bill No. 30).

A bill, "An Act To Amend The Department Of Municipal Affairs And Housing Act, 1973." (Bill No. 35).

On motion that the House resolve itself into a Committee of the Whole, Mr. Speaker left the Chair.

MR. CHAIRMAN:

Order, please!

MR. HICKMAN:

Order 4, bill No, 24.

On motion, clause 1, carried.

MR. CHAIRMAN (Young):

Shall clause 2, carry?

MR. DOODY:

The hon. member has the floor.

MR. CHAIRMAN (Young):

Order, please!

I recognize the hon. member for

Baie Verte - White Bay.

MR. RIDEOUT:

Mr. Chairman, clause 2, is

the clause that deals with a number of definitions that are important with regard to the implementation of this act.

Now, before I really get into the meat of the two or three remarks that I want to make on this clause, and I do not want to be too long because, Sir, a number of clauses in the bill I would like to pay some attention to, but I have to say from the beginning, Mr. Chairman, that I am very disappointed that the Minister of Labour and Manpower would sort of hold over the heads of the House of Assembly, over the heads of the Committee, the fact that he cannot very well entertain any major changes in the bill.

The minister told us in debate on the principle of the bill, Mr. Chairman, that he had made a commitment to the Interim Advisory Council, I guess they are called, that if there were any major changes proposed in the principle of the bill then the minister would not allow those to take place, or would withdraw the bill and take it back to that group before he would allow those changes to take place.

MR. RIDEOUT: Now, Mr. Chairman, I am all for proper consultation with the people involved.

MR. CHAIRMAN(Young): Order, please!
The Chair is having difficulty hearing the hon. member speak. I would ask hon. members to my left -

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN(Young): Order, please! Order, please!
The hon. member.

MR. RIDEOUT: Mr. Chairman, as I was trying to say over the roar, I am all for proper and appropriate consultation with the proper authorities, the Interim Advisory Council in this case, made up of representatives of management and representatives of the workers. But, Mr. Chairman, the minister has had almost two years to consult with those people and the minister has brought in a bill that does not meet - and I suppose he could not bring in a bill that would obviously meet all the desires of both sides, I am not criticizing, nor I am not being critical of the minister for that, but I have studied in detail the legislation that I have seen enacted in three or four or five other provinces across this country and I still make the same point here now, Mr. Chairman, that I made when I spoke in the debate on the principle of the bill, and that is, that while I agree wholeheartedly and support wholeheartedly this bill -

MR. ROUSSEAU: A point of order, Mr. Chairman.

MR. CHAIRMAN(Young): A point of order has been raised.

MR. ROUSSEAU: I really cannot hear the hon. member.

MR. RIDEOUT: I thought I could speak very loudly.

MR. ROUSSEAU: If he could speak a little louder?

MR. CHAIRMAN(Young): Order, please!

I agree with the hon. member

MR. CHAIRMAN(Young): and I would ask all hon. members of the Committee to please obey the rules as they do when the House is in session. The same rules apply. I would ask the hon. members to my left to please keep their voices down.

The hon. member.

MR. NEARY: The racket seems to be outside.

MR. RIDEOUT: Yes, the racket seems to be outside, Mr. Chairman.

MR. CHAIRMAN (Young): I would ask the Sergeant-at-Arms if he would keep down some of the noise in the corridors, please.

MR. RIDEOUT: Now, Mr. Chairman, as I was saying, and I said when I spoke in the debate on the principle of this bill, I wholeheartedly and very sincerely support the principle of this Occupational Health and Safety bill, but I am very concerned about a number of provisions that I see lacking in the bill that I have seen in other legislation that I have studied across this country. So I intend to propose a number of amendments that I think will strengthen the bill, that I think will make the bill a better bill, that I think will protect the health and safety of workers in this Province much better than the bill that is before us now.

In no way, Mr. Chairman, am I attempting to fiddle with the principle of the bill, the principle of occupational health and safety; that is not what my intentions are. My intentions are to move a number of amendments that I think are important to the very principle of the bill itself, amendments related to definitions that I think ought to be in the bill, amendments related to a language that I think ought to be cleaned up in the bill and a couple of other amendments to some of the regulations, which are add-ons, to some of the regulations that I think the bill will be very weak without, and a couple of other important provisions throughout the clauses in the bill.

So, Mr. Chairman, having said that, like I say, I am in no way attempting to fiddle around with the principle of the bill. I support it wholeheartedly. I think it ought to be beefed up and where I think it should,

MR. RIDEOUT: then I have an obligation to move those amendments. If the House sees fit to carry them, fine! If they do not, well, then I will have done my duty as I see it.

Now, Mr. Chairman, I think we are doing clause 2, and the definitions as contained in this clause go as far as (o). First of all, maybe one of the pages would lay a copy of those proposed amendments on the table so the people at the table can keep up with them. They end at (o). I would like to propose, seconded by my colleague from Terra Nova, that a section (p) be added in defining occupational disease. I would like to propose the following definition, Mr. Chairman, and that is, that "occupational disease means a condition that results from exposure in a workplace to a physical, chemical or biological agent to the extent that the normal physiological mechanisms are affected and the health of the worker is impaired thereby, and includes - which is the important and which is the operative part of the amendment, Mr. Chairman - and includes an industrial disease as defined by the Workman's Compensation Act.

We made amendments to the Workmen's Compensation Act in this House a year or so ago and I know that a number of industrial diseases were brought into the Workman's Compensation Act for compensible purposes. I think it is important, since we are passing an act here dealing with occupational health and safety, that we have the appropriate definition of occupational disease in there.

Mr. Chairman, how does the minister want to deal with these, one at a time? I have three under this section.

MR. ROUSSEAU: It does not matter to me, I will speak to each one and probably make a few remarks on each.

MR. RIDEOUT: Okay.

MR. ROUSSEAU: Do all three if they are under

MR. PECKFORD: the one section.

MR. RIDEOUT: Yes, they are under the one section.

MR. PECKFORD: Then the minister can respond.

MR. RIDEOUT: Okay. Is that okay with the minister?

MR. ROUSSEAU: Okay.

MR. RIDEOUT: Okay. So that is (p) that I would like to propose, Mr. Chairman, and that is that we have an appropriate definition of occupational disease included in the bill.

For the information of the Committee -

MR. CHAIRMAN(Young): Order, please!

I would advise the hon. gentleman he must speak from his own seat.

MR. RIDEOUT: Most of the legislation in other jurisdictions - I would hope that his Honour is taking note of the admonishment - most of the legislation in other jurisdictions, Mr. Chairman, has such a definition, a definition of occupational disease. I think it would be very weak on our part in proposing this bill if we do not have a similar definition in place.

DR. J. COLLINS: Would the member permit a question?

MR. RIDEOUT: Yes, Mr. Chairman.

DR. J. COLLINS: Is not the term 'industrial disease' used in the body of the act?

MR. RIDEOUT: Yes, Mr. Chairman, it is and that is why I am serious about having - occupational disease is used in the body of the act.

DR. J. COLLINS: I see. Could you inform me where it is just for my own information?

MR. RIDEOUT: Well, I am sure we will come across it. Maybe my colleague could find it while I am dealing

MR. RIDEOUT: with the other ones.

DR. J. COLLINS: Right. Right.

MR. RIDEOUT: But I know it is there
because -

MR. ROUSSEAU: 63.

MR. RIDEOUT: 63, is it?

MR. ROUSSEAU: 63, page 24.

MR. RIDEOUT: I know the words are used.
Page 24, that is the regulations.

MR. ROUSSEAU: Yes.

MR. RIDEOUT: Yes, I know it is used there
somewhere. Which one is it? Maybe the minister -

MR. DOODY: It is not in the regulations.

MR. BIRCHALL: The Minister's colleague has asked me if the term, 'occupational disease', is used in the Act and I have told him it is. I am just trying to find -

MR. BIRCHALL: It is a designation, occupations as hazardous occupations.

DR. J. COLLINS: Section (k) on page 24.

MR. BIRCHALL: Yes, that is 'Industrial disease' that is used in (k), but 'occupational disease' is used in -

MR. BIRCHALL: In 5°.

MR. BIRCHALL: - 5°. Yes. So, the gentleman has the Bill, I am sure, and he can look it up there. So, the important thing is anyway that the term, 'occupational disease,' is used in the body of the Act and I think it is important that we define what we are talking about, at least an operative definition insofar as it relates to the terms, 'occupational disease' and 'Industrial disease' under the Workmen's Compensation Act. So that is (p).

I want to also mention, Mr. Speaker, something mentioned by my colleague from Terra Nova (Mr. Bush), a Section (q) which will define discriminatory action. Now there is a whole particular clause in the Bill dealing with discriminatory action where people have the right to refuse work and the employer cannot take any discriminatory action, but discriminatory action is not defined and, really, I think it is essential if the Bill is to operate appropriately that it is essential that we have a definition of what we mean by discriminatory action. Obviously, we all have some idea in our minds of what discriminatory actions means, but I think we would be leaving a lot open to interpretation if we did not define it, and I would propose the following amendment to be added on as (q) under Section 2:- Discriminatory action means any act or omission by an employer, or any person acting under the authority of the employer, or any union, which adversely affects any term or

MR. DOODY: condition of employment, or of membership in a union, and without restricting the operating of the foregoing, includes layoff, suspension, dismissal, loss of opportunity for promotion, demotion, transfer of duties, change of location of workplace, reduction in wages, or change in working hours.

Now, that is a very comprehensive definition of what the bill means when it says the employer may not take any discriminatory action against an employee who has refused to work. Again, this definition is operative in a number of other pieces of similar legislation across this country. I think, if we are going to put the rest and the muscle that we need in the bill, that we want to have in there and that is our intention to have in there, then we are going to have to provide some sort of working definition of 'discriminatory action'.

Mr. Chairman, Clause 51(2) talks about occupational health service and, again, I think it is essential that in this type of bill we have a definition of what we mean by occupational health service. Again, this is a definition that is commonly found in some of the other acts across this country, and we can leave occupational health service to the interpretation and to the imagination of the employer and exactly what it may mean unless we spell out some guideline of definition it may never be known. So, again, I would like to propose one last amendment to Clause 2, to be known as (r), and it is the definition of occupational health service, again seconded by my colleague from Terra Nova (Mr. Lush). It means a service organized in or near a workplace for the purpose of - What do you want it there for? Well the purposes are (1) protecting workers against any health hazard that may arise out of their work or the conditions under which it is carried on; (2) ensuring the physical and mental adjustment of workers in their employment. And by the way, do not be annoyed by the word, 'mental', it turns up in I think, three of the four or five acts that we have across this country.

MR. DOODY: It covers us.

Mr. BISHOP:

It may cover us, yes.

(1) ensuring the physical and mental adjustment of workers by their employment and ensuring their assignment to jobs for which they are suited; and (2) contributing to the establishment and maintenance of a high degree of physical and mental well-being of the workers.

Now, Mr. Chairman, I proposed three amendments to Clause 2, neither one of them, I would submit, change any principles outlined in this Occupational Health and Safety Bill but it gives a heads' up for interpretation purposes to what we mean. What do we have in mind when we are talking about occupational disease, and occupational disease is an operative word in a number of places, a number of clauses in this Bill, if we do not have some sort of definition or guideline then I would submit that the Bill is weak, and weak because of our failure to include the appropriate definition there. Discriminatory action, I think it is very important that we give some sort of definition of what we mean by discriminatory action, and again, I think it is important that we give a definition of occupational health services.

Those three

MR. RIDEOUT:

amendments, Mr. Chairman, are meant to improve the bill, to make the bill more operative not to make it more clumsy. Again as I said I have the acts from every one of the other provinces here, and in some cases all, in many cases one or two or all three of these definitions are included in some way, in some form or another in those particular bills. So, Mr. Chairman, I move those three amendments or add-ons - I do not know what the appropriate word is - seconded by my colleague from Terra Nova (Mr. Lush).

MR. DOODY: The hon. member for Terra Nova has already spoken.

MR. RIDEOUT: A point of order, Mr. Chairman, this is Committee of the Whole.

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

MR. DOODY: I am just learning.

MR. LUSH: Right. Me too. Mr. Chairman, since I have seconded these amendments then I would like to say a few words in support of these amendments. As my colleague said, we certainly support the principle of this bill but there are some amendments that we want to make for the sake of clarification and for the sake of simplicity. What my colleague has done here is simply to define terms that are mentioned in the act, to define them so that people reading the act will know what they are about, occupational disease and discriminatory action. Certainly it is important that we have these terms defined. All I am afraid is that the minister is going to get up and say that these are going to be included in the regulations. Mr. Chairman, that is the weakness of this bill. That is the weakness of this bill, that there is too much left to regulation. We do not know what is going to be included in the bill and it makes it very difficult for us as an Opposition in going through this to be able to agree with all the aspects of the bill when there is so much left to regulation.

As we said before, we support the principle of the bill. It is something that the workers have that they have not had

MR. LUSH:

before in this Province. But the thing is that there is too much left to regulation and how can we be assured that all of these things are going to be in the regulations defined precisely as the hon. member has them stated here for the amendments. So my greatest fears have been confirmed, that the minister is going to say that they are going to be covered in regulations. Mr. Chairman, that is not good enough. As I have said, the major weakness in this bill is that there is too much left to the regulations and naturally all we can say is that the success of this bill is going to depend on the regulations and we do not know what the regulations are.

I hope that the regulations will tidy up the loopholes that are here or the loopholes that are apparent here. So I suppose that is what will happen after all evening as we propose these various amendments, that the minister is going to say they are covered in the regulations. Well, as I say, that is not good enough. We would like to have some assurances here that some of the things that we are talking about are going to be covered in this bill. With that, Mr. Chairman, I will sit down and let the minister get up and say what he has already indicated he is going to say.

MR. ROUSSEAU: They are going to be in the regulations. But, Mr. Chairman, first, if I may and I presume with leave, the hon. member mentioned that I would not entertain any changes. Yes I will - not in principle - and I will entertain them as I indicated to the hon. House. I am not going to say that I want to, you know, jam this thing through but I have a lot of commitments to a lot of people. Now I can appreciate and appreciate fully what the hon. member for Baie Verte-White Bay (Mr. Rideout) went through looking at all the bills. I can appreciate that and I think he has done a tremendous job. I have no doubt in my mind about that at all. And of his personal and deep interest in this, I have no doubt about that either.

But, Mr. Chairman, at the same point in time I have to recognize one thing, that I had fourteen or fifteen experts

MR. ROUSSEAU:

from early January of 1976 to early January of 1977 looking at every bill across Canada and looking at every bill across the United States that was available, and every piece of literature you could find on occupational health and safety. One of the members of the advisory board was a gentleman Monroe, Mr. Monroe from the Toronto office of the United Steel Workers. These people put everything into it. You know, they gave me their advice as to what should be done and what should not be done and I accept that. I am not saying that the advisory council is above the level of the House of Assembly, certainly it is not.

I can say to hon. members and I can say to the hon. member for Terra Nova that

MR. BOUSSIAU: these items that he refers to as occupational disease, discriminatory action and occupational health services will be designated in the regulations. I am going to keep saying that all night and they are not going to be satisfied with it and there is nothing I can do about it. In Section 2(i) "occupation" means any employment prescribed by the regulations as an occupation." From that logically and realistically it follows that if you have an occupation designed by regulations then the ensuing problem of occupational disease related to that occupation becomes an occupational disease; that is done by regulation. Discriminatory action; I think that is completely covered, the people who advise me say it is completely covered. Section 48 is the one that I am referring to: where any discriminatory action takes place, I presume, and I am not a lawyer, Mr. Speaker, but I presume that if a man loses one cent of pay in one year, that is a discriminatory action and the fault is that of the employer or the union if they take action against that employee to prove that the action is not discriminatory. That is the way that I would read it. If a man makes ten thousand dollars, if he makes nine thousand nine hundred and ninety nine dollars and ninety nine cents, then that is a discriminatory action. I am trying to find the simplest example I can, but anything that changes a status in any way, shape or form down to one penny in his annual earnings is a discriminatory action. That has to be spelled out, obviously, in the regulations that the onus is on the employer or the union, either one who want to take action, because any action taken by an employee in respect to this act has to be done and has to be proved by the employer and the employee. I can use no simpler definition but obviously it has to be spelled out in the regulations to insure that the most simple possibility of a discriminatory action is not overlooked.

The one in 51(3), page 19, "the Minister may prescribe by regulation". I can appreciate what hon. members across are saying

Mr. ROYSE: But it so happens that I can not give an undertaking of the regulations because I happen to be one gentleman who sits around a round table with fifteen others plus the premier and those regulations are passed by the Lieutenant-Governor in Council and not by the Minister of Labor and Manpower. I can not commit my colleagues in this House on the front benches to say exactly what is going to be in the regulations, it can not be done. As a matter of courtesy I am going to go to the Advisory Council and ask them to draft regulations. There, I assume, they would have the input of both labour and management. I have said so to the Newfoundland and Labrador Federation of Labour, who have come in with a number of questions the same way. They are prepared to have me take a look at the regulations and to look at it from the Advisory Council point of view in respect to any changes in the act. I do not want to say that I am not open to anything; that is not the point I am making. If I stand up and say, and all I can do is say it, is that if I say something is going to be the regulations then I have to assume that hon. members in the House of Assembly accept that. I think also that, and this is not a point that is going to carry but I think the hon. member from Bay Verte - White Bay (Mr. Rideout) knows that I am as interested in this as he is. I have four or five thousand people up my way who would not let me get out without being lynched if these things come out as a paper tiger. I have made commitments here, people are expecting it; I have not built up any false hope and we will do the job we have to do by regulations. I said the other day, I saw specifically, and I say it from one end of this Province to the other, let the employer beware. This is not fun and games; this government is serious on this and if we find that employers want to find a way to get around that then we will plug every possible loophole in it. There is nobody going to get away with the question of diverting themselves around the spirit of this bill on occupational health and safety. We will plug it, but like I say, Mr. Speaker, I do not disagree with the hon. member, there

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Mr. BUSHMAN: Has to be something spelled out. These things I am told by my officials and by the legal people are things that would be spelled out in the regulations. To go over it's three of them specifically so that I am not misunderstood, first number 2(i)

MR. ROUSSEAU: says, "Occupation means any employment prescribed by the regulations as an occupation." So one would assume, I would think, as a logical - everybody on the other side of the House is a schoolteacher - so from logic - right? And the hon. member was at one time.

MR. BIDEOUT: Everybody present?

MR. ROUSSEAU: Present in the House of Assembly on the other side. But logically from that, "occupation means any employment prescribed by the regulations as an occupation," then occupational disease would flow from that out of the same orders. The discriminatory action, like I say, you know, any action that alters one jot or one title, as a previous member of the House would use, or one iota would be hailed as discriminatory, and the onus is on the employer or the union should they take the discriminatory action.

And number 51, "The Minister may prescribe by order the services that an occupational health service must provide." Now, Mr. Chairman, here is one. If you want me to define occupational health and service in the bill - now, you know, you could have a hundred definitions in it. Number 51, subsection 3 says, and I am going to read it again, "The Minister may prescribe by order, " which is regulation -

MR. ROBERTS: I do not think so.

MR. ROUSSEAU: Well, I am sorry now. If the hon. member wants to start arguing about that, then he has got a real worry, because if he is going to worry about what I am going to have in the regulations and if he is accusing me of going out with that bill and putting in - the regulations will be there. I can guarantee the hon. member that. But "The Minister may prescribe by order the services that an occupational health service must provide, "You know. What else can you say, Mr. Chairman, you know? I am going to do it by regulation, and I am going to do it

Mr. Rousseau.

by regulation after input from an equal number of management people and an equal number of labour people, and I am going to talk to the Newfoundland and Labrador Federation of Labour. Obviously I cannot talk to every union and every individual in the Province. I think that is reasonable, that the hon. members opposite would not expect that. But I have given an undertaking to the Newfoundland and Labrador Federation of Labour, which is not something that is normally done with regulations. regulations. You know, regulations are just that. I will give everybody an opportunity. I would assume that the hon. member's constituents who are employees, as are my constituents, in the same type of union, will be represented both ways, both from their position on the advisory council and both from their position as a member of the Newfoundland and Labrador Federation of Labour. And I can tell you right now, Mr. Chairman, that there is no way - and Monday past, I have not seen the letter, but I have a nice letter, I understand, from the president of the Federation of Labour and I have undertaken to make some changes in that with them, and there is no way that if I come out with the regulations and there is no teeth in them, that I am not going to get raked over the coals - and I expect that, and I should. And I will say I deserve it if they are not as strong as I think they should be, most certainly so.

But these three here, Mr. Chairman - and I guess I should not be as worked up but, you know, this is an important bill. What I am saying to the hon. members opposite is this: that they will be covered in the regulations. I appreciate the position that the hon. members find themselves in. They are not part of making the regulations. They have some doubt and fear and rightfully so. Everybody does. But by the time I get the regulations it will have gone through people who are expert

Mr. Rousseau:

and who have studied this thing for a year, who know the situation, and I hope will advise me well. Like I said before, and I made the commitment in the House, that I am prepared to look at changes in the bill. You know, if there are any loopholes there we will plug the loopholes. You know, this is a very important bill for me, too, by the way, personally, as well as for the government.

AN HON. MEMBER:

Why put them in the regulations?

MR. ROUSSEAU:

My people tell me and the legal people tell me that the best place to put them - you know, we talked the other day - and by the way there was no statement made on this whole thing that was more accurate than the member for Baie Verte - White Bay (Mr. Rideout) when it is a skeleton. That is exactly what a bill is. A bill is a general skeleton, the specifics, the meat, the flesh, the fish, the bone. Excuse me, I was - the hon. Deputy Chairman of Committee is there waving at me.

MR. RIDEOUT:

You know where he is gone.

MR. ROUSSEAU:

I know where he is gone.

But when he mentioned the skeleton, that is correct. That is all that is. The regulations are the ones that spell out the specifics, the A, B, C, D, E, F, G, H. And, you know, Section 63 gives me just about any power that I need as a minister, and the Lieutenant-Governor in Council.

MR. RIDEOUT:

Is that a new amendment?

MR. ROUSSEAU:

No, no!

Everything there - yes, I know - and I thank very much by the way the hon. member for giving me some previous notice of that.

MR. COMSTOCK: Again, they are not specific and they are not intended to be specific; they are intended to be general. For example, sir - and if I may. You know, the hon. member, if I am out of order, can tell me. I am just trying to make a point, Mr. Chairman, about the regulations, really, which is the point we are talking about. For example, I do not think there is a broader aspect to this Bill, it may not be one of the principles of the Bill in the sense of a right to refuse to work. Section 63, sub-section (1), section (p), "designating occupations as hazardous occupations." I could designate the House of Assembly as a hazardous occupation -

MR. DINN: It is.

MR. COMSTOCK: I mean I have - Yes, I know - But I have that authority. There are ten people here, workers -

MR. DINN: There are more members than workers.

MR. COMSTOCK: That I am trying to say is that even the regulations that are here are not specific. They give me the power anywhere where there are ten workers, or more, to designate. I can designate any place, I can designate this House of Assembly.

MR. DINN: Would the hon. Minister permit a question?

MR. COMSTOCK: Yes.

MR. DINN: Does the hon. Minister have the authority to remove the hazards?

MR. COMSTOCK: You know, but that is the sort of thing I am talking about, and you know, the regulations will be there and so all I can say to the hon. members in response to that is that the points made are good and any point that the hon. member from Saie Verte (Mr. Hideo) especially, more so than the member for Terra Nova (Mr. Lush), who has been involved in occupational health and safety, brings, they will be looked at the same as the group I have from the Newfoundland and Labrador Federation of Labour. I am told they will be in the regulations.

MR. ROUSSEAU: The Act is broad enough, and that is what it is intended to be, to give me that power, and that is the way it would be our intention, from the people who advise me, to handle it.

SOME HON. MEMBERS: Hear, hear!

MR. RIDGENT: Mr. Chairman.

MR. CHAIRMAN (DR. COLLINS): Is the hon. member speaking on the Amendment?

MR. RIDGENT: Yes, Mr. Chairman.

MR. CHAIRMAN: Hon. member.

MR. RIDGENT: Mr. Chairman, I am not going to take very much more time. I am glad the Minister cooled down a bit on the end because I was starting to feel guilty here for doing what I consider to be my duty. The Minister was getting a little bit hot under the collar there in the middle of his -

MR. ROUSSEAU: It is warm.

MR. RIDGENT: Oh, I see. Okay. It is kind of warm here anyway.

Anyway, Mr. Chairman, if the Minister has made up his mind and the Government has made up its mind that it is not going to allow any amendments then so be it. All I can do is propose them, debate them, and argue for them.

MR. ROUSSEAU: I would like to be able to answer them.

MR. RIDGENT: Right. But the Minister gave us the best argument, Mr. Chairman, in his remarks as to why we should make every effort to make this Bill as broad and as encompassing as possible. When the Minister said, "It will be covered under regulations but I cannot give a commitment that my colleagues around the Cabinet table will go along with this regulation, or that regulation, or some other regulation," but if it is in the Bill, if occupational disease is defined in the Bill, if discriminatory action is defined in the Bill, and occupational health service is defined in the Bill, when the Minister and the Cabinet just take those regulations, or else, and then it is legislation; we do not have to fight as the Minister to convince his colleagues around the

MR. CHAIRMAN: Cabinet table. So, the Minister, Mr. Chairman, in his own argument against amending, gave us the best argument as to why we should leave no stone unturned in this very important bill when it comes to definitions. That is all this is, a definition; we are not changing anything, we are just saying that for the operative purposes of the Bill, for the interpretation purposes of the Bill, occupational disease will mean this, discriminatory action will mean that, and health service will mean this. That is all we are saying, not changing anything, only giving the people who will interpret this Bill in a court of law, an assistance in interpreting correctly and what the legislators had in mind. Now, to me, that is what legislation is all about. The committee stage, Mr. Chairman, I would propose to this Committee, should be one of the most important legislative processes that we have. If it is just going to be a case of the ones that have thirty against the ones that have twenty then, obviously, it does not work. Now, I am not accusing the minister of that, and I hope he is not going to get hot. What I am saying is that the Minister gave his own best argument as to why we should have a number of amendments to this Bill because he does not know - and I will tell the Minister something else, the Minister will get the legislative approval for this Bill sometime tonight, but when are we going to see those regulations? Is it going to be six months, twelve months, fourteen months down the road?

MR. DOUSSEAU:

In three months,

I hope.

MR. BROWN:

Yes, the Minister is hoping. When he has

to scavengers

MR. RIDEOUT:

his Cabinet colleagues that this has to be agreed with, that that has to be agreed with, you know, it is important. We are trying to give the minister some help, Mr. Speaker, by improving the bill.

MR. ROUSSEAU: Just to clarify one point by the way.

MR. RIDEOUT: Anyway, Mr. Chairman, I am going to sit down. I feel very strongly about those amendments, I feel very strongly about this bill, and I want to see it the best piece of legislation that went through this House since I came in here.

MR. CHAIRMAN: The hon. Minister of Labour.

MR. ROUSSEAU: Excuse me, just one moment. What I was trying to convey to the hon. member opposite is the procedure. The hon. member is assuming that I have to fight with my colleagues. By the time it gets to my colleagues it will be fourth hand by then. I would assume the advisory council and the federation will have had a look at it and the department and myself actually fifth hand. I mean, you know, when you get regulations - the principle I am trying to establish is that I cannot make commitments with the regulations. That does not mean I am going to have to fight the regulations. Obviously if I come in with a set of regulations under that act I would doubt there would be any problem at all in having them passed by the Lieutenant-Governor in Council. That is not the point.

I am trying to make a finer point. The point is that I cannot say this is definitely going to be in the regulations because as one minister I have no right until it is approved by the Lieutenant-Governor in Council to make a commitment on their behalf. Not that they are going to give me a problem. They have supported all the way on this and some of this, you know, is out of Saskatchewan really, some of the principles in there which is a -

AN HON. MEMBER: Out of all of them.

MR. ROUSSEAU: Out of all of them but most of the legal wording is a lot from Alberta and most of the principles are Saskatchewan. As a matter of fact on numerous occasions the Premier has said to me and my colleague, who is not sitting there now, the Minister of Health,

MR. ROUSSEAU:

who is out in the lobby there, "Where is the bill?" it was so long coming! Everybody around the table supports it. This government and this side of the House supports it very strongly.

MR. RIDEOUT: By unanimous consent.

MR. ROUSSEAU: Right. But the point I was making was not that I would have to fight with them but that I could not say now that regulations I hope to have in three months or shortly thereafter will be approved. I cannot make that commitment because there may be one aspect of it, there may be a word, there may be nothing. I do not know that. That would be unfair. It is the same as the hon. member to make a commitment on behalf of his caucus not having checked with his colleagues. It is the same sort of principle. Not that I say would I have trouble around the Cabinet table because the government feels very strongly about it. I know the hon. member does and I do personally as well because of our situation as I am sure other hon. members do, you know, who are involved in this sort of thing. It is a very difficult thing. Obviously it has received a lot of play. For example, I do not believe that the Newfoundland and Labrador Federation of Labour or that the Steelworkers Union, who have really been the spearhead behind this, are going to let me off without having teeth in those regulations. I fully anticipate that. I am not going to be embarrassed by publishing a paper tiger and be taken to task for it. I mean that is not the spirit of that bill.

I think it is important that we recognize that we are all working towards the same thing in this. We want a safe working place. Now I can only repeat again, I am not saying that - you know, I should be able to answer the questions that the hon. member brings up. I know he does it out of interest. I am not trying to soothe him down or say he should not do it. That is not what I was saying.

AN HON. MEMBER: That is not your responsibility.

MR. ROUSSEAU: No. My responsibility is to try and explain. If

MR. ROUSSEAU:

the answer is no or we are not going to do it as is proposed, I have to say why and I have to say how else we are going to do it. And that is fair play and I am prepared to do that. The only point I make is that I am told by the people who advise me that this can be done to a greater and better extent in respect to the skeleton bill. The meat can be put on it in the regulations and that is where it should be done and obviously these sort of things cannot be left to the imagination. I am not saying they are not important but I am told by the people who advise me, and you have to take the advice of people who have worked on this so closely obviously. I am just a guy who says I want it, where is it, so on. Other people work on it. I am advised that way and I want to, you know, proceed in the best possible manner and they tell me the best possible way to do this is to - you know, the hon. member can look when the regulations come out by the way and he may see hints of his own thinking in the regulations, because obviously I am not going to take that tonight and tear it up and throw it away. I can assure the hon. member of that -

MR. RIDEOUT: The unions agree with those amendments that I proposed, I know.

MR. ROUSSEAU: Yes.

MR. RIDEOUT: And the minister, you know, for obvious reasons is not going to accept it.

MR. ROUSSEAU: Which union?

MR. RIDEOUT: The Steelworkers Union.

MR. ROUSSEAU: Yes.

MR. RIDEOUT: And which is very interested in this as the minister said.

MR. ROUSSEAU: Yes.

MR. RIDEOUT: Now, is the minister sort of intimating that the management people on that interim advisory committee do not like those?

MR. ROUSSEAU: Oh, no. I do not know that. All I am saying is that the advise that I am getting from the department -

MR. RIDEOUT: That interim advisory committee obviously studied all these. If they did not (inaudible).

MR. ROUSSEAU: I assume, and I do not know why. I do know it was brought up and it was talked about and this was the compromise reached, that they did not think it was necessary. But I assume again to the hon. member that

Mr. Rousseau.

they assumed that it would be in the regulations. If they are not in the regulations - if what I say tonight to the hon. member as to what I am told is to be in the regulations is not in the regulations, fair game.

MP. RIDEOUT: I will be back looking for you.

MR. ROUSSEAU: Fair game. That is fair game.

from my people; if they are not there, fair game. I am not saying no to the hon. member. As I said, I am not going to tear this up and throw it away tonight. Obviously it is going to be given a great deal of thought. And, you know, right now it is, as far as I am concerned, a topic for the regulations. The hon. member will follow the regulations very closely, and I will let him know, by the way, personally as to the disposition of it, maybe even before the regulations are gazetted as to just what points that he brings up are included in the regulations and where. Some points that were brought up later are already there, by the way. Others may have been missed. But like I say, the only reason I am talking to this is to say to the hon. member, if I say it is not necessary or no, I have to have a reason, and I have to say what else I am going to do, and that is what I am trying to do, and I think that that is fair game.

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

MR. F. POWE: Mr. Chairman, I really cannot understand the minister here, and I do not want to get personal or anything like that. But this act is what the minister says it is, it is only the skeleton, it is only the bones. Now my colleague, who is the spokesman for this particular area, has gone through a terrible

Mr. F. Rowe:

amount of trouble to put some meat into this particular act or this bill. And it is not out of sympathy for him that I would like to see the amendment -

SOME HON. MEMBERS: Oh, oh!

MR. F. ROWE: Who scored? I am sorry. Obviously somebody scored, Mr. Chairman, from the roars coming from outside.

Sir, it is not out of sympathy for my colleague that I would want the minister to accept the amendments. But this act in the very last clause, Commencement, "This act comes into force on a date to be proclaimed by the Lieutenant-Governor in Council." Now presumably this act, if it was proclaimed tomorrow, would be meaningless, absolutely meaningless.

AN HON. MEMBER: Any act is.

MR. F. ROWE: Any act is? No, I do not agree with that. Not all acts are meaningless, not all acts necessarily have regulations either. But in this particular case, in this particular act or bill, if it was proclaimed tomorrow would be absolutely useless, because the details are not there. Now my colleague is putting forward certain amendments tonight that will put some meat into this particular act, and if proclaimed tomorrow would be meaningful, would be more meaningful than it is at the present time. The minister is escaping by simply saying that this will be all taken care of under the regulations.

Now, Mr. Chairman, I would bet my sessional pay that it is virtually impossible, as the minister stated, to have all the comprehensive regulations in to place within three months. I cannot possibly see this being done within three months. The hon. minister said himself that he has to consult with the advisory board, the Federation of Labour,

Mr. F. Rowe.

the union which spearheaded it - the Steelworkers' Union is it?

MR. ROUSSEAU: Many before it gets approval.

MR. F. ROWE: Okay.

In other words, the minister is saying that he has to consult with a great number of institutions -

MR. ROUSSEAU: We are already working on it.

MR. F. ROWE: They are already working on it. And this,

I would assume, would include management as well, and I, Sir,

simply say this, that I cannot see these regulations being

formulated within three months. Now the minister says that

he wants to get this - this is a commitment that he has made -

he wants to get this bill through as quickly as possible. What

is the good of getting something through, Sir, as quickly as

possible if it is meaningless, if it is only a skeleton? I

would, Sir, ask and appeal to the minister that he accept the -

MR. LUSH: Are you going to belong?

MR. F. ROWE: I am going to finish pretty soon, "Tom."

I would suggest to the minister that if he has made a commitment - and I do not doubt his sincerity in getting this bill through, and he wants it to be a meaningful bill - that he accept the amendments put forth by my colleague tonight. The minister said that he is going to vote against the amendments because they are going to be included in the regulations. What

MR. F. ROWE:

I am suggesting is that they be accepted here tonight. Sir, what is this House of Assembly all about anyway? I mean, the whole purpose of going through - very well, the first reading is a formality, Second reading is to debate the principle of the bill, and the Committee stage is where you go through clause by clause and you amend each clause as you think it necessary. Who is making the regulations? The unions, the Advisory Board - the legislation, I mean - the advisory boards or what? The legislature should be the one where we have these amendments taken care of. And if the minister is in agreement with them and his only reason for not accepting the amendments here tonight is because they are going to be included in the regulations, which I would predict is going to take quite some time to get through, in order to expedite matters and make this bill more meaningful more quickly, I simply ask the minister and his colleagues to accept the amendments tonight and if and when the regulations are formulated if there is any duplication there is no harm done. There is not harm done if there is duplication, a regulation duplicates an amendment or a part of clause of a bill.

So I would suggest that this is just escaping the whole matter, that the minister if he wants the bill to go through quickly, if he wants it to be meaningful, that we do what this whole legislature is set up to do, debate the amendments. If the amendments appear to be good ones, which I believe they are - my colleague has gone through an awful lot of research - if the amendments are good include them in the bill, in the body of the bill and then go ahead -

MR. ROUSSEAU: I did not say they were not.

MR. F. ROWE: I know the minister did not say they were not. Do not try to distract me now. The minister is missing the point completely.

MR. ROUSSEAU: You are missing the point.

MR. F. ROWE: I am not missing the point, not missing the point at all, Sir. What I am saying is simply this, is that part of the

MR. F. ROWE:

function of the legislature is to amend where they feel fit. Okay? The minister's only reason for not accepting these amendments tonight is that they are going to be embodied in the regulations. The minister has also said that he wants this bill to go through as quickly as possible, he has a deep commitment for it and all this sort of a thing. What I am saying is why not accept the amendments tonight so that this bill can be proclaimed almost immediately and then the regulations can follow and if there is a bit of duplication in the regulations so be it. It is as simple as that. But I cannot see anything -

MR. ROUSSEAU: That is crazy.

MR. F. ROWE: Well if the minister thinks it is crazy let the minister stand up and say why it is crazy. The minister acts like God, Sir. Every time he says something is foolish, specious or crazy we are all supposed to say amen to it because the minister said it.

Now, if the minister thinks that is crazy, insane, inane and everything else why does the minister not stand up in the Committee stage and say why it is crazy? I am saying what I believe in. If I am wrong I will accept it.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please! Order, please!

One hon. member has the floor of the Committee.

The hon. member.

MR. F. ROWE: So, Sir, I just appeal to the minister to accept these amendments, embody them in the bill tonight and wait for the regulations because if these regulations have to go through an advisory board, go to different bodies and come back to Cabinet for approval, I would suggest, Sir, that we will not see these regulations within six to nine months, let alone three months. It is as simple as that.

MR. CHAIRMAN: The hon. Minister of Manpower and Labour.

MR. ROUSSEAU: Mr. Chairman, first of all, as I was just showing a couple of hon. members, here is the Alberta one, and that is not necessarily one we are going to have. The Alberta one, that few pages there is the act. This here is the regulations. You say three months, the hon. member says three months.

MR. F. ROWE: You said it.

MR. ROUSSEAU: No, but you know you said it is impossible in three months. Obviously since we have drawn out what we think to be and we may be wrong, I am not saying we are infallible - but people working for one year -

SOME HON. MEMBERS: Oh, oh!

MR. ROUSSEAU: I was just trying to find a set of minutes, by the way, Mr. Chairman, and I cannot find them, the last set of minutes where the bill was approved by the interim advisory council as

MR. CHAIRMAN: in favour "aye", those contrary "nay".

In my opinion the "nays" have it.

On motion, Section 2 through 3, carried.

MR. CHAIRMAN: Hon. member.

MR. RIDEOUT: Which hon. member?

MR. ROUSSEAU: I know what the hon. member - Out of courtesy he has told me the term he is going to be talking about now, and it appears a number of times throughout the Bill. Is it possible that we can speak to it once and fully, and then -

MR. RIDEOUT: That is what I was going to say.

We are on Clause 4 and it says, "So far as it is reasonably practicable." I would like to amend that to read, "As far as is reasonably possible." Out of all the acts that we have across Canada, I think the only one that uses 'reasonably practicable' is the Alberta act, and it seems to me that 'reasonably practicable' is strange language to have in that kind of legislation. And again, the same words appear, and this is what the Minister was referring to, Your Honour, the same words appear in Clause 5 in Sections (a), (b) and (d), and he was suggesting that we just deal with it once which would be quite okay with me. I would like to see that 'reasonably practicable' - I have real difficulty in pronouncing those two words together -

MR. ROUSSEAU: Is that why you are amending it?

MR. RIDEOUT: That is reason enough to take it out of the Bill. I would like to propose that those be changed to 'reasonably possible' which I think is open to a different kind of interpretation than that 'reasonably practicable'. I think my colleague from Terra Nova (Mr. Lush) would second that amendment.

MR. LUSH: Yes, I second it.

MR. RIDEOUT: For the information of the Minister, I am not going to hang it up on this. I am just proposing it, and my colleague will second it.

MR. CHAIRMAN: Does the hon. member mean to include that in Section 11 also?

MR. BIRCHBY: Well, Your Honor, what the concern was that we would just say it once and not three or four times over.

MR. CHAIRMAN: Hon. member for Milbride.

MR. T. WELLS: Mr. Chairman, I appreciate what the hon. members said here, but I think that in Clause 4, 'reasonably practicable' and 'reasonably possible' are two very different things, at least they appear to me to be. Now, if you say, 'reasonably possible', well anything is reasonably possible. To take an extreme example, you could surround a worker with a \$10,000 cocoon, you know.

MR. P. WELLS:

Many things which are possible are not practicable and I think that that is a factor. I mean if, for example, you are producing a product somewhere - be it a paper mill or a mine, it does not matter where it is - it might be very possible to put in improvements or safety things which might, for argument's sake, cost \$10 million and make the product which they produced completely uneconomic. In other words, when you talk in terms of the possible you could get beyond what is practicable. And what is practicable is like anything else in life; there is a compromise between what is affordable and sensible and what, like in an extreme situation, is possible to do. So I think that 'practicable' to me, and I am not hung up on that, but it seems to me to be good wording, because what is practicable is really what has to obtain in the every day, work-a-day world.

MR. RIDEOUT: What is the difference between practical and practicable?

MR. P. WELLS: 'Reasonably practicable.' I do not think in the word 'practical' and 'practicable', I do not think there is any great difference in meaning to my knowledge. But I think practicable is correct. Now I cannot give you the grammatical reason. Both words obviously mean the same thing, I think. But possible -

MR. RIDEOUT: Use practicable as a word.

MR. P. WELLS: Practicable meaning, you know, implementable that sort of connotation it gives to me. But, as I said, I am not hung up on it. But I do not see anything wrong with practicable, because I think that what is practicable is what is going to be done in the end anyway in a given situation.

MR. RIDEOUT: Mr. Chairman, you know, I agree, sort of with the hon. member for Hilbride (Mr. P. Wells). But I disagree with him for some of the very basic reasons that he himself enunciated. If we are talking about the health and safety of workers - now I know

MR. PIDEOUT:

you got to talk about what is affordable and all this kind of thing - but if we are talking about the health and safety of workers then it may not be practicable - you have to excuse me here, because I have trouble with that word - it may not be practical - maybe that means the same thing - for a company or an employer to do a certain thing to protect the health and safety of a worker. And the grounds for which it is not practical may be and will be, I would submit, very different grounds than reasonable. And all we are asking is that the employer take make a reasonable effort to ensure that the workplace in which the employee is working is reasonably safe and will reasonably ensure the safety and health of the worker.

Now I say again to the member and to the minister, that of all the four or five bills we have across this country, they all use 'reasonably possible', and the only one that is hung up on 'practicable' is Alberta. Now why it is I do not know. Maybe it is for the very reasons that the hon. member enunciated. Maybe it is because Alberta -

MR. LUSH: Practicable gives an easy way out.

MR. PIDEOUT: I think practical gives an easy way out, and that is what makes me so concerned about it. I think 'reasonably possible' is more in tune with laying more responsibility on the company to ensure that they provide a workplace that is free, as safe as technically possible and reasonably possible from any hazards. Practical, I think, gives them too much of an out, and is too open to the whims of interpretation of the company.

MR. P. WELLS: When I think about the words 'reasonably possible' it gives me difficulty, because a thing is either possible or not possible.

MR. E. WELLS:

I do not see how a thing can be reasonably possible. You know, it is either possible or not. What might be more sensible would be to say 'possible' and 'practicable', because they are two different things. A thing has to be possible to start with and then if it is possible, okay, fine. Then if it is practicable, it makes sense. But again I cannot see how a thing can be 'reasonably possible'. It is either possible or impossible. You know, maybe it is semantics.

MR. ROUSSEAU:

Mr. Chairman, if I may, just on those terms, and I thank the hon. member for discussing it once. And by the way I might say this, that the Federation of Labour was concerned about that term as well the other day. We do not know another term. It is our feeling that to put the word 'reasonably possible' instead of the word we now have there would weaken it. But I have undertaken to the Federation of Labour, and they have accepted that undertaking, and I have a letter here

MR. ROUSSEAU:

certain things it is not too bad, but when you start talking about how the hon. member for Kilbride (Mr. Wells) and the hon. member for Grand Bank (Mr. Hickman) would interpret something in a court of law that is a different one. That is a ground I am really afraid to step on. So, you know, my people, the people who advise me, feel that 'reasonably possible' would take away from rather than add to, but at the same time to say to the hon. member for Baie Verte-White Bay (Mr. Rideout) that the federation has voiced the same and I have said that I will take a look at this. This has satisfied them. Obviously it is a very difficult thing. I think what we are trying to do is there. Whether it can be interpreted that way I do not know. It is very difficult when legal people put things together how you interpret it when you are not of a legal mind.

But as I say I have undertaken for the federation, and I will undertake for the House and the hon. members opposite, that we will take a look at this term because it is consistent throughout the act. The word 'reasonable' I do not think is one that is upsetting because the hon. member is going to use that in another one, but it is the word 'practical' and 'possible'. As I say my people tell me that that would degrade the term more so than the word 'reasonably practical' or 'practicable'; whichever one.

MR. CHAIRMAN: Shall the amendment carry? Those in favour "Aye". Those contrary "Nay". In my opinion the Nays have it.

Shall Clause (4) carry?

MR. LUSH: I want to speak to number 4 now, Mr. Chairman, as unamended, without amendment. Is that Okay?

MR. CHAIRMAN: Yes.

MR. LUSH: 'Every employer', I am just wondering as to how comprehensive that term really is. For example, I think we have been informed already that this does not include miners, not this legislation - or this bill; there is going to be more legislation but not right at this point in time. So in the event that it does not include that, I am just wondering whether there are other groups that

MR. LUSH:

it does not include.

MR. RIDEOUT: They have to be designated by the minister.

MR. LUSH: Right. I raised a question with the minister when I spoke to the bill in first reading, the one about fishermen. I do not know whether -

MR. ROUSSEAU: I answered it.

MR. LUSH: You answered that?

MR. ROUSSEAU: You want the answer?

MR. LUSH: I was not here. I would like to know what the answer is because I think this is important. The question now is does this apply to the deepsea fishermen? I think I explained at that time -

MR. ROUSSEAU: Yes.

MR. LUSH: I do not need to go through it, the minister knows what I was talking about. Okay.

MR. ROUSSEAU: First of all, Mr. Chairman, the employer covers everybody, not only an employer as we know it. Now in the question of mines, yes, I have said, and it is government's decision, that by April 1 - I keep reading April 1 or hearing April 1. I believe I am very delicate with that term. I always use the term by April 1 but it keeps getting reported as April 1, 1979. So I will say it again, by April 1, 1979 - and it may be next week, maybe next month, but it will be by that date that the Department of Mines and Energy's occupational health and safety division will be in the Division of Occupational Health and Safety Department of Labour and Manpower, by April 1, 1979. That commitment has been made. There is a Order in Council to that effect and it will be there. And on October 1 Workmen's Compensation Board Safety and Education Unit and all the inspection services of Newfoundland and Labrador Hydro will come into it. We are trying to do it by steps. So that commitment has been made so that by April 1, 1979 every employer will be included.

MR. ROUSSEAU:

Not only the employer but also if the hon. member would look, and I refer him to sections (9), (10) and (11), not only employers in a broad sense of mining industry or construction industry but every self-employed person is considered an employee for purposes of this act and every principle contractor and every sub contractor and every supplier come under the ambit of that act.

MR. LUSH: That is right. And this one about the deepsea fishermen just because it is a problem.

MR. ROUSSEAU: Yes. If the hon. member will excuse me for a moment now I will find it here somewhere. The hon. member suggested that it was no help for the 2,000 longliner trawlermen from the Workmen's Compensation Board and nobody from the Workmen's

MR. ROUSSEAU: Compensation Board is able to inspect the gear or the boats, that was the substance. Well, first of all we do, and we will be doing it when all the divisions come in, but it is presently being done in education programs in respect to occupational health and safety for the trawlermen and the longliners, so we will continue to do that and that is an initiative towards that group of people. We cannot inspect on the boat because that is under federal regulations. We will talk to the federal government about that because normally you get an understanding, I presume, you know. For example, I gave the example for the hon. member of Terra Nova's (Mr. I. Lush) information that in Saskatchewan where grain, I presume, is one of if not the biggest industry there, it might surprise the hon. members - it surprised me - that the grainhandlers are not covered by the Saskatchewan Provincial Occupational Health and Safety Bill because it is covered by federal regulations. We could see the same problems, I also suggested to the hon. members of the House the day I answered the questions, that the offshore oil and gas would provide some problems in jurisdiction between the federal and provincial governments. He also mentioned, by the way, just to finish this up because it is under employer, trawlermen have no money available from Workmen's Compensation Board of injury, and I am told by the people who advise me, and the Executive Secretary is on secondment from the Workmen's Compensation Board, that trawlermen and longliners are both covered, both covered by Workmen's Compensation Board for fatality, which we hope never occurs, or an injury.

MR. LUSH: May I ask a question?

MR. ROUSSEAU: Yes.

MR. LUSH: The situation with the deepsea fishermen, as I understand it now, is that there is no one allowed to inspect the workplace with this exception, that the Canadian Steamships inspectors are permitted to inspect the boats from the point of view of safety, the navigational apparatus and this sort of thing. But anything affecting the fishing gear, like, for example, the winches which could be dangerous, they are not allowed to inspect these. Anything respecting the fishing gear, the Canadian Steamships inspector is not allowed to make any judgement on, only as they relate to the safety of the fishing vessel itself. So I am informed that there is a lot of equipment used with respect to fishing that is very, very dangerous. What I am asking really, is there anything in this act that will cover that situation? Certainly the education program the Minister talks about is going to, but this specific case, is there anything to be done about that?

MR. ROUSSEAU: As I say, the three aspects now if you want to look at them are industrial safety, industrial is general, and mine safety and federal. Now we are going to take mine and industrial and put that together under provincial jurisdiction. There are certain aspects of safety under the British North America Act that do not fall to the provincial government and one of these is the one that the Honourable Member refers to. And as I said the other day we will talk to the federal government about it because obviously - and by the way, I wrote Mr. Munro the other day and congratulated Mr. Munro because they have just introduced a bill in the House of Commons; it is really a media centre, an information centre but they are involved in occupational health and safety too and I would think are as concerned about the workplace. I would hope, as we are and would be receptive to allowing us as, for example, an operation that -

AN HON. MEMBER: Of course, they knew about it in Quebec.

MR. ROUSSEAU: I have a copy, he sent me a copy. The uranium mine at Makkovik that I was given a question on the last time that although it is under federal jurisdiction, the Atomic Energy Board of Canada, because of the special uranium situation, that normally they come to the provincial government and ask us to monitor it, there is an understanding between us. I would hope that the same understanding could flow over into the distinct problems that the hon. member for Terra Nova (Mr. T. Lush) brings up.

On motion Clauses 4 and 5 carried.

MR. CHAIRMAN: Shall Clause 6 carry?

MR. RIDIOUT: Mr. Chairman, if there is one amendment that I would like the Minister to accept here tonight it is the one that I am going to propose for Clause 6. Clause 6 says. Every worker, while at work, shall take reasonable care to protect his own health and safety and that of his fellow workers and all other persons at or near the workplace. Now further on in the Bill, Mr. Chairman, there are penalties outlined for the employer who fails to live up to any particular part of the Bill.

MR. RIDEOUT: They accrue to the employer or the employee. I have noticed in the Manitoba bill a section that I consider to be very important because this bill does deal with occupational health and safety, and a worker conceivably could, because of some negligence on his own part, contract an industrial disease and be so proven a few years down the road. And, you know, the company could attempt to prove that the worker had not used the dust-mask, for example, in the case of Advocate Mines or the case of Labrador City, that the worker had not done all that he ought to have done under the law to protect his own health and safety. Now the Manitoba bill has a clause in there that I think is very important and I would like to propose it for inclusion as 6(1) in this particular clause, and that is that "the failure to comply with any provision of this act or the regulations does not affect the right of a worker to compensation under the Workmen's Compensation Act." I think that is very important because while a worker may because of some negligence on his own part, by refusing to use dust-masks, if he does that then I would submit there should be something in the collective agreement or something whereby he is disciplined: but anyway, any number of circumstances can happen where the worker, where it could conceivably be proven that because of the worker's own negligence he contracted that industrial or occupational disease. If that should happen, what protection is there for the worker? None whatsoever under this act. I do not know what the Workmen's Compensation Act says. I know that it does not cover the situation at the moment; whether it would be amended or whatever, I do not know. This act deals with occupational health and safety and I think it is in this act that the amendment should go. It is in the

MR. RIDEOUT: Manitoba act: I think it is an excellent clause to have in there for the protection of the worker and the worker's family that if he should contract an industrial disease or whatever because of his employment even though the company may attempt to prove that it is because of his own negligence, if he has that industrial disease, he should be compensable.

MR. J. CARTER: Will the hon. member permit a question?

MR. RIDEOUT: Yes.

MR. J. CARTER: Consider, for instance, a worker who refuses, negligently refuses to wear safety glasses, say, in the machine shop and a splinter of metal pierces one of his eyes and he becomes partially blind or, I suppose, could become totally blind. That person is then eligible, if the members' suggestion is carried through, that person would then be eligible for a pension for life for doing something that was entirely negligent. I would just like you to comment on that.

MR. RIDEOUT: I think the hon. gentleman from St. John's North (Mr. J. Carter) is carrying the thing to the extreme. The member is talking about where a worker deliberately refuses to wear safety glasses. I am talking about something a little different where a worker may go into a high dust area, for example, and masks are not mandatory, you know. They are there and you are advised to wear them, but you do not wear them - there is nobody to say you have to wear them - and it is found that you contract an industrial disease because of that habit. Now you can argue that the worker is negligent because he did not wear the masks that were provided, but it was not mandatory for him to wear it either, so, therefore, I think there must be some protection in cases like that. The case that the member refers to is an

excellent point that he makes, where a worker deliberately refuses to wear a pair of safety glasses and, of course, we are not designing the amendment for that type of thing.

MR. ROUSSEAU: Could you read that amendment again?

MR. RIDEOUT: The amendment says "the failure to comply with any provision of this act or the regulations does not affect the right of a worker to compensation under Workmen's Compensation Act". The act here, the duties of a worker are outlined in one of the clauses here, for example, that he is supposed to take reasonable measures to protect his own health and safety and those of his fellow workers and so on - okay? - reasonable measures. Advocate Mines provides dust masks but they are not necessary. They are not mandatory. How about if he does not wear it and comes down with asbestosis?

AN HON. MEMBER: He wears it part of the time.

MR. RIDEOUT: He wears it part of the time, and comes down with asbestosis.

MR. ROUSSEAU: I had to make a commitment 'n order -

AN HON. MEMBER: Does the amendment make sense to you?

MR. RIDEOUT: The amendment makes sense?

MR. ROUSSEAU: No, it does not.

MR. NEARY: Why do they not make it a condition of employment?

MR. RIDEOUT: Unless they make it a condition of employment.

MR. ROUSSEAU: Let me first of all say that - again I refer to the amendments that one is a principle and is probably a very important point. The only thing I can say to the member and this one, if I am inclined to any it would be this one, but I would want to see the repercussions. I would want to see whether this would be included in the Workmen's Compensation Board or not. This is certainly a matter that has been spoken about before behind the curtain as one that should be considered, but obviously it is a principle. I will undertake to give that one the most sympathetic and comprehensive examination.

MR. NEARY: They will have to pay Workmen's Compensation anyway.

MR. ROUSSEAU: Oh, yes. You know, again it is such a major point - I do not know if the hon. member was in the House at the time, but there are certain principles that I have to look at as well. This one is well brought up, and I think the hon. member heard from my officials the same thing when we were talking to them. It is a good point, and we will look at it very closely. Off the top of our head, we are of the understanding that it should be covered or is covered in the Workmen's Compensation Board Act but unfortunately, because of the time of the day, I was not able to get that clarified. But that certainly will be looked at very sympathetically. I may again -

MR. BIDEOUT: You see the problem is that if under this act a worker becomes negligent, well where is the power play then of the Workmen's Compensation Act?

MR. ROUSSEAU: I am told by the legal people, you see, the bill is not - the question of negligence has something to do with the aspect of the principle of the bill of occupational health and safety. I do not know what it is, I am not a lawyer. But it is a point well made, and a point that certainly should be considered. I will say that here and say that now that it will be given the most comprehensive and sympathetic consideration. The principle of the bill says that a worker should not be discriminated against. If he does not get Workmen's Compensation, I would have to think, you know, without making a commitment because I do not know the repercussions that that is possibly discriminatory action.

MR. ROUSSEAU: Pardon?

MR. BIDEOUT: No employer shall be discriminated against.

MR. ROUSSEAU: Yes.

Or the worker should not be discriminated against. You know, that to me, if he is not going to get Workmen's Compensation, I would want to check with Workmen's Compensation. That is a point very well made.

MR. NEARY: I think that should be checked out.

MR. ROUSSEAU: - and if I knew now the repercussions of it, but I do not know now the repercussions of it, and I do not know where it stands in respect to the Workmen's Compensation Board. But I do commend the hon. member very much for bringing the point to my attention and to the Committee's attention. And I assure the hon. member that it will be given the most careful and sympathetic consideration, and it will be checked out completely in respect to that. And if that is not the case, then if there is any reason why we cannot do it, that certainly is something that should be included somewhere, either amended to the act or in the regulations.

MR. STACY: If you pass the bill tonight and put it through, how are you going to get the amendment back?

MR. ROUSSEAU: You can do it in the regulations.

MR. RIDEOUT: You are going to do everything in the regulations.

MR. CHAIRMAN: Shall the amendment carry?

SOME HON. MEMBERS: "Nay."

MR. CHAIRMAN: In my opinion the "Nays" have it.

Shall Clause 6 carry?

On motion Clause 6, carried.

Shall Clause 7 carry?

MR. RIDEOUT: Mr. Chairman, I am prepared to let 7 go as is.

MR. ROUSSEAU: That is in No. 6, by the way.

MR. RIDEOUT: Yes, I know it is in the regulations.

MR. ROUSSEAU: It is in 63 (c).

MR. RIDEOUT: Yes, in the regulations. I noticed that but I thought it should have been defined but there is no point -

MR. ROUSSEAU: And No. 3 by the way I put a note here - maybe that is 7 (iii).

MR. CHAIRMAN: Order, please! A hon. member when he wants to speak must be recognized by the Chair.

MR. RIDEOUT: Well, Your Honour, I appreciate that but I think we have sort of had carrying on back and forth in committees since I have been here in the last three years.

Number 8, Mr. Chairman, I am worried about the wording. I think I have told the minister this the first day it came in. Number 2, "No worker shall carry out any work where there exists an imminent danger to his or another worker's health or safety." Now that and Clause 46 do not match. Clause 46 worded I think says something to the effect where the employee has reasonable grounds to believe there is a danger. I think I pointed this out to the minister in my opening remarks on this bill. I would like to amend (a) to read

NP. WIDEOUT.

that No worker shall carry out any work
where the employee has reasonable grounds to believe there is a
danger to his or

MR. RIDEOUT:

another worker's health or safety or for the health and safety of any other person." And that would make it completely consistent with Clause (46). I would like to move that, seconded by my colleague from Terra Nova (Mr. Lush).

MR. CHAIRMAN: The hon. minister.

MR. ROUSSEAU: My understanding of that one, Mr. Chairman, is - and I have talked to the legal people because the hon. member brought it to my attention before, and I do not know which one is which and I should have it more specific. One is a duty and one is -

MR. RIDEOUT: Clause (46).

MR. ROUSSEAU: Yes. And one is a responsibility, because it was brought up, I think, in the debate on principle. And the legal people who draft the bill tell me that there are two different aspects there and that they are not incompatible. The term 'imminent danger; you know, to take that out, that is a pretty strong term.

MR. RIDEOUT: That is right. It is too strong a term. That is the whole point. You know, an imminent danger and a reasonable danger -

MR. ROUSSEAU: You know, well 'imminent danger' again this is one that I am told by the legal people who drafted it, it is the best term and it was agreed on by the group, you know.

MR. RIDEOUT: I do not know what is wrong with our legal people compared to other provinces.

On motion Clause (8) through Clause (23) carried.

MR. CHAIRMAN: Shall Clause (24) carry?

MR. RIDEOUT: Clause (24) has to deal with investigations.

Now while there is quite a bit of power for investigative purposes defined in this particular clause, there are some areas where I do not think it goes far enough and I suppose it is a waste of time really to propose an amendment. But I would like to commend to the minister that he take under some sort of consideration efforts to beef up this particular clause whether it be done in regulations or whether he would consider an amendment or whatever

MR. RIDEOUT:

he decides to do. I would like to - for example (c) says "may conduct tests and take photographs or recordings of the workplace and any activity taking place at the workplace." Now to me that does not go far enough. I think there should be some provision in there whereby they can take tests and measurements, photographs -

MR. ROUSSEAU: Look at (d).

MR. RIDEOUT: (d), "samples of any materials, product, tool, appliance or equipment" may inspect - it does not -

MR. ROUSSEAU: Can be -

MR. RIDEOUT: Yes I know, but what I am thinking about is tests in the plant and outside the plant and it does not say that especially or the atmosphere in this particular place, around this particular plant which is what I am concerned about.

The other thing that bothers me, and I would like to see a section added on, (f) for example. While they are investigating a workplace they should be able to give orders that everything within that workplace, the particular area that they are investigating, remain undisturbed as long as it takes them to carry out the investigations under (a), (b), (c), (d) and (e) and I think they should have that authority that if there are reports of high dust levels or if there is an accident or whatever while the investigation is going on they should be able to come into that particular part of the work place and seal it off and have everything kept undisturbed as long as it takes them to carry out the investigation. I think these are two important principles that ought to be included in that. I am prepared to move the amendment but I know it is a waste of time.

MR. ROUSSEAU: If I may speak to that, Mr. Chairman. Parts (c) and (d), I am told, gives us the power we want. Now if the hon. member will recall the other day in replying to the debate in principle, I indicated that the outside of the plant

MR. ROUSSEAU:

will not come under the jurisdiction of this. It comes under the jurisdiction of the emissions.

MR. RIDEOUT: That is right. But what goes up in the air comes under the jurisdiction of emissions, but what about what is down around the workplace outside the plant?

MR. ROUSSEAU: Oh well that, it says may inspect or take samples of any material or product and so on and so forth.

MR. RIDEOUT: It does not give them the right to take tests.

MR. ROUSSEAU: It says may inspect or take samples. Take samples, which is testing. When I worked down at Bowaters -

MR. RIDEOUT: Let me ask the minister this: What about the talings pile at Advocate Mines for example?

MR. ROUSSEAU: That is a sample of a material or product, whatever you want to

Mr. Rousseau: call it certainly. There is no question at all.

MR. RIDEOUT: When the wind blows the stuff blows up into the atmosphere. But, you know, the pile obviously does not all d'sappear, it is still there on the ground, but yet it is going up into the atmosphere. Who controls that?

MR. ROUSSEAU: I presume we would work together then with Environment if it is not within our jurisdiction.

MR. RIDEOUT: That is the whole point, not the minister's department but that minister's department up there.

MR. ROUSSEAU: Right.

MR. RIDEOUT: Are you taking over that responsibility?

MR. ROUSSEAU: Not at this time.

MR. RIDEOUT: Or do you have any plans to take it over?

MR. ROUSSEAU: No, not at this time. They work with the federal government -

MR. RIDEOUT: That is a weakness.

MR. ROUSSEAU: That may well be, you know.

MR. NEARY: I think my colleague won, so sit down now.

MR. ROUSSEAU: That may well be. But I am told that (c) and (d), you know "may conduct tests and take photographs or recordings of the workplace and any activity taking place at the workplace" It may inspect and take samples of any material, product, tool, appliance, or equipment being produced, used or found." So to that one - now if the hon. member would look to Section (53) which is the other one he mentioned, you should not disturb the workplace, (53) says "Except as otherwise directed by the director or an officer no person shall disturb the scene of an accident" etc., and so on.

MR. RIDEOUT: That is right, the scene of an accident.

But what about if you are getting high dust counts or something and the worker refuses to work? That is the whole point of the amendment. You are getting high dust counts.

MR. ROUSSEAU: Are we talking now about what the hon. member is suggesting in (f), is it?

MR. RIDEOUT: Yes, what I am suggesting in (f).

MR. ROUSSEAU: "Direct at any workplace or part thereof or anything therein." In other words, leave the dust there until it is. Maybe I am just thickheaded.

MR. RIDEOUT: If a worker refuses to work -

MR. ROUSSEAU: Right.

MR. RIDEOUT: -under this bill he has the right to refuse to work. Now if he has reason to believe there are high dust counts in a particular area, he can refuse to work.

MR. ROUSSEAU: That is right.

MR. RIDEOUT: Now okay, he refuses to work. What I am saying is that that got to be left there until it is inspected.

MR. ROUSSEAU: Oh, yes.

MR. RIDEOUT: If not the ground he refused on is gone.

MR. MURPHY: In the first instance now that is going to be in the amendment regulations.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN (MR. YOUNG): Order, please! Order, please!

I feel we are straying away from the rules of the House, and I would ask any member when he wants to speak to please rise.

MR. PECKFORD: No, that particular point that the hon. member is bringing up is a good one, and it is covered in the first instance when you are talking about mining operations - now I cannot speak on the other operations, but it will happen 95 per cent of the time under mining operations in any case, I imagine, and there are very few industrial enterprises where you have that kind of situation occurring - and the area will have to be left as it was or as the worker experienced it until he refused to work there any longer, and then examined and checked out before he can be forced or ordered to go back into that environment again. And at the present moment that will be under the - I am trying to get the hon. member's attention.

MR. RIDEOUT: I am listening.

MR. PECKFORD: Yes, but I cannot be sure that you are unless you indicate it to me in some way. So the worker will not have to work in that environment until the tests are completed, and everything will be left as is.

MR. RIDEOUT: That is what I was suggesting.

MR. PECKFORD: Yes. That is what you are getting at. And that is a fact - is now - and it will be broadened to take into consideration - when he refuses to work he goes to the Health and Safety Committee; the Health and Safety Committee examines and takes whatever action is necessary to determine whether in fact he had reasonable grounds. If the reasonable grounds are there, the Health and Safety Committee goes to the manager in the first instance, say, or the company, manager of the company and orders that certain be done. If that work is not done then it is taken a step further to the Inspector of Mines, in this case, who then orders the manager to do it, and the process is such that it is, you know, pretty well foolproof until everybody is satisfied.

That is in the first instance. Now the mining sector comes still under Mines and Energy until, as the hon. minister has said, we can transfer it within the next year, and it will be a part of the amended regulations which will simultaneously come into effect at the same time as this new Act, and then be gradually transferred over. The only thing holding it up now is that the unions, for example, just for the hon. member's information, we would have had the meeting Monday past but they could not meet this week, nor could the companies. And we promised them another go at it before I table them.

MR. CHAIRMAN (MR. YOUNG): The hon. member for Baie Verte-White Bay.

MR. RIDEOUT: Yes. I thank the hon. minister. Of course, the other concern that I had in this, and I assume it will be taken care of under the same regulation, is that especially in open pit mining, for example, you can have shovel operators working under overhangs, and it has happened at Advocate Mines before where they went on wildcat. Now I mean I do not want to see that overhang destroyed while they are

Mr. Rideout: waiting for the inspector to come in to check whether that worker had a right to walk out or not.

MR. PECKFORD: That is under it.

MR. RIDEOUT: Right. So that is the point of the amendment. So that is taken care of too, is it?

MR. PECKFORD: The hon. member is absolutely correct: That is taken care of. Nothing can be done with that piece of machinery, that part of the plant or whatever in an unsafe or healthy way, either way, not just health, or just not safety, but both. And it has to be left as it is , and it will be ensured because immediately he goes, that worker when he refuses,

MR. BECKSOLD: he goes to the - right away when he has got reasonable grounds he goes to the immediate person in that environs where he is and reports it; the Health and Safety Committee has to act immediately, right on the spot, right then, that is made up of the union and the companies, and they examine that and that is frozen and left there and if there is no agreement and cannot be resolved between the worker and this Health and Safety Committee, then it moves into that other stage to the company and on to the inspector who is brought and everything is frozen.

MR. NEARY: How about if you have a fall of ground?

MR. RIDEOUT: Well they move out of it as soon as -

MR. CHAIRMAN: Order, please!

On motion clause 24 through 32, carried.

MR. HICKMAN: 33, Mr. Chairman, 33 has an amendment, a typo there, the fifth word in the first line is "may", I move that that be deleted and the word "made" substituted therefore.

MR. CHAIRMAN: Shall the amendment carry?

MR. NEARY: No, Mr. Chairman.

MR. CHAIRMAN: The hon. member for LaPoile.

MR. NEARY: My hon. colleague, Sir, has not been able to get one amendment through tonight, even though he has put forward some pretty good amendments. We will trade off an amendment with the hon. gentleman, otherwise we will have to vote against the hon. gentleman's amendment. We will vote against it, otherwise we will trade it off for one from my hon. colleague.

MR. CHAIRMAN: All those in favour of the amendment, "aye", contrary minded, "nay", in my opinion the "ayes" have it.

On motion amendment, carried.

On motion clause 33 as amended, carried.

On motion clause 34, carried.

MR. SWIDMAN: The hon. member for Bois Verts - White Bay.

MR. RIDEOUT: Mr. Chairman, I wonder why the Minister would not agree to change that "may order" to "shall order the establishment of occupational health and safety committees"? Where there are ten or more people in a workplace I think it should be mandatory and I think it should be "shall" instead of "may".

MR. ROUSSEAU: Mr. Chairman, as I indicated during the debate in principle, this was the one clause that government did not accept from the Interim Advisory Council on Occupational Health and Safety. The recommendation that came from the Interim Advisory Council was that every workplace with ten or more people would be included and then they would be deleted. You know, it was considered by government and it was considered that it would be better to designate individual ones rather than have everybody and have to delete certain ones. So that was the only major item that government decided that they would want to go and then designate them and they will be designated by regulation.

In other words, what government has done, and what the hon. member is saying "shall", there were two sections that everybody shall be there and then whoever that government had decided would not be there would be deleted. The principle has not been changed but the concept has been changed in that it will be ordered by regulation or by regulation under the regulations as to what occupation or workplace or classes of workplaces would be included there.

On motion clauses 25 through 27, carried.

MR. CHAIRMAN: The hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Mr. Chairman, clause 30, an important clause but I think a clause that is very, very weak, says that "Meetings of a Committee shall take place during regular working hours and no worker is to suffer loss of pay" and so on, which is okay. But nowhere in this bill do I see any provision made for those committees to meet at least a certain number of times during the year. Now some of the occupational health and safety bills across this country say

MR. RIDDELL: They must meet yearly, at least once yearly, which I think is not good enough, others say three times yearly; three times yearly I think is the most common.

I think there should be some provision in this bill whereby those committees are forced to meet, my gosh at least they must have something to talk about if they are safety committees. So I would like to see the Minister, I suppose he can tell me it is going to be done under regulation, but I would like to see the minister have it in the clause, that is all that is necessary, that they meet at least three times yearly at the workplace and no worker suffer loss of pay for the meetings and so on. A very simple amendment but a very fundamental one, Mr. Chairman.

MR. CHAIRMAN: The hon. member for LePoile.

MR. NEARY: Mr. Chairman, I support the hon. gentleman in his amendment, Sir. Oh the hon. gentleman got frightened when I got up. Well, if the hon. gentleman is going to give it to us

MR. HICKMAN: Take it back. No! We will not be intimidated.

MR. CHAIRMAN: Order, please!

The hon. Minister of Labour and Manpower.

MR. NEARY: Okay. Go ahead.

MR. ROUSSEAU: Mr. Chairman,

MR. ROUSSEAU: only one problem that I might point out to the member.

MR. CHAIRMAN:(Young) Order, please!

MR. ROUSSEAU: The only problem that we foresaw there was obviously - and I am sure the hon. member can understand it - different industries would need different numbers of meetings. But I would be prepared to put in after working hours -

MR. RIDEOUT: Once every three months.

MR. ROUSSEAU: Yes, sure. Once every three months.

AN HON. MEMBER: It is about time.

SOME HON. MEMBERS: Hear, hear!

MR. HICKMAN: Mr. Chairman, the Law Clerk has heard what we have agreed to. If we can pass the amendment on the understanding that the Law Clerk will use the right language for us - it is three times a year after working hours, right? - at least three times a year?

MR. ROUSSEAU: No, once every three months.

MR. HICKMAN: Once every three months.

MR. ROUSSEAU: Or four times yearly or whatever.

MR. HICKMAN: Once every three months. Does the Law Clerk have that?

MR. NEARY: What about Leap Year?

MR. ROUSSEAU: Are you going to move the amendment or have you already moved it?

MR. HICKMAN: Yes, seconded by the member.

On motion clause as amended, carried.

On motion clause (38) as amended,

carried.

MR. CHAIRMAN: Shall Clause (39) carry?

MR. HICKMAN: Mr. Chairman, I move that in the second line the words 'or an exemption is granted under that section' be deleted. I understand these words are redundant in view of the provisions of Section (35).

On motion clause as amended,
carried.

On motion Clauses (40) through (42),
carried.

MR. CHAIRMAN: (Young) Shall Clause (43) carry?

MR. RIDEOUT: Mr. Chairman.

MR. CHAIRMAN: The hon. member.

MR. RIDEOUT: Mr. Chairman, I have a very important
amendment to propose to Clause (43) -

MR. NEARY: Hear, hear!

MR. RIDEOUT: - and I would hope that the minister
is going to accept it.

I would like to propose that No.(5)
in Clause (43), "A reassignment of work under subsection" -
I would like to propose that No. (5) become No. (6), and in
place of No. (5) I would like to move the following:
"A worker may refuse to do any work that he has reasonable
grounds to believe is dangerous to his health or safety or
the safety and health of any other person in the work place."
That is what is in the Act now, and it goes on to define
when he may do that. I would like to move No. (5) to be:
"Pending the investigation and decision pursuant to Section (43),
Sub-section (1) a), b) and c), no worker shall be assigned to
use or operate the equipment, machine, device or thing, or
work in the workplace or the part thereof which is being
investigated." Now the problem I foresee here, Mr. Chairman
- the minister, I am sure, is aware of it already - is that
if I refuse to work in a place because I feel it is unsafe,
then while that is being investigated the employer can ask
another employee to go in and work in the same place, and if
that employee is unscrupulous enough, is uncaring enough,
he can go in there and work in that place even though another
one of his fellow employees refused to work there because he
felt it was unsafe. That provision is in some of the

MR. RIDEOUT: legislation across this country. I think it is a very important one. I am sure the unions must have pushed very, very hard on the Interim Advisory Board for that particular item, because it is useless for an employee to exercise his right to refuse to work under this new legislation if the employer can go to another one of his fellow employees who does not care a hoot and say, 'Boy, how about you going in there while this thing is being investigated?' That would be totally wrong. The principle and spirit of the legislation would be gone down the drain and I think it should be in the legislation that while that is being investigated it is useless for an employer to ask anybody else to go in there, he cannot go in there by law.

MR. ROUSSEAU: Mr. Chairman, I am told that the repercussions of this could be quite far reaching. Obviously it is alright where a worker reasonably - and it is nice to assume that it is always reasonably - refuses to work, but where a person does not reasonably but unreasonably refuses to work, that means that workplace is cut off. But the principle is there. Like the hon. member said, the unions probably pushed for it. All I have is a consensus of labour and management. I would be prepared, again, to refer this to the council and get their feeling on it. You know, that is a major change and I hope the hon. member can appreciate the position I am in -

MR. RIDEOUT: I can.

MR. ROUSSEAU: - that I would like to refer that to them and get their advice and thoughts on it, but I will specifically refer that one to the council for their earliest possible meeting and I will let the hon. member know the outcome of it. But as it stands now, I am

MR. JOHNSON: told that the repercussions of the amendment suggested by the hon. member might be far reaching.

MR. CHAIRMAN: Hon. member for Kilbride.

MR. WELLS: I would ask the hon. member to comment, if he would, on this: I remember having an instance once, I think it was in arbitration, where there was a tank of some sort being cleaned out and the man who was asked to do it was affected by claustrophobia and he got in there and to him it was just something that he could not do. It was dangerous for him and upsetting and he had to, of course, get out of it and he just had to refuse to work in it and the employer had no trouble getting somebody else to go in because some people did not mind this. Likewise heights: The hon. member and I might be working on a job; I may be scared to go ten feet off the ground and the hon. member may go 150 without worry. But if, for instance, a situation like that arises, it may be dangerous for one man and perfectly alright for another and this is something that would have to be considered, I think.

MR. CHAIRMAN: Hon. member for the Straits of Belle Isle.

MR. ROBERTS: With respect to my learned friend for Kilbride (Mr. Wells), that is not the situation covered by 43(1). If a man has a condition, be it psychological in the case of claustrophobia, which is a very real problem if you suffer from it, or acrophobia, the fear of heights and so forth, that surely is qualitatively different from the situation envisaged by 43(1) or the situation which my friend from Bay Verta - White Bay (Mr. Rideout) is putting forward in his amendment to the section. It is one thing to say I believe that a workplace is dangerous to my health and safety if, to take example of a tank, as the hon. gentleman mentioned, if, for example, you felt there were fumes in it and the fumes were noxious or could cause you to lose consciousness or to become ill. That surely is qualitatively and I think my friend would agree, completely different from a situation where a man says, "I am scared of being in closed places," the definition of claustrophobia.

MR. ROBERTS: I do not think that the amendment really deals with the comment made by my hon. friend and I do not think my hon. friend in asking a question, raising a valid point really intended to go against the amendment or go for it, it just grows out of it. It is a very valid point of concern, I agree with my friend from Kilbride. I would suggest a man who said that "I have claustrophobia and I do not want to go into the tank, sir" to his foreman or his superior would not necessarily be action under 43(1). If he is we are stretching danger to health and safety perhaps to a point. I am not saying the man's concern would not be legitimate, for the foreman I am not saying ought to say, "Well alright. I understand". But I do not think that is quite what section 43(1) goes at and I do not think it is what my friend is concerned about. I think my friend has a perfectly valid point, the gentleman from Baie Verte - White Bay (Mr. Rideout), when he says if a workman let us take the tank situation, and you are cleaning a tank and you say, "I do not want to go in there because there are fumes," chlorine, a very dangerous gas, and you refuse. You say, "I will not do it. I am a very informed workman under section 43(1) of the Occupational Health and Safety Act, I exercise my option and I do not go into the tank." What my friend from Bay Verte - White Bay (Mr. Rideout) is saying, and I think it is a legitimate point to raise, is that the foreman says, "Very well, I understand that you have that right," and then he turns to the next man and says, "Off you go." when the first man refuses under 43(1) then there is an investigation to go ahead to make an immediate determination and the committee is sent for. But supposing the foreman says while the committee are on their way over, or are being got together, which could take an hour because the committee in any workplace could be somewhat spread out I would have thought. They are not standing by in the committee room ready to be launched forth into an immediate investigation. It could easily take an hour or two or three. And the foreman says, "Alright, Tom old boy, you will not go down but now Jim, you go into the tank you go and clean it up." Does Jim then have

MR. ROBERTS: to say, "Hold on, now. I now exercise my rights," and we get a whole series. What my friend from Bay Verte - White Bay (Mr. Bibeau) is saying, and I think is a good suggestion, is simply where a man raises a reasonable doubt about the safety of a workplace, that until the committee complete their investigation, no other man be required to go in it.

MR. ROUSSEAU: The spirit of the bill, as the hon. member -

MR. ROBERTS: Well, spirit is important, but -

MR. ROUSSEAU: Section 43(1) says, "until remedial action has been taken by the employer to the worker's satisfaction" and until the committee has investigated or an officer has investigated.

MR. ROBERTS: It says, "A worker may refuse to do any work that he has reasonable grounds to believe is dangerous to his health or safety, or the health and safety of any other person at the workplace until remedial action has been taken by the employer to the worker's satisfaction." I do not see an "and" in the copy of the bill with which I have been supplied. And then it goes on in number (2) "until the committee has investigated the matter and advised him," or "until an officer has investigated." (b) and (c) are altered.

MR. NEARY: Move a sub-amendment.

MR. ROBERTS: Oh I mean we have an amendment. I am not going to - I mean I appreciate what my hon. friend from LaPoile (Mr. Neary) says, but there is an amendment before the Chair, and I do not want to get into a sub-amendment. All I am saying, I think the suggestions are reasonable. I am sorry, the Minister of Justice?

MR. WICKMAN: You have to go back to what the draftsmen had in mind the, if you look at (b) or, you do not need to put an 'or' in front of (a).

MR. ROBERTS: (a) is not an alternate to (b) in this case and if the hon. gentleman wants a digression on draftsmanship, (b) and (c) are alternate the one to the other and I think 43 (1) is badly drafted, with all due respect, because (a) is not an alternate to (b). (b) is supplemental to (a), as I read the section, and I think if the minister wants to sleep on it overnight he would probably agree. The section should say, "until remedial action has been taken by the employer to the worker's satisfaction," and either "until the committee on worker health has reported," or "until an officer has reported," and that is what the section really means.

MR. ROUSSEAU: That is what I read in it.

MR. ROBERTS: Yes, that is what I read in it, but it is not what the section says. And the problem with these words is that

MR. ROBERTS: Lawyers and all sorts of people like that end up talking about the words and the spirit is really not what is looked at. And I would think if the hon. gentleman, the minister, wished to consult the draftspeople, the drafts- persons, or whatever the phrase is, he would see that the section is not that well drawn.

But in any event I merely meant to deal with what I thought was a very apt comment by the gentleman from Kilbride (Mr. Wells). As I read the section, you know, the claustrophobia type of reason is really qualitatively quite different from where you say, Sir, I believe the work place is dangerous and therefore I will not go in.

I think my friend's amendment is a good one. It is obviously doomed to die a parliamentary death, but it is too bad as I think it is a good one, and I think this is one of the most important sections really of the whole bill. And I stand by what I said about the drafting. If the Minister of Justice wishes an opinion I shall give him one on the normal terms.

MR. HICKMAN: I have to the lawyers to put an "and" in.

MR. ROBERTS: Put an "and" in? It should be either until the committee or. You know (b) and (c) are alternate the one to the other. And I mean I do not care. I would say to the minister the thing simply, which is not derogatory in any sense, a number of years ago I watched Guy Favreau when he was Minister of Justice amending bills on the floor of the House of Commons, and people marvelled because the late Guy Favreau was a very fine lawyer indeed. I have no idea what the bill was, it was the session after 1963. Mr. Favreau was, I do not know if he was Minister of Justice or not but he was in the Cabinet, and he amended bills on the floor, Sir, and people marvelled and they marvelled some more when they realized it took the draftsmen four days

MR. ROBERTS: to undo what had been done in perfect good faith.

So I would simply say to the minister, that is all I am saying, that I would not suggest he make any amendments on the floor. If any amendments are necessary, I would suggest that the draftsmen be instructed to have a look at them overnight and when the Committee meets again then to put them in because the trouble with bills is you amend one section and you can undo forty others.

MR. CHAIRMAN: The hon. Minister of Labour and Manpower.

MR. ROUSSEAU: Mr. Chairman, I would like to change this one because what the hon. member for the Straits says is what I read it to be, that one is by itself and that section (b) and (c) are alternate to it and we are going to move that "and" be there.

MR. STRACHEN: Mr. Chairman.

MR. CHAIRMAN: Order, please!

The hon. member for Eagle River.

MR. STRACHEN: I support very much the amendment put forward by the member for Baie Verte - White Bay (Mr. Rideout). I think his amendment is a good one and I think from this point of view that if a worker refuses to work under conditions which he feels are dangerous to him then another worker can be appointed to do that work and that often happens in situations, and I have witnessed it happening a number of times at sea, that what can occur is that the worker is scapegoated or other workers are used as patsies, in the phrase, in order to circumvent the

Mr. Strachan: section (43) here. And I think that the amendment that the member is proposing is a method of circumventing and alleviating that kind of situation where another worker can be scapegoated because of the situation. He can be made to look, because another worker has accepted that position and accepted that work which he has refused, he can be made to look as though he is unwilling or is an unco-operative worker. I think the amendment proposed by the member for Baie Verte (Mr. Rideout) is very important, especially in tightly knit societies like mining towns or mining groups or at sea and druggers, for instance, where I have seen this happen where the worker has refused to do certain work because he feels that it is dangerous, and another one is ordered by the skipper or another one is ordered by the employer and he goes and does it which virtually takes the legs out from underneath anyone else, the first person who has objected in the first place. And he therefore becomes a scapegoat and the other fellows are up and used as patsys by the employer or by the skipper of the boat in the situations that I have witnessed. I think the amendment is an excellent amendment.

MR. CHAIRMAN: Order, please!

An amendment moved by the hon. member for Baie Verte-White Bay is before the Committee. Is it the pleasure of the Committee to adopt the amendment? Those in favour "Aye".

SOME HON. MEMBERS: "Aye".

MR. CHAIRMAN: Those contrary "Nay".

SOME HON. MEMBERS: "Nay".

MR. CHAIRMAN: In my opinion the "Nays" have it.

MR. HICKMAN: On that 43, the wisdom of the hon. member for the Straits of Belle Isle (Mr. Roberts) is very acceptable

SOME HON. MEMBERS: Hear, hear!

MR. HICKMAN: The undertaking I will give the Committee is this, that I will refer that section to the Legislative Counsel, and if "and" should go in there, it will go in the omnibus bill that we bring in later in the session.

- MR. CHAIRMAN: Does Section (43) carry?
On motion Section (43) carried.
On motion Clauses (44) through (47) carried.
- MR. CHAIRMAN: Shall Clause (48) carry?
- MR. LUSH: Mr. Chairman, Clause (48).
- MR. CHAIRMAN: The hon. member for Terra Nova.
- MR. LUSH: Just a few words here, that is all; I am not going to speak long on it. There seems to be something strange about this particular clause here. What it is doing, and as I said I do not want to speak long to it, what it seems to be doing is putting the worker in an unfair position. Actually he is being penalized almost for exercising his rights under the Act.
- AN HON. MEMBER: How about that?
- MR. LUSH: Okay. What worries me is that I know that (49) sort of covers it, but it comes after the fact, so what could happen is that a worker could be fired, in which case he is unemployed, not entitled to UIC benefits, while the Board, for example, is making the decision. So I think that is enough said, that it does seem to contravene the worker or prevent the worker from exercising his rights under the Act without being penalized.
- MR. ROUSSEAU: To that point -
- MR. CHAIRMAN: Order, please!
Is it agreed that the clock be stopped at two minutes to eleven?
- SOME HON. MEMBERS: Agreed.
- MR. CHAIRMAN: Agreed.
The hon. Minister of Labour and Manpower.
- MR. ROUSSEAU: Mr. Chairman, that one there was a major point, one of the major points, probably, if not the major point brought up the Federation of Labour, I have undertaken to take a look at that because indeed it is a very important principle. It is put by them, if I may read it, "The principle area where the bill falls down is in the consequences that befall a worker who exercises his right to refuse unsafe work. Briefly put, under the bill as it now stands, a worker dismissed for exercising his rights would spent up to five weeks with no income." And we would

Mr. Rousseau: look at that, and we gave that undertaking to the Federation and they are prepared to accept that undertaking that we will check into it.

MR. LUSH: Mr. Chairman, I did not want to leave this, Mr. Chairman, without, you know, pointing out that this is a glaring inadequacy really. It probably is one of the biggest inadequacies within the bill. And I am prepared to go along with the minister's commitment.

MR. CHAIRMAN: Shall Clause (48) carry?
On motion Clause (48) and (49) carried.

MR. HICKMAN: 50 (1)(b), there is an amendment after the word "pay" "or make up to", and then after the words, "wages," "salary and other benefits." It will read, "Shall order the employer to pay or make up to the worker his lost wages, salary, and other benefits."

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: Shall the amendment carry?
On motion amendment carried.
On motion Clause carried.
On motion Clauses (51) through (68) carried.
On motion enacting clause carried.
On motion title carried.
On motion bill carried with amendment.

MR. HICKMAN: I move that the Committee rise, report progress and ask leave to sit again.
On motion that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER:

The hon. Chairman of Committees.

MR. CHAIRMAN:

Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bill No. 24 with amendments and ask leave to sit again.

On motion report received and adopted.

On motion amendments read a first and second time, carried.

On motion, a bill, "An Act Respecting Occupational Health and Safety in the Province," read a third time, ordered passed and its title be as on the Order Paper. (Bill No.24)

MR. HICKMAN:

Mr. Speaker, I thank hon. gentleman opposite, hon. members for their co-operation. This has been a very fruitful day and we all deserve tomorrow out of this place and I therefore have great pleasure in moving that the remaining Orders of the Day do stand deferred and this House on its rising do adjourn until Tuesday at 2 o'clock.

MR. SPEAKER:

It has been moved that the House adjourn until Tuesday at 2p.m. Those in favour "Aye, Contrary "Nay", Carried.

This House stands adjourned until

Tuesday, 2 p.m.