

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
10:00 a.m. - 1:00 p.m.
FRIDAY, MAY 26, 1978

The House met at 10:00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

MR. NEARY: On a point of privilege.

MR. SPEAKER: The hon. member for LaPoile on a point of privilege.

MR. NEARY: Mr. Speaker, in this morning's Daily News, Sir, both myself and the member for Terra Nova (Mr. Lush) were the victims of a vicious, personal attack by a public servant. I do not know, Mr. Speaker, if we are developing a new philosophy in this Province, Sir, that the ministers do not answer to the House any longer for the actions and behaviour of public servants; that the public servants themselves now go out of their way to make vicious political statements, and the one I refer to, Sir, is "Pearcey Defends Against Accusations."

In the article, Sir, I read it very carefully, Pearcey did not defend the accusations that were made in this House. And, Mr. Speaker, I want to make it abundantly clear, Sir, that I did not design immunity in this House. It was not me who said that members of legislatures and members of Parliament should have diplomatic immunity or any other kind of immunity. It was not me who designed that and I am prepared to say outside of this House what I said inside, and I did in fact repeat what I said outside the House this morning. Mr. Speaker, the whole purpose of the exercise was that huge amounts of taxpayer money are being used on projects where this gentleman has input and where he can make recommendations.

So we feel, Sir, on this side of the House, that it is imperative that Newfoundland's Director of Air Services, Mr. Ted Pearcey, be asked to clear himself of even

MR. NEARY: the appearance, Mr. Speaker, of conflict of interest. He must answer fully the circumstances under which, and this is the point we were bringing out, under which he ferried a new helicopter from Houston, Texas, to St. John's for Sealand Helicopters, who are presently involved in negotiating a contract with the provincial government. After all, Mr. Speaker, Mr. Pearcey must have had some influence and some input into that Sealand Helicopter contract, as already admitted in this House by the minister. And also, Sir, has input into the work that Sealand is doing right now pending the signing of the contract itself, which the House of Assembly was told has not been done as yet by the minister.

MR. SPEAKER: Order, please! I must ask the hon. gentleman to bring his remarks to a conclusion because the matters where there might be a difference of opinion between the Opposition and Government, or indeed between members and a civil servant, would not be directly matters related to the privilege so that I can then make a decision on the specific matter of privilege.

MR. NEARY: Yes, Sir. I am sorry it has taken me so long, my preamble, Mr. Speaker, but I have to preface my prima facie case because, as Your Honour knows, members of this House are not allowed to impute motives of other members of the House, let alone, Sir, a public servant question the motives of members of this House. And in this article, Sir, that I am quoting from here, Mr. Pearcey says, "I have been a member of the civil service for almost ten years, I favour no parties nor do I profess any politics." And then, Sir, on in the last paragraph, just listen to this, Mr. Speaker, the last paragraph, after making a statement that he professes no politics then the very same gentleman says, "...it is a shame ... I have been criticized, allegations have been made against me, who knows what effect this has on a person's reputation ...

MR. NEARY: it appears," just listen to this, Mr. Speaker, "... it appears the Liberals will do anything to discredit the government". This is the gentleman who just made the statement that he has no politics. Now that is a matter of opinion, it is a matter of judgement, Sir - "to discredit the government and when that fails they start on people who have no protection from what they have said," said Mr. Pearcey."

Now, Mr. Speaker, in my opinion, Sir, that is a breach of my privileges of this House, the members of this side of the House. The member for Terra Nova (Mr. Lush) is not here or the member would speak in protection of himself. Members are not allowed to say these things about other members, Sir. If I were to get up today and if the Minister of Justice made that statement inside or outside the House, it would be unparliamentary and the minister would have to take it back. And I think the best way to settle the situation, Sir, once and for all would be to have Mr. Pearcey appear before the House of Assembly to answer the questions that I have already put to the minister that brought on this outburst. And until he does so, Sir, his integrity will suffer.

Mr. Neary:

will suffer, and he is in too an important position in the government, position of trust for that to be permitted: ~~So if your~~ Honour agrees that I have a prima facie case, I am prepared to move, Sir, the necessary motion that either the gentleman be disciplined, reprimanded severely by his minister, or that Mr. Piercey be invited to appear before a committee of this House to answer some very serious questions that we put to the minister in connection with the government's air services. And also explain, Mr. Speaker, the details in connection with the Province's two new Canso water bombers that in a short period the price has zoomed from \$700,000 to \$1.2 million. And this is what we are getting at, Mr. Speaker, we are trying to do our jobs to protect the Public Treasury, and for that we get viciously attacked by a public servant.

MR. HICKMAN: Mr. Speaker, to that point.

MR. SPEAKER: The hon. the Government House Leader.

MR. HICKMAN: ~~Firstly, there is no vicious attack upon any hon.~~ gentleman of this House in the article referred to by the hon. the member for LaPoile (Mr. Neary). The very most that could be said of it is that a citizen of this Province who has been attacked in this House has responded, and I would suggest, Sir, that that does not in any way constitute a breach of privilege of this House. It does not endanger the immunity of this House. It does not endanger the immunity and the freedom of action within the four walls of this House of any hon. gentleman. And it is clear, it has been decided beyond reasonable doubt that that immunity stops right here in this House. And the courts are now placing a fairly restrictive interpretation upon immunity outside of this House as Your Honour is aware because of a very recent matter that was referred to the Court of Appeal of Ontario by the Legislature of that Province.

The matters raised by the hon. gentleman for LaPoile if, I would submit, if stated in this House would not under any circumstances constitute a breach of privilege. If during this debate I said that the

Mr. Hickman: hon. gentleman opposite will do anything to discredit this government, then I would suspect that the most that Your Honour could rule was either that it was a difference of opinion or it was a breach of the rule, most assuredly not a breach of privilege. And I submit, Mr. Speaker, that no case for a breach of privilege has been made here, or even close to making a case for a breach of privilege. I realize I am not permitted on a matter of privilege to become involved in debate or refer to extraneous matters, but I can only suggest, and I do have the right to say this in response to some comments made by the hon. gentleman opposite, that sure government has an obligation to defend public servants and ministers have an obligation to defend public servants, and a minister who does not defend his public servants should not be a minister.

MR. NEARY: You are talking about (inaudible)

MR. HICKMAN: And no matter where the act arises, and if it is totally beyond the knowledge and control of the minister, the minister still has to answer for it. But this has gone far beyond the ministerial responsibility when one looks at, brings before this House where a public servant goes on vacation, or who he goes with, or where. It is no concern of this House.

MR. NEARY: If it influences his decision making -

MR. HICKMAN: And, Mr. Speaker, I submit -

MR. NEARY: - as a public servant, I submit -

MR. HICKMAN: I submit, Mr. Speaker -

MR. NEARY: - it is important.

MR. HICKMAN: I would love to debate the issue if I were permitted to under the rules of this House, but it is not a matter that is debatable on a question of privilege. And there has been no prima facie case made or even close to making a prima facie case simply because a citizen of this Province decides to defend himself in public. He has no immunity. If he has said one thing that is libelous -

MR. NEARY: He has not defended himself -

MR. HICKMAN: - he has no immunity, he has no immunity, Mr. Speaker, if he made, uttered one word that is libelous then the hon. the gentleman for LaPoile (Mr. Neary) and the hon. the member for

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Tape 3557

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MR. HICKMAN: Terra Nova (Mr. Lush) has their rights which they can exercise like any other citizen of this Province.

MR. NEARY: This is the highest court in the land and we are exercising our rights. Do not be so slimey, boy.

MR. SPEAKER: Order, please! As I have stated before that there are matters which are brought up on which the Chair will indeed invite contributions because of the complexity of the matter, and there are other areas in which the Chair has to use its discretion to decide whether enough argument has been submitted on which to make a rational decision. And in this case, having

MR. SPEAKER:

heard the hon. member to my right, who brought up the matter, and having heard the submission of the hon. gentleman to my left, it is of a nature whereby I am now in a position to make a decision. It is not a matter of such complexity that I would need to canvass further opinion. What I have to point out is that the Chair is not in a position to decide on a number of matters which are related here. The Chair does not decide upon the merit of different opinions between government and Opposition, or between any members, whether in government or Opposition, and a civil servant. Nor am I in a position to decide on the propriety of remarks by a civil servant nor again whether there may or may not be a conflict of interest on the part, or his competence in the performance of his official duties. The single matter on which I have to make a decision is whether there is a prima facie case of breach of privilege. And reading the remarks from the same source the hon gentleman read them: "It is a shame. I have been criticized, allegations have been made against me. Who knows what effect this has on a person's reputation?... It appears the Liberals will do anything to discredit the government and when that fails they start on people who have no protection from what they say." said Mr. Piercey. As I say, it is not for me to decide on the propriety of the remarks, their wisdom his competence in the performance of his duties, whether or not he is involved or anybody is involved in a conflict of interest situation, but merely whether in that there is the substance of privilege; whether there is, for example, intimidation toward a member, harassment, gross insult or matters of that nature. In my opinion there is not evidence of a prima facie case of breach of privilege. The other matters are outside my jurisdiction.

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

MR. SPEAKER: A point of order.

MR. NEARY: In order to get this matter cleared up, Mr. Speaker, I would like to move, seconded by my colleague, the member for Burgeo-

MR. NEARY: Bay d' Espoir (Mr. Simmons), Sir, that this gentleman, the Director of Air Services, before the budget is closed, Sir, that this gentleman be invited to come into the House to answer questions that we put to the hon. minister, Sir, to answer questions and to give evidence in connection with this whole matter which is very, very serious indeed.

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

MR. SPEAKER: The hon. Government House Leader.

MR. HICKMAN: That motion is clearly and absolutely out of order, contrary to the rules and cannot, I submit, be accepted by the Chair.

MR. SPEAKER: All motions of a substantive nature, have to have notice of motion at the appropriate time, so I could not accept that motion now.

MR. NEARY: Would that be Orders of the Day?

MR. SPEAKER: Notices of Motion.

MR. WELLS: A point of privilege, Mr. Speaker.

MR. SPEAKER: A matter of privilege.

MR. WELLS: Mr. Speaker, this may take some time for me to outline but I propose to start at it now which is the earliest opportunity. Yesterday when Your Honour was not in the Chair, a matter arose and I have the transcript here now which is quite thick and it would be pointless to read it, but I think we can all agree on the subject matter that arose in the debate, The subject matter essentially was references by the member for Burgeo - Bay d' Espoir (Mr. Simmons) to alleged telephone conversations made by or between me and some other party. I will tell Your Honour now what I know of the matter because there is a very fundamental and important point I think here to do with the whole running and privileges of this House.

what I gather both from the member for Burgeo - Bay d' Espoir (Mr. Simmons) and more particularly from the member for LaPoile (Mr. Neary)

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Tape No. 3358

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MR. WELLS: Who entered the debate, is that at some time some person taped a private telephone conversation between me and a man named Andrew Davidson, that that tape was - I do not know but this is what I gather from what they say - that the tape was made and afterwards reduced to writing and this has been referred to on one or two occasions in the House and I think the hon. member for LaPoile (Mr. Neary) at one stage, one or two occasions I heard him say he was proposing to table it. Now they have also -

MR. NEARY: If the hon. gentleman wants me to, I do not particularly want to.

MR. R. WELLS: If the hon. gentleman would please let me finish my remarks. The gist of what is in this alleged taped telephone conversation, Mr. Speaker, has been made clear by the hon. member, both members, involved in this on several occasions, and the gist of it is that I was critical of the government. Now let me deal with that matter first just to lay that matter in perspective. Mr. Speaker, as an elected member and as a citizen of this country I have a right to be critical of the government, this government or any government. I support this government in the House because I happen to believe that it is giving the best government that is capable of being given right now in the Province of Newfoundland and I make no bones about that. But I have had at times been very critical of it, critical in this House, critical outside the House, critical in Caucus, critical to the members of government to their faces for that matter. That part does not bother me at all, it does not bother me, Mr. Speaker, at all. But what concerns me, because this could affect every man or woman in this House, is this: can someone tape a telephone conversation, or say they taped a telephone conversation with a member can they then reduce this to writing, and can another member - is it within the rules of the House and our parliamentary practice for another member, who was not the person on the other end of the telephone but in fact a third party, who has no knowledge of what was really said, can that member, any member, any of us bring into the House such a transcript or a tape and say, Here, this will be made part of the public record? Now as I say, in this case to me it matters not a damn and I do not know if that is parliamentary or not; if it is not I will withdraw it, Mr. Speaker, whether the thing is tabled or not, whatever it is. I have no idea of what it is, but if that is what it is, criticism of the government, I could not care less, Mr. Speaker, but there is such a fundamental point here because, you see, tonight I could go and make up anything

MR. R. WELLS: about any member of this House of Assembly and come in here on Monday and say, 'Look what I have been given. Look at this here, Mr. Speaker, let me refer to this, let me read from it.' This is the danger. It is a danger that some hon. members in this House may have a great deal to fear because they are dealing with people that are not the most scrupulous in the world, and there is no need for me to name names, and if they do not always say things in this House that these certain people might agree with, they might find themselves facing a very, very much greater difficulty than I am facing, which is no difficulty at all, over criticism of the government, as I say which does not bother me the slightest, but that is the point.

Now let us take what do we know about this alleged tape, this alleged transcript. We know what the member for LaPoile (Mr. Neary) said yesterday, that it was given to him anonymously, given to him, the member for LaPoile said, and it is in the transcript, that it was given to him, this transcript or tape was given anonymously and he said we will -

MR. S. NEARY: I did not say that.

MR. R. WELLS: The record will show what the hon. member said.

MR. S. NEARY: (Inaudible) private and confidential (inaudible)

MR. R. WELLS: Anonymous was the word, the record will show. That is something we can check into, Mr. Speaker.

MR. SIMMONS: Has the member ever seen the transcript?

MR. R. WELLS: Of course not. No, I have been given no -

MR. SIMMONS: How could he be sure (inaudible) when he did not hear himself on the tape.

MR. R. WELLS: Well, I was here in the House. I was here in the House, I heard.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! Order, please!
It is somewhat a complex matter and -

MR. R. WELLS: Mr. Speaker, the point is that this will -

MR. SIMMONS: You have lost your whole argument now.

MR. R. WELLS: No, no I was here in the House and I heard what was said and the record will show it. But here is what we know, Mr. Speaker. We know that someone allegedly transcribed a telephone conversation and distributed it to third parties two of whom, or one of whom at any rate, or one or two or however many, are here in this House. We know that the members who are in this House have no personal knowledge of any such thing, they only have, if we are to believe them, which we must, I suppose, what somebody else gave them.

Now I am going to read section 178 of the Criminal Code because this is interesting.

MR. NEARY: Do not threaten me! Do not threaten me!

MR. R. WELLS: No threats at all, but my rights are as important -

MR. S. NEARY: Oh, no! Not when we get down in front of your buddy, the chancellor (inaudible)

MR. SPEAKER: Order, please!

MR. R. WELLS: Mr. Speaker as anybody else's in this House. And it is not just my rights as a member, it is the rights of all us.

MR. NEARY: Let us not be sauctimoneous.

MR. R. WELLS: Yes. And the hon. member might remember the rule of silence he has reminded us all about so often. Alright?

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MR. NEARY:

Boy, you are some man.

MR. R. WELLS:

Yes. The Criminal Code

says, "Everyone by means of an electro-magnetic, acoustic, mechanical or other device wilfully intercepts a private communication is guilty of an indictable offence and liable to imprisonment for five years." Now, there are

Mr. Wells: certain cases when you can intercept a telephone conversation, but the point is that the person who purports to have that conversation, the tape or transcript of it, the private communication, the onus is on that person to prove how he got it, where he got it, and if it is authentic. So that at the moment what is alleged could say anything and we have no way of knowing, certainly I have no way of knowing, this House has no way of knowing, whether it is authentic. So that is a very fundamental point, Mr. Speaker.

But then comes another and even greater and a more fundamental point and it is this; we, as citizens of this country, we are not in communist Russia where the big stick comes knocking at the door in the middle of the night, we are in a country that has some rights to privacy; and we are members of a House of Assembly trying to do the job that we were elected to do, and we have a right also to a certain degree of privacy. And there are privileges which members of this House have, and one of the privileges surely is the right of a member, or any member not to have letters intercepted; telephone calls intercepted, matters of this sort then done. And it is bad enough to have it done, it is disgraceful to have it done, but it is even worse to have it then touted and brought into the House of Assembly and referred to or tabled, it makes no difference, by other members who were elected to serve the people of this Province.

Now we have in this House of Assembly, Mr. Speaker, a great many honourable, decent, fine Newfoundlanders who are representing people who elected them, and I do not say this on this side of the House only, that is on the other side as well. The member for Conception Bay South (Mr. Nolan), the hon. gentleman who sits next to him, the hon. gentleman occupying the front row here, and many others whom we have dealt with ever since we have been elected, who are honest, honourable, decent gentlemen.

MR. NEARY: The rest of them are not, is that what the hon. gentleman is saying?

MR. WELLS: Well, I wonder what they think, and the people of Newfoundland, and I hope this House -

SOME HON. MEMBERS: Oh, oh'

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

I must require that there be no interruptions.

MR. WELLS: If anybody is suggesting that they are other than honourable, well then that is their problem, Mr. Speaker. But the point is, the point that I am making is what do members in this House generally speaking on both sides feel about having their private telephone conversations taped and having another member come into the House and saying, 'I was not party to the conversation, but here is a tape of something you said, or here is a transcript of something you said.' How do the members feel about that? And I wonder how do our constituents - everyone, on both sides of the House - I wonder how they feel about that? Is that fair ball?

MR. NEARY: They would love to know what the hon. gentleman said.

MR. WELLS: Well, I will tell them what I said if, I presume what it is all about. But the point is, is that fair ball? Is that what the people on the North, and the Northeast, and the South, and the West Coasts of this Province and Labrador want when they send people to this House?

MR. NEARY: They would love to know what their (inaudible)

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

MR. WELLS: They would love to know it, and I suspect they are getting the word, Mr. Speaker. But that is the question before us, not how critical I was of the government. That is neither here nor there. If that is what it was then I probably said it, who knows? And I certainly for one do not mind. But the question is can some third party tape conversations? Can they intercept conversations? Can they go through my private mail or your private mail, Mr. Speaker, or anyone's? Can this sort of thing go on? And then if you find another member in the House of Assembly who is prepared to deal with it, prepared

Mr. Wells: to table it, prepared to refer to it, prepared to handle it, if they can find someone in the House then they have got it made, because they come into the House then and it is released and distributed without any of the restraints that would be on the outside of the House of Assembly. And this House of Assembly is often referred to by some hon. members as the Highest Court in the land.

MR. NEARY: That is right, and that is why we have to bring this stuff in here.

MR. WELLS: I hope it is.

MR. NEARY: We can bring anything in here.

MR. WELLS: Would the hon. the member, please! He will have his turn, he always does.

MR. NEARY: Oh, do not worry, I will.

MR. WELLS: So then well be quiet for the moment would you please?

MR. NEARY: No. I will be quiet for the Speaker, not for the hon. gentleman.

MR. WELLS: Mr. Speaker, would you ask the hon. gentleman to restrain himself until his turn comes.

MR. SPEAKER: Order, please! It is important, indeed essential that there be no interruptions, and that every hon. member who speaks speak without interruption.

MR. WELLS: Thank you, Mr. Speaker.
The point that I would make -

MR. NEARY: I had to make my point in a hurry, Mr. Speaker. Why does not the hon. gentleman make his point of privilege?

MR. SPEAKER: Order, please!

MR. WELLS: Mr. Speaker, surely I am entitled to as much time as I feel is necessary to take to outline this point of privilege.

MR. NEARY: You have gone beyond the time now.

MR. SPEAKER: Order, please! I feel I have to interject here because I cannot allow the judgment

MR. SPEAKER: of the Chair, the authority of the Chair which is the authority of the House, to be undermined or criticised. What hon. members think, obviously I have no jurisdiction over, or control or knowledge or particular interest, but what he said is in my area of responsibility and I would ask the hon. Opposition House Leader to withdraw the previous remark.

MR. NEARY: I withdraw, Mr. Speaker, but nevertheless, Sir, I hope the rules apply to both sides of the House. I could not finish my prima facie case and the hon. gentleman is making a political speech and Your Honour is letting him go ahead and do it, But I withdraw if Your Honour thinks it is unparliamentary and not in order.

MR. SPEAKER: Order, please!

The hon. gentleman has withdrawn.

I think that the preliminary comments were unnecessary. I will not go as far as to say that they were unparliamentary because -

MR. NEARY: Sit down while the Speaker is making a ruling.

MR. R. WELLS: Be quiet while the Speaker is making a ruling.

MR. SPEAKER: Order, please!

- it is my interest to enforce the authority of the House and not to split every possible hair. I require that in order to enforce the authority of the House that it is essential that the rules be enforced. I am not interested in taking that kind of analytical examination of every remark to split hairs to enforce that as long as the general principle is enforced, So leave it at that,

Hon. member.

MR. R. WELLS:

Thank you, Mr. Speaker.

Mr. Speaker, I was posing the question really why is this chamber, why is parliament often called the highest court of the land? The reason is simple, Mr. Speaker; because the people in it are the elected representatives of the public, of the larger people of the whole country, province, dominion whatever it be. That is why it is called the highest court of the land. Why are we while speaking in this House not subject to the same restraints that we are subject to when we are speaking outside of this House? The answer is simple, Mr. Speaker. It is because in that broader context we may be or can be called the highest court in the land because we have rules and regulations to police ourselves which are not applicable outside to us when we speak in here. See, nobody in our society is without restraints. There are restraints, the restraints of law, of decency and common sense or whatever, but certainly of law which applies outside the chamber. Inside the chamber there are a set of rules which we apply and impose upon ourselves, and if we cannot impose them upon ourselves they are imposed upon us by the other members, by the body of the House. And that is what is at stake here, Mr. Speaker, that is the real issue here, the issue of whether people outside the House who are not members of this House, whoever they may be, can do things and using, which they could not or would not say outside or distribute outside but under the guise of finding someone inside that they can distribute. It is a sad commentary on the House, I suppose, Mr. Speaker, itself when somebody will be used as a pawn of people outside the House because that is what it would appear -

MR. S. NEARY:

Do you have some name or somebody?

MR. R. WELLS: Whoever acts for a third party in bringing material into the House of which he himself has no personal knowledge is acting, I would suggest, as a pawn of somebody outside the House.

MR. NEARY: You acted as a pimp for the same gentleman.

MR. R. WELLS: That is completely out of order and has to be withdrawn, Mr. Speaker.

MR. SPEAKER: Order, please! Order, please!
I must ask the hon. gentleman to withdraw that remark.

MR. S. NEARY: I withdraw.

MR. P. WELLS: How gracious, Mr. Speaker. At any rate, Mr. Speaker, this is what has happened in this case and this is fundamental to the operation of this parliament if it is going to operate at all. If it operates in this manner, if it operates so that someone outside can do something, hand it to a willing subject inside and get away with it, if that is the way parliament is going to operate in Newfoundland, Mr. Speaker, it is just as well not to be a member of it, it is just as well we did not have it, because it is not public business that is being discussed, it is personal and private vendettas if things sink to that, and this, Mr. Speaker, is the other fundamental issue that I think faces Your Honour.

Now the other thing is that it seems to be argued, Mr. Speaker, that anything can be tabled in this House. Anything! This House, Mr. Speaker, is for the conduct of public business. That means the business of the public of Newfoundland, the spending of the monies of the public of Newfoundland and all other matters which can be categorized as public business.

MR. WELLS: If a member of this House and someone else have an altercation or a row tonight outside the House, is that public business to be brought into the House? If somebody writes a private letter, if I write a private letter to the hon. the member for Terra Nova (Mr. Lush), for example, in a private capacity and not as a member of the House, is that something to be brought into the House and tabled? Of course not, Mr. Speaker, because ordinary common sense rules and holds surely that there are public matters and that there are private matters and it is not within the rights of anyone to use this public House where the business of the public of Newfoundland have to be discussed and decided for private matters, for private correspondence, for private tapes of telephone conversations of private matters. That is completely, I would suggest, Mr. Speaker, out of order, completely out of order, and not only would one have to refer to the rules to find that but ordinary common sense would indicate the same thing, because the House instead of dealing with public matters would very quickly fall into a case where it was nothing but private squabbles, political vendettas, all that sort of thing would occupy the time of the House and not the business of the public of Newfoundland. Now that is a very fundamental point. Mr. Speaker, you might ask is there any authority -

MR. NEARY: When are we going to get to the point of privilege, Mr. Speaker?

MR. WELLS: A point of privilege is being made and is being made, one would hope, without interruption.

MR. NEARY: It is just a big, colossal bluff. The hon. gentleman is twisting and turning his words, that is all the hon. gentleman is doing, begging for mercy.

MR. WELLS: Mr. Speaker, I think you have already ruled on this.

MR. SPEAKER: Order, please!

MR. WELLS: The hon. gentleman need not take his headlines from the Daily News talking about -

MR. NEARY: Begging for mercy!

MR. WELLS: No mercy, no mercy my friend! My

MR. WELLS: point of privilege will be made in my way, in my fashion and without interference from the hon. gentleman. The hon. gentleman cannot get me off track or anything like that, so if he wants to interject he is perfectly entitled if he wants to, Mr. Speaker.

MR. NEARY: The hon. gentleman went off track a long time ago.

MR. WELLS: It just prolongs the thing. We will argue back and forth the House all day, because while I do not usually enter into this nonsense, I can do it if I have to.

MR. NEARY: - the rules.

MR. SPEAKER: Order, please! I must ask hon. gentlemen not to interrupt, and also the hon. gentleman to my left to bear in mind that the substantive matters to be debated on the issue would of course be debated if and when there is a prima facie case. Now it is the submission whereby the Chair can make a determination on that which is at issue.

MR. WELLS: Thank you, Your Honour. I would refer, Your Honour, to Beauchesne, the fourth edition, page 134, Section 159. I am going to read it because it should be all part of the context of my remarks. "Reference to a public document in the possession of a committee which is not taking action on it is not irregular, but reference to the proceedings of a committee or the evidence heard by the committee cannot be made in the House before the committee has presented its report." We are not concerned with this but I am reading the whole section. "A minister of the Crown is not at liberty to read or quote from a despatch or other state paper not before the House, unless he be prepared to lay it upon the table. This restraint is similar to the rule of evidence in courts of law, which prevent 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." Now here comes the gist of what I am saying. "It has 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 interest. The same rule, however, cannot be held to apply to

MR. WELLS: private letters or memoranda. On the 18th May, 1865, the attorney-general, on being asked by Mr. Ferrard if he would lay upon the table a written statement and a letter to which he had referred on a previous day, in answering a question relative to the Leeds Bankruptcy Court, replied that he had made a statement to the House upon his own responsibility, and that the documents he had referred to being private, he could not lay them upon the table. Lord Robert Cecil contended that the papers, having been cited, should be produced; but the Speaker declared that this rule applied to public documents only." And of course this is substantiation for what I have been saying, Mr. Speaker, Public documents are one thing, it is in the public interest and concern to know what is in public documents; but private documents, surely, and what could be more private than a clandestinely taped telephone conversation if in fact it is accurate, if in fact that is what it is, whatever it might say. I suppose I should be indebted to the hon.

Mr. Wells:

gentlemen opposite for saying that what I said was critical of the government, otherwise I would have no idea what it said. This is the whole point; anybody can say anything, anybody in today's electronic world can tape a conversation, cut tapes, splice them, do all sorts of things, I am told, to produce anything as far as transcripts are concerned, anybody can produce anything purporting to be anything. But even if it is true, how private, could anything be more private than a confidential or a private telephone conversation one person with another? How can that, Mr. Speaker, be public? If it is public, a public document, a public thing, by all means if it is referred to it must be tabled. But when a thing is private, surely, Mr. Speaker, to allow private matters, private letters, private things to be tabled would open the flood gates to everything under the sun, real and spurious. If this was a private letter, say it was a letter that I wrote to a certain individual anywhere, it would not matter who or where, and it was brought and sought to be referred to and tabled in this House, that would be bad enough, but at least it would be a document that contained my signature, there would be something to stamp its authenticity. How much worse is it, Mr. Speaker, to come along with something nobody knows the veracity or truth of. Nobody is before the Bar of the House to swear or to give evidence as to the truth of the thing. How long, Mr. Speaker, in this House can we tolerate this sort of thing?

So, Mr. Speaker, the question of privilege is this, if the hon. members have opposite a tape of a conversation of mine which they claim to be a valid tape - and they, I would suspect, do not know whether it is valid or not - but if they have it, I would ask for a ruling of this House as to whether (1) it is a public or a private document, that is the first thing; and secondly, Mr. Speaker, whether if it is a private document, and something not intended for publication, whether it is tableable - if that is a word - or not, whether it can be laid on the Table of the House, or whether it comes, as I contend it does, under this particular rule that says that

Mr. Wells: private matters cannot be tabled, obviously, because this is a public House of Assembly for the conduct of the business of the public of Newfoundland, not something to bring in and lay on the Table and thrash around private matters which are not public and were never intended to be public in any sense, quite apart from the possibility that there may be criminality involved.

As for the content, yes, I am. I am grateful to the hon. members opposite for saying what was in the tapes or whatever they are.

AN HON. MEMBER: (Inaudible).

MR. WELLS: Well they certainly said I was critical of the government, and that seems to be the subject matter. Well if that is what it is, that is fine. Thank God, thank God it does not say I murdered somebody.

MR. NEARY: The hon. gentleman merely confirmed what certain (inaudible).

MR. WELLS: As I say, I am grateful for that much because somebody could produce a tape saying any of us had murdered somebody and disposed of the body if this kind of rule is to be allowed. So I thank them for saying that it was only that I was critical of the government. Thank God for that. Because I can be critical of the government at any time. And at times I have been very critical, and I dare say I will be again. That does not bother me, Mr. Speaker. But what does bother me is something which I consider to be so fundamental to the privileges of every member in this House, because any of us are subject to this kind of victimization if anybody outside of the House has the motive or the wish or the desire to take that kind of action against us. Anybody can turn up with anything and say, 'Look, there what you said, what you did,' anything at all, and all he needs is somebody inside of the House to bring it forward. Surely that cannot be democracy, Canadian democracy, Newfoundland democracy in action in the people's House. It cannot be, Mr. Speaker. If it is then I think that we would all have something to be ashamed of because we would have to be ashamed to be a part of this. This would not be a House for the

Mr. Wells: conduct of public business. As I say, this would be a House for the conduct of private vendettas of people who are not here, not able, not capable or presumably not wanting to come before the Bar of the House and say openly and formally what they are alleging and trying to get before the House through the backdoor by means of other members.

So, Mr. Speaker, this is the point of privilege, and my contention is, Mr. Speaker, that if a document is not capable of being tabled by reason of being a private document, and a document whose authenticity is not certain by any means then a member cannot

MR. WELLS: cannot refer to it either in debate, because if you refer to it you are supposed to table it, but you cannot table it in this case because it is private and who knows whether it is authentic or not? So that therefore, Mr. Speaker, it is a breach of the privileges of the House to refer to it. And this is the whole point. As I say, I am grateful for one thing only, and that is that I was critical of the government. If my hon. friends opposite think that confirms what they think, well, that is not a matter that bothers me in the slightest. What concerns me is something very fundamental, because who knows what it could be tomorrow about any member of this House alleging him to have said or done something. This cannot be, because obviously it is disallowed by the rules, and this is not a new rule, this is a rule that was enunciated and referred to here in Beauchesne in 1865, and it obviously, Mr. Speaker, arises out of parliamentary history, arises out of the necessity for Parliament to keep that kind of thing from occurring, because if we are the highest court in the land we have to make our own rules, and Parliaments in this system, Mr. Speaker, have made these rules.

I must say, I inquired, Mr. Speaker, as to whether this sort of thing has ever happened before, and as far as I can ascertain it has never happened before in Canada or elsewhere under our system where somebody would purport to tape a telephone conversation of a member and then hand it to a member who would then try to introduce it either by referring to it or by seeking to table it in the House of Assembly. It has never been heard of to my knowledge before in the British-Canadian system, and I think that says something. And it is unfortunate and rather sad that it should have occurred here in the Province of

MR. WELLS: Newfoundland, Mr. Speaker, in our Legislature, and I ask for your ruling.

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

MR. NEARY: Mr. Speaker, all we got from that alleged point of privilege made by the hon. gentleman is the hon. gentleman is begging for mercy, Sir. The hon. gentleman's feelings have been hurt. The hon. gentleman can twist and turn and squirm all he likes and drag all the red herrings he wants into this matter, Mr. Speaker, but the fact remains that there is no point of privilege. The fact of the matter is, Sir, and the hon. gentleman put his finger right on it when he was winding up his few remarks, that gentlemen have made statements outside of the House that they would not make inside the House. Mr. Speaker, I want to tell the House and tell the hon. gentleman that the person with whom he carried on this telephone conversation is quite prepared at a moment's notice to come into this House to answer questions from members of the House, from the hon. gentleman who carried on the conversation with Mr. Davidson on the telephone.

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

MR. NEARY: I am speaking to a point of privilege and the hon. member should take his seat.

MR. WELLS: No. A point of order, Mr. Speaker.

MR. SPEAKER: Actually, when there is a point of privilege, my understanding is that there cannot be interjections on a point of order.

MR. WELLS: Very well, Mr. Speaker.

MR. NEARY: The fact of the matter is, Sir, that my hon. friend for, I would say, the last six or seven years, has carried on a personal relationship with Mr. Davidson.

MR. WELLS: That is false.

MR. NEARY: Mr. Speaker, it is not false. The hon. gentleman will remember that Mr. Davidson wrote an article called Watergate in Newfoundland and Mr. Davidson took it to the hon. gentleman. I am not sure if the hon. gentleman was in the Cabinet at the time or a private member.

MR. SPEAKER: Order, please! I must point out that this has nothing to do with length of submission but nature of submission, that at this point matters are supposed to be submissions to the Chair, not debate of matters between two hon. members, submissions to the Chair for the purpose then of making a decision so that the Chair will be aware of hon. members' views in making a decision of whether there is a prima facie case of substantive matters, Differences of opinion, debatable matters would not be in order to pursue at this time.

The hon. member.

MR. NEARY: No, Sir, I am merely mentioning it, Mr. Speaker, to establish a relationship, because the hon. gentleman in his submission left the House with the impression, and probably some of his own colleagues, that he never saw or heard tell of Mr. Davidson, when in actual fact -

MR. WELLS: Not so. That is off the point completely.

MR. NEARY: No, Mr. Speaker, there is a relationship between the hon. gentleman and -

MR. WELLS: A telephone link, yes.

MR. NEARY: That is right. The hon. gentleman telephoned Mr. Davidson and Mr. Davidson telephoned the hon. gentleman.

MR. WELLS: On occasions.

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MR. NEARY: On occasions. So, Sir,
there is a relationship, Mr. Speaker, and hon. members
should not be under the false impression or illusion that
that -

MR. WELLS: There was no false impression given.
That is out of order.

MR. NEARY: No, Mr. Speaker, it is in order.

MR. SIMMONS: Who is interrupting now?

Mr. Neary: The fact of the matter is this, Sir, that there is a relationship, and it has been going on for some time.

MR. HICKMAN: Wrong, I am sure.

MR. NEARY: Now, Mr. Speaker, in the course of that relationship and the relationship with the government, the Premier at one point, and the hon. gentleman should know this because the Premier has already mentioned it in the House, and the hon. gentleman was talking about situations that never developed under the British Parliamentary system. Well, we could use Mr. Nixon, I suppose, as an example, but we do not have to go that far away. We have a similar situation here as Watergate, it is called Salt Watergate in Newfoundland, Watergate South of the Border. But the Premier of this Province already admitted in this House that for his own protection, so he says, that he had to tape conversations between him and Mr. Davidson. And we have the former law partner, law partner of the hon. gentleman, who came to my house and told me in a four hour conversation that he too had to tape conversations between him and Mr. Davidson allegedly, as he said, for his own protection.

MR. WELLS: Mr. Speaker, I know nothing of this.

MR. NEARY: No. But, Mr. Speaker, it is very important because the hon. gentleman does know, but the Premier -

MR. WELLS: No, this is outside.

MR. NEARY: No this is inside the House. The Premier already admitted in this House that he had to tape conversations - but the hon. gentleman should sit in on more sessions of the House, keep in tune with what is going on.

MR. WELLS: The hon. member is quite in tune with what is going on.

MR. NEARY: The hon. gentleman, Sir, is not in tune.

AN HON. MEMBER: Never was.

MR. NEARY: Now, Mr. Speaker, as far as this particular transcript is concerned, Sir, this matter unfortunately, unfortunately the House itself, which should have dealt with this matter of the Scrivener affair, refused to deal with it. We tried to get a public enquiry, I have been

Mr. Neary: trying for three years to try to get a public enquiry, we tried to get the House resolved into a Committee of the Whole, a Select Committee of the House. We have tried to resolve this matter in the House, Sir, which is the Highest Court in the Land. Members on the government side, government through brute force has denied us the opportunity to deal with this matter in this House, where it should be dealt with, in my opinion, Sir, and that is one point in which I agree with the hon. gentleman. It should be dealt with in this House, not in a lower court, not by the police, because we, as elected representatives, Mr. Speaker, are the only ones who can deal with this matter. And so, we have been refused.

Now, Mr. Speaker, in the carrying out of my duties as a member of this House, Sir, I come into all kinds of documents, I come into all kinds of private and confidential information, sometimes it comes from anonymous sources. This particular transcript did not come from an anonymous source.

MR. WELLS: ~~4:15:50~~ You are quite sure on that?

MR. NEARY: I am quite sure on that. I am quite sure. I am absolutely sure. I am positively sure. Because I also have the tape to back it up which I would be prepared to lay on the Table of the House if I were forced to.

MR. WELLS: Would the hon. member like to say who the source was?

MR. NEARY: Who the source was? No, Mr. Speaker, once I divulge a source of information in this House about where I get information, then I will never again - nobody will ever trust me again, and I will never get any information. But, Mr. Speaker, -

MR. WELLS: Shame!

MR. NEARY: - I am prepared to do this, and the hon. gentleman -

MR. WELLS: Shame!

MR. NEARY: If the hon. gentleman wants my source I am prepared to do this; I am prepared, if the House will agree to set up a Committee of this House to look into this Scrivener affair, I am prepared to ask the source of my information to appear before the Bar of this House, and I believe the person would be willing to come and give evidence. Now does that answer the hon. gentleman?

MR. WELLS: It has nothing to do with my point of privilege, Sir.

MR. NEARY: Well it does, Sir, because there is really no point of privilege. But, Mr. Speaker, the fact of the matter is that the House refused to deal with this matter, we pawned it off on the police, we pawned it off on a lower court. Now, Mr. Speaker, I -

MR. SPEAKER: Order, please! I must point out to the hon. gentleman, that a number of substantive matters which have been debated previously, or which may be debated again, are really outside of the area we are here dealing with, which is essentially an allegation by the hon. gentleman to my left that, in his opinion, there is a prima facie case that it would be a breach of his privilege for the tabling of certain documentation and the related questions of whether this is public or private, and whether it can be tabled and can be referred to. But the whole context in which this larger issue really is outside the quite specific area in which I have to make a decision.

MR. NEARY: Well, Mr. Speaker, I appreciate Your Honour's ruling, but this is a part of the larger issue, Mr. Speaker. It is not a private document, by the way. It is not a private conversation as the hon. gentleman tried to lead the House to believe. The hon. gentleman, Mr. Speaker, could have said to Mr. Davidson, he could have said, 'Mr. Davidson, I do not wish to discuss public matters with you on the telephone, and I wish to

MR. NEARY: terminate the conversation.' But the hon. gentleman did not say that, The hon. gentleman carried on the conversation and in the process of carrying on the conversation did in fact confirm certain other charges and allegations that are made about his colleagues, Mr. Speaker. So therefore once this happened it is not a matter, for instance, of the hon. gentleman calling up the Minister of Justice and saying, "How are you feeling today? Let us go on a picnic on the weekend. How is your wife and family? " It is not that kind of a conversation, Sir. It is a conversation about business of the government, business between Mr. Davidson and the government that the hon. gentleman was commenting on. And the hon. gentleman knows that it is perfectly legal in Canada, perfectly legal for anybody to tape a conversation for his own protection and bring that tape and transcript down in court if you are having a court hearing. The hon. gentleman knows that, and the hon. gentleman can threaten -

MR. WELLS: Not for a third party in the House of Assembly.

MR. NEARY: A third party, Sir. We have an obligation in this House. We have an obligation when we come across wrongdoing or appearances of corruption or graft or shake-downs or influence peddling, if we have evidence of that sort of thing it is our duty to bring it before this House, is it not?

MR. WELLS: Do the decent thing! Is there anything in the conversation which you have and I have not that there is corruption or graft on my part?

MR. NEARY: No, Mr. Speaker, The only thing that I can say to the hon. gentleman is this.

MR. WELLS: Well say it, for Heaven sake! I mean -

MR. NEARY: The only thing I can say about the hon. gentleman is this, Sir; that there is a feeling abroad, and my hon. friend referred to it yesterday and that is what brought it on, that all is not rosy as far as protecting the public treasury is concerned with this administration. And my hon. friend in his remarks to Mr. Davidson merely confirmed our

MR. NEARY: fears, some of our fears that this may be true, that the public treasury is not adequately protected. And therefore even as a citizen of this Province if I came into possession of this kind of information it is my duty as a citizen, let alone an elected member of the House of Assembly, to bring this before the House. But the document has not been tabled yet and so therefore this is another reason why the hon. gentleman does not have a point of privilege. But the document, Mr. Speaker, if Your Honour will remember, Inspector Murphy came to see Your Honour one night and asked Your Honour if he could come to my office; and under false pretences - it was not Inspector Murphy's fault - whoever worked out the wording of the warrant to search - and I am dealing with that now as Your Honour knows. I am trying to have that quashed because it was improperly done and it was illegal and a violation of the Criminal Code. The Minister of Justice should charge somebody for having the police officers come into my office with a search warrant under false pretences. But anyway, Sir, they came looking for transcripts and this happened to be one of the transcripts. And I told the RCMP, ~~they did not get the transcripts,~~ by the way, that they came for, I later gave them to them and I will give the RCMP any other information that they want, but in the process, Mr. Speaker, I am not giving up my rights as a member of this House because I think we should be dealing with this matter in the House and not pawning it off on the RCMP or a lower court but that is my own personal opinion, Sir and my own opinion as a member of this House.

But I told the RCMP, when I did give them the transcripts when I got back in the Province, that these particular tapes and transcripts I would treat as private and confidential in order to allow them to carry out their investigations, as the hon. Minister of Justice has reminded us so often, without interference, without being impeded in any way. And that is why the transcripts, Mr. Speaker, have not been tabled in the House and the tapes have not been laid on the table, because I did have a call from the RCMP a couple of weeks ago asking me if I would hold off on tabling the

MR. NEARY: transcripts because all they are afraid of, Mr. Speaker, in this whole matter, is that we might have a reoccurrence of what happened before that the evidence could very easily be destroyed.

If you table something and it becomes public, then evidence could be destroyed. The information will be reproduced in the Daily News.

MR. R. WELLS: Is the hon. member saying that if a conversation of mine was tabled something might be destroyed? I mean, be clear. Are you saying that I am involved in anything?

MR. NEARY: Mr. Speaker, the hon. gentleman is not going to -

MR. R. WELLS: Let us be fair about this. Be fair about it.

MR. NEARY: What I am saying is, - what I am saying, Sir, is this; if I table documents - Mr. Speaker, let the Minister of Justice get it straight now. If I table documents, for instance if they were investigating a certain matter and I tabled documents in relation to that matter and tipped off the person, for instance, and he had evidence in his possession or in his apartment or in his house or in his store anywhere, they could destroy the evidence. And, Mr. Speaker, let us make no bones about it, that I have grave suspicions, Sir, that in this whole matter we are talking about that evidence has been destroyed.

MR. HICKMAN: Why do you not tell that to the RCMP?

MR. NEARY: Well the RCMP will be told that in due course. When they come back to me they will be told that a certain gentleman was seen down in Robin Hood Bay burning documents

MR. S. NEARY: the morning after the affidavit was tabled in this House. So, Mr. Speaker, I intend to keep my -

MR. WELLS: Well, you know, do you intend to cast suspicion on everybody's part?

MR. S. NEARY: No. It is nobody in this House. But it had to do with the PC Party, it had to do with the Tories. He was a high ranking official of the Tory Party.

MR. SPEAKER: Order, please! Order, please!
Actually we are in a much broader area than the area of submission on the prima facie case of privilege. The specific matter is whether it is a breach of the hon. gentleman's privilege to my left; that this material be tabled, that is specifically it and various reasons pro and con with respect to that, but these issues on other matters are really extraneous to the submission on prima facie.

Hon. member.

MR. S. NEARY: Well, Mr. Speaker, I will wind up my few remarks because, as Your Honour knows, I think Your Honour probably has his mind made up that there is no prima facie case, that the hon. gentleman's feelings are hurt, that if Your Honour ruled otherwise then members of this House could not function, Sir. Members have a duty to the people who elected them and to the people of the Province as a whole, and we cannot, Sir, when we come into possession - now we have to use our own discretion and we have a responsibility and an obligation to make sure that when we put evidence on the table of the House, Sir, that the evidence is hard evidence that will stand up and, Mr. Speaker, we have not had the opportunity to do it in this particular case, the Scrivener affair, and all the other things in connection with Mr. Davidson who was at one time a buddy of my hon. colleague, the member for Kilbride (Mr. Wells), who advised Mr. Davidson on one occasion to take his Watergate in Newfoundland to the newspapers; not to take it to his colleagues, the member did not take it to his colleagues, 'take it to the newspapers,' he said.

MR. S. NEARY: 'Very serious matter, take it to the newspapers,' the hon. gentleman advised him.

MR. WELLS: Taken very lightly.

MR. S. NEARY: Now, Mr. Speaker, the hon. gentleman then I hope will not try to leave the impression that Mr. Davidson is a stranger to the hon. gentleman -

MR. WELLS: He kept in touch with me -

MR. NEARY: - kept in touch with the hon. gentleman -

MR. WELLS: - only by phone.

MR. NEARY: - kept in touch with the Premier, kept in touch with the Ministers of the Crown.

AN HON. MEMBER: (Inaudible)

MR. S. NEARY: No, I only met the gentleman recently so he is no friend of mine. I only met him in recent weeks, in recent months, and that may surprise the hon. Minister of Justice.

MR. HICKMAN: I thought you had met him years ago.

MR. S. NEARY: I just - accidentally he came, I was having a coffee. I only met the gentleman personally in the last few weeks in case the hon. - I beg your pardon?

AN HON. MEMBER: Who introduced you to him?

MR. S. NEARY: Who introduced me to him? Sir, the gentleman introduced himself.

AN HON. MEMBER: Oh, yes.

MR. S. NEARY: The same as he did - no, he did not introduce himself to the member for Kilbride because the Tory bagman at one time was in the member's office - they were law partners and they fell out - and Mr. Davidson went to my hon. friend with a Watergate in Newfoundland article. My hon. friend advised him to take it to the newspapers.

MR. WELLS: Yes. Take it to the police, take it anywhere.

MR. S. NEARY: Not come to the government and say, 'Look, Mr. Premier, this man is going around with a document that strongly condemns the government that I am supporting.' Did the hon. gentleman not do that?

MR. WELLS: Take it anywhere.

MR. S. NEARY: Did the hon. gentleman inform his colleagues?

MR. WELLS: I have not the faintest idea what happened years ago, whether I informed my colleagues.

MR. S. NEARY: Was the hon. gentleman rubbing hands, hoping that there would be a little bit of dirt involved?

MR. WELLS: You know, this is incredible (inaudible)

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

We are getting into matters which are completely irrelevant to the decision I have to make. Perhaps relevant to something, but irrelevant to the prima facie submissions which hon. members are recognized to make.

MR. S. NEARY: Mr. Speaker, before I conclude, Sir, one point that the Minister of Justice seems to be tormented about and that is the RCMP making statements that evidence could be destroyed and that is an actual fact that evidence could be destroyed. Beg your pardon?

AN HON. MEMBER: (Inaudible)

MR. S. NEARY: Is the hon. gentleman worried about that statement?

AN HON. MEMBER: (Inaudible)

MR. S. NEARY: Mr. Speaker, if we had the opportunity to look into the Scrivener affair and the Davidson affair, Sir, and bring witnesses into this House and deal with the matter ourselves, as it is our duty and responsibility to do, then the whole matter would be cleared up. And so, Sir, I am not going to be frightened or scared by the hon. gentleman raising this point of privilege and threatening the Criminal Code, as the hon. gentleman knows that that

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MR. S. NEARY: is just merely a threat to try to silence members in this House. Under section 159, Mr. Speaker, of Beauchesne page 134, and the hon. gentleman read it out, there is no prima facie case and Your Honour would be doing the House a grave injustice indeed if Your Honour ruled that there was a prima facie case and

MR. NEARY: referred the matter to the Committee of Election and Privileges, Members would no longer be able to function in this House, we would have a dictatorship, Sir. And so far, I have been here sixteen or seventeen years and I have not seen any abuse of the privilege of tabling documents in this House. I have not seen it yet. I have been here much longer than the hon. gentleman. Any documents that have been put on the table of the House have been substantial documents that can be backed up. And at the present time the RCMP is investigating one and in the process of that investigation my hon. friend may have a visit from the RCMP, because they have the transcript. And if they do then my hon. gentleman can talk to the RCMP instead of dragging red herrings into this House.

MR. WELLS: The hon. gentleman is dragging red herrings into this House.

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

I think I should point out here that when a matter of some complexity is brought up, the hon. gentleman who brings it up and the first person to reply or make their submission on the opposite side, I do give a certain leeway. Some might argue too much, some might argue not enough, but one has to use one's judgement. If there are then further submissions I do require that they be briefer and more to the point since when there is one from each side who is given that fuller range then obviously I think good sense requires that any other submissions then be of a more brief and tight nature.

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

MR. SIMMONS: Thank you, Mr. Speaker. It is not my intention to be very long on this matter at all. I think, as my colleague has just finished saying, that it looks like a fairly open and shut case. I could not help but be amazed with the stellar performance put on by the member for Kilbride (Mr. Wells) earlier. I would hope, Mr. Speaker, and perhaps I will have to raise this as a separate matter of privilege unless Mr. Speaker wants to deal

MR. SIMMONS: with it with my bringing it to his attention now, that the member, in making his alleged point of privilege, said that some of the members of the House were honourable and decent, I do not think he can by inference say what he cannot say directly, and he certainly by inference implied that there were persons in this House who did not have decency or honour and on having that called to his attention he further dug himself in by saying something to the effect that you could interpret from it what you wanted or something of that essence, that nature.

I believe that is a matter he is going to have to withdraw, Mr. Speaker. He has inferred that some of us are without honour and without decency. And coming from a gentleman, Mr. Speaker, who in the very process is giving us a lecture on decorum and dignity it is a bit hard to take, Mr. Speaker.

To the point, at the beginning of his remarks he referred to some remarks I had made and from there on I must admit I lost him. I did indeed lose him. I do not know exactly what his point of privilege is or indeed how it would arise from developments in the House yesterday, and that is my first point. Whether indeed his point of privilege or his alleged point of privilege is based on anything, certainly it is not based on remarks I made in the House yesterday. I expanded my remark to refer not specifically to any tape or alleged tape at all. I expanded my remarks to refer to certain things he had said outside the House as opposed to what he has said inside the House, and he may find that it comes under the general heading of his being critical of the government. He was much more descriptive than that, much more descriptive than that. And if you can call those you support a bunch of crooks and still support them, well it is beyond my idea of consistency, Mr. Speaker, and that is what we were talking about yesterday.

MR. SIMMONS: But the point I want to make, because he appeared, he used a facade, or the false premise of basing his remarks on something that had grown out of the debate in which I had participated yesterday at the time I was participating indeed. And there is nothing in anything I said yesterday that could be the basis of such a point of privilege, so that at the very least, Mr. Speaker, what he raised is a hypothetical situation and, as Mr. Speaker knows, that is not the realm in which Mr. Speaker deals.

MR. SIMMONS: Finally, Mr. Speaker, the member for Kilbride (Mr. Wells) has made reference to Section 159 of Beauchesne. He read the first several sections, but I think his case was based on 159(3) and there it points out, and I quote in part: "On May 18, 1865, the Attorney General, on being asked by Mr. Ferrard if he would lay upon the table a written statement and a letter to which he had referred on a previous day, in answering a question, etc., replied that he had made a statement to the House upon his own responsibility and the documents he had referred to being private, he could not lay them upon the table." Mr. Speaker, I submit that the gist of 159(3) is not that private documents cannot be tabled, but rather that the House cannot oblige a member to table what is alleged to be a private document. It is a matter then, Mr. Speaker, of whether the House has authority in that particular matter, not whether the member himself has the freedom or not to table the document. And the case described here in 159(3) is that the person who had been asked to table said that he felt he did not want to table and he gave his argument, and at that point the House did not oblige him to table. Now the argument I hear the member for Kilbride putting this morning, and I believe this is the essence of his alleged point of privilege, is that the House ought to place a restriction on a member that in certain instances he will not be permitted to table. I suggest to him and to the House, Mr. Speaker, that there is nothing in the precedents, in the authorities, that would support a move by this House to prevent someone from tabling a document. I can see the other possibility, and it has happened in this House, indeed, where under given circumstances the member is not required to table. But, as I am sure Mr. Speaker would appreciate,

MR. SIMMONS: that is the other side of the coin. It is one thing not to oblige somebody to table, but it is quite a different thing to prevent him from tabling.

MR. NEARY: That is right.

MR. SIMMONS: And I submit that in 159(3) there is no support for the argument that you can prevent a member from tabling a document if in his wisdom as a member of this House, exercising himself responsibly, he feels it is in the best interest to table a document. I do not think there is anything in the authorities that can give support to the argument that he ought to be prevented from tabling.

MR. HICKMAN: Mr. Speaker.

MR. SPEAKER: The hon. the Government House Leader.

MR. HICKMAN: If I may have a couple of very brief words on this. Firstly, referring to 159(3), I would in particular refer Your Honour to the top of page 135. The ruling was that he could not, not that he would not:

"the documents he had referred to being private, he could not lay them upon the table."

SOME HON. MEMBERS: Oh, oh!

MR. HICKMAN: And Lord Robert Cecil contended that the papers having been cited should be produced. Well, the Speaker declared that this rule-- the rule that it could not be laid upon the table of the House, it being a private document-- applied. Well, Mr. Speaker, as I understand the submission made by the hon. the member for Kilbride (Mr. Wells), the only issue before the Chair, really, on a question of privilege is, one, whether a telephone conversation

MR. HICKMAN: that has been allegedly taped when one party to the conversation was unaware of the fact that it was being taped, and then handed to a third party, either by way of the tape or by way of the tape and then that third party has it transcribed, but there is, I gather - well, there has to be - the hon. gentleman from LaPoile (Mr. Neary) has been holding up a transcription - whether or not that can then be laid on the table of the House by an hon. member. It is a fact, Mr. Speaker, that any hon. member tabling anything in this House stands by it.

MR. NEARY: That is right.

MR. HICKMAN: And if it should subsequently be discovered that there is an untruth in it, then the hon. gentleman would have to be dealt with by the House under the appropriate rule.

MR. NEARY: I am quite prepared to stand by it.

MR. HICKMAN: Secondly, Mr. Speaker, I am quite certain that that kind of evidence would not be admissible in a court of law -

MR. NEARY: Yes, it has been and is.

MR. HICKMAN: And I am sure that it has not been.

MR. NEARY: Well I am sure it has been.

MR. HICKMAN: Well, I bow to the hon. gentleman from LaPoile (Mr. Neary), but I say, having practiced in the courts for over twenty years, that

MR. HICKMAN: that would certainly offend the hearsay rule, having it admitted before a third party. The first thing, for a very obvious reason, the court would have to be satisfied, number one, that the tape was not doctored or capable of being doctored, which is very easily done. Secondly, the person who transcribed the tape and thirdly, you are still smack up against the hearsay rule in trying to admit it by way of a third party.

The hon. gentleman from LaPoile (Mr. Neary) said that the hon. member should have said to this gentleman Davidson, "I wish to terminate the conversation."

MR. NEARY: That is right.

MR. HICKMAN: Now am I to assume that every time any hon. gentleman gets a telephone call, and the person on the other end of the line starts to invade a field that he feels may not be the most desirable thing to talk about, he should say, "I terminate this," bang! And, that if he does not terminate it, if he does not hang up the telephone on the caller that then there could be some sort of implied consent to this clandestine taping of a telephone conversation.

MR. MURPHY: They have to do it now (inaudible).

MR. NEARY: If he was as unsavoury a character as the hon. gentleman said he was he should not have even talked to him.

MR. WELLS: I knew he was unsavoury.

MR. HICKMAN: Mr. Speaker, may I -

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

MR. HICKMAN: Mr. Speaker, there is, apart altogether from the confidentiality, there is another area that I think is appropriate to direct Your Honour's attention.

It is not possible to admit into this House by way of a tabled document, language that would be inadmissible or unparliamentary if it came -

MR. NEARY: That is another reason I have to table it.

MR. HICKMAN: - if it came from the lips of an hon. member.

MR. NEARY: Would the hon. gentleman table it?

MR. HICKMAN: If, for instance, there is vile language -

MR. NEARY: Well there is.

MR. HICKMAN: - in a report or a transcript then certainly it could not be tabled in the House because it could not be said in the House.

The word that the hon. gentleman used a few minutes ago, that dreadful word that he had to withdraw, if that was in that tape the tape could not be admitted.

MR. NEARY: There is worse than that in that tape.

MR. HICKMAN: Well now, Your Honour, that you realize that there are unparliamentary comments in the tape and/or transcript, I would ask that in dealing with the hon. gentleman from Kilbride's (Mr. Wells) motion that you take into account the admission by the hon. member for LaPoille (Mr. Neary), who holds these in his hand, that contained therein is unparliamentary language.

MR. NEARY: Well, swear words, I do not know if swear words are unparliamentary.

MR. WELLS: What? Who said - what?

MR. NEARY: The hon. gentleman.

MR. WELLS: What did he say?

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

MR. HICKMAN: That too, Mr. Speaker, I say, is very relevant to this point.

But if I may in concluding, and I realize I am not permitted to debate, that very fundamental principle that the hon. gentleman for Kilbride (Mr. Wells) refers to, the confidentiality of telephone calls, if that is going to be allowed to become the subject matter of public knowledge and public debate, then there is really is no room for anyone in public life in this Province.

MR. HICKMAN: And may I in conclusion, Mr. Speaker, because I hear great talk about immunity of the House, and I intend, I think Your Honour has already read the decision and I am going to get copies for all members of the Election of Privileges Committees, the question of immunity very recently was referred to the courts by the - not immunity, but confidentiality - was referred to the courts by the Legislature of Ontario. And the question, amongst other things that the court had to answer was whether or not information coming to an hon. member of a provincial legislature or the Parliament of Canada, can be - the confidentiality rule applies.

MR. NEARY: I have already said I would tell who gave it to me providing the House hears him.

MR. HICKMAN: No, but the hon. gentleman, I have heard him say from time to time, I cannot make these things public to people because I lose my sources.

MR. NEARY: That is right.

MR. HICKMAN: Well now I have news for him.

MR. NEARY: In this particular case I am prepared to make my source known -

MR. HICKMAN: That confidentiality rule -

MR. NEARY: - if the hon. gentleman will agree to deal with this matter in the House.

MR. HICKMAN: Mr. Speaker, the confidentiality rule does not apply to hon. members outside the four walls of this House.

MR. NEARY: Outside, but inside.

MR. HICKMAN: And if an hon. gentleman has information that has come to him in his capacity as a member, the confidentiality rule does not protect him and does not apply.

MR. NEARY: That is nonsense!

MR. HICKMAN: And I intend, Mr. Speaker, to send to the member for Bay de Verde - I will send the members of the Committee a copy of that very recent decision -

MR. NEARY: I know what you would do.

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MR. HICKMAN: - which has been adopted by - you know
and is obviously now binding upon all legislatures in this Province.

MR. NEARY: We know about your persecutions,
political persecutions -

MR. SPEAKER: Order, please! Well, the argument has
been close to an hour, or approximately an hour,

MR. SPEAKER: I will need time to think about it, to make note of the points made and, in fairness, to get a transcript of the submissions. It is not fair to hon. members when the matter of submissions are at some length and the whole House hears it for an hour, for a decision to be made without giving due consideration to the arguments, which cannot always be done by listening. I find it frequently necessary to have material in front of me. So I will reserve a decision on this and give it at the earliest opportunity, which I have no doubt will be Monday. We only have another hour and forty-five minutes today.

STATEMENTS BY MINISTERS

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

MR. MAYNARD: Mr. Speaker, I have a relatively lengthy statement to make and I hope I have the House's indulgence in making the statement.

I want to take the opportunity to again talk on an issue involving the Department of Forestry and Agriculture, which has become the subject of misunderstanding, in many areas of the Province, because of some very heavy distortion of the interpretation of the facts as they relate to the issue, the issue being the spruce budworm problem. Whether or not the slanted view of the realities of the issue are intentional or simply an accident of communication, my department is concerned nevertheless that the general public may be being misled. I would like, therefore, to place before this House and the people of the Province a clearer perspective of the spruce budworm problem and the spraying programme we will use in combatting it.

MR. MAYNARD:

In doing so, I intend to stress the fact that all decisions made to date have been made with the general well being of the people and resources of this Province foremost in our minds. I intend to stress the fact that the decision to spray was not made lightly and was in fact, made with the most up-to-date technological and scientific expertise available today. This scientific data was screened and scrutinized with meticulous care, with individual attention being paid to all information supplied by leading scientists in an array of disciplines. Analogous situations in other areas of North America were analyzed, the potential of suggested alternatives such as invigorated forest management and silvicultural techniques was weighed and considered, every facet of information which could have even a remote relationship to this problem was studied.

Concerns expressed by persons and groups who oppose the use of chemicals as a combatant against the ills of nature were studied and considered, and indeed, were picked apart for any positive input they may have offered as we approached the decision-making stage. This situation did not end, I might add, once a decision had been reached. This government and the departments responsible for forestry and agriculture, for health and for the environment, continue to maintain an open door policy in this matter. We are at the disposal of any and all persons and groups who wish to seriously and intelligently discuss the ramifications and collective related considerations of the issue. This policy will continue while this government functions as administrator of the affairs of the Province.

In one of the earlier letters publicly published in opposition against the spraying

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MR. MAYNARD: programme, one gentleman stated that given the facts, most people are against the spray. I would go even further than that gentleman, and qualify his statement by saying not most, but everybody is against chemical spraying. I know of no person on earth who would arbitrarily decide that chemical spraying is an ideal human activity. I do not think anybody, with all mental faculties functioning properly would ever come to the conclusion that spraying programmes are something to be sought after or idealized.

But, Mr. Speaker, the existence of a negative aspect of a technological and scientific tool does not necessarily preclude its use when optimal safeguards are in place to reduce and virtually eliminate any risk involved in the utilization of that device.

Medical science today uses X-Ray machines to determine sickness and yet it is indisputable that radiation can in itself cause serious illness.

Medical science uses injected bacteria to combat illness, even though these bacteria are the carriers of illness. There are a limitless

MR. MAYNARD:

number of scientific precedents for the use of toxic substances to combat illness and deterioration in one form or another. The only qualifier in all of these situations is that the toxic substances are used with adequate safeguards, with careful percaution and intelligent application. The decision by medical science to use any of these disruptive elements in natural environments is reached when medical scientists conclude that the end result, that is, the healthy patient, or a reduced or slowed-down illness, is worth the risk.

In the Province of Newfoundland and Labrador, there now exists vast acreages of mature and regeneration timber under severe stress due to the ravaging onslaught of budworm infestation. We believe the application of a chemical insecticide is the only effective and immediate tool at our disposal at this moment in time, which can effectively control the spruce budworm attack on our forests. There are an estimated 2.1 million cords of timber already dead, there are some 3.5 million cords classed as moribund or unlikedly to survive. An additional 2 million acres of mature forest have been severely damaged, about 1.7 million acres of softwood regeneration has been heavily damaged, and the mortality of fir/spruce regeneration exists or is now expected over some 50,000 acres.

Mr. Speaker, you do not have to be an expert in any given discipline to realize the kind of impact this damage will have to industry, to tourism, to recreational endeavours involving the use of outdoor environment and a myriad of other areas. I would like to refer you to the numerous statements on this problem made in public by my officials and myself, and to the statements made to this House in the past. And I also refer, Mr. Speaker, to statements that have been made in this House over the past week that the government has refused to give information to the public. Well let me outline the information that we have given to the public. In particular, in March of 1977 I outlined in detail a four point program for 1977. A further progress report was presented on May 4, 1977. The 1977 program proceeded in accordance with plan and all reports were made public in the

MR. MAYNARD:

Fall of 1977. These included the report of the Memorial University Literature Review Task Force, the report of the Environmental Monitoring Group under the direction of the Department of Consumer Affairs and Environment, the report of the group of experts looking into the potential of forest management programs with respect to the budworm problem, and a report on the effectiveness of the 1977 experimental or trail program with respect to controlling the spruce budworm itself and to affording foliage protection, which would be the objective of any such effort. In addition, in the Fall of 1977 the complete reports of the Canadian Forestry Service with respect to the 1978 forecast for budworm infestation and the damage assessment survey were made public. On April 11, 1978, in a Ministerial Statement to this House I outlined in detail the extent of the problem, the results of our previous efforts in this regard, governments program for 1978, and the rationale for same. In all of these efforts, both myself and my officials, and this was reiterated in my statement of April 11, 1978, have attempted to make all the facts available known to the general public of this Province. I fail to see then, Mr. Speaker, how we can be accused of trying to keep information from the public.

The spruce budworm is an extremely complex problem, and I would caution you immediately of instant experts. There are experts on the health aspects, there are experts on the biology of the spruce budworm itself, there are experts on the forest management aspects, there are experts on the environmental aspects, there are experts on spray technology. However, there are no experts on all aspects of the spruce budworm problem.

One argument against spraying involves the occurrence of mature and overmature timber - over 60 per cent of Newfoundland's forest. The implication is that cutting practices have led to this condition. In fact, the widespread occurrence of balsam fir, especially on the West Coast, is primarily due to a low incidence of forest fires. It must be admitted, however, that harvesting techniques currently employed

MR. MAYNARD:

in Newfoundland are more conducive to regeneration of balsam fir.
If one assumes that Bowater and Price could have operated at maximum capacity since the early 1900's and if they could have completely changed the species of trees of all their cutovers to black spruce or some other non-vulnerable budworm species,

MR. E. MAYNARD: the maximum area that would have been converted would amount to only 40 per cent of the balsam fir/black spruce forest of the island. In reality, however, it is more likely that only one-quarter of the area cut per year could realistically be modified. Consequently, there could have been no appreciable effect on the magnitude of the current budworm problem on the island.

Another rather inane statement tossed into the arena for digestion was that spraying does nothing to alter the susceptibility nature of the forest. This statement is meaningless. Insecticide spraying is not intended to alter the nature of the forest, in fact, it is intended to retain the integrity of the forest so that conventional forest management can be practiced in acceptance with today's pattern of society. The intent of forest spraying is to prolong the life of the trees while the mechanisms for silvicultural techniques and non-chemical means of forest management are put into place.

A much quoted report by a Doctor J.R. Blais stating that spraying perpetuates a budworm epidemic and shortens the intervals between epidemics neglected to mention that Doctor Blais also stated that the "possible" consequences of spraying operations hardly justifies any overall change in current policy regarding the treatment of infested stands.

A statement has been made and attributed to Dr. Gordon Baskerville that New Brunswick faces a collapse of wood supply within 15 years because of spraying. The fact is that Dr. Baskerville has said that New Brunswick faces a collapse of wood supply in 15 years if they now discontinue to spray or to protect against the budworm.

During the past twenty-five years or so, numerous forestry professionals and scientific experts have been working on this problem. However, their efforts have not been as well co-ordinated as might be desirable. Early in 1977, the ministers responsible for the various forestry jurisdictions in Eastern North America met in

MR. E. MAYNARD: New Brunswick and decided that a more focused effort was required in this regard. As a result of these discussions the Eastern Spruce Budworm Council was formed. This body of senior policy officials in the various jurisdictions was charged with the responsibility of identifying information gaps and identifying specific areas in need of refinement or research, and to guide efforts to tackle these problems. Since then some progress has been made in the areas of standardizing environmental monitoring, improving spray application technology, alternate solutions other than chemical insecticides, etc. and these efforts are continuing.

Further in 1977, the Government of Canada and the Government of the United States of America entered into a joint accord with respect to tackling the spruce budworm problem. Previously Canada had been spending in the vicinity of 3.5 million dollars per annum on this problem and the U.S.A. relatively minor amounts. As a result of this accord, the Government of Canada agreed to maintain its current level of funding and the Government of the United States agreed to increase its effort to a level of approximately 5 million dollars per year. Therefore, in total, approximately 8 to 9 million dollars will be spent per year for the next five years on various aspects of the problem, including the search for alternatives to chemical insecticides. Unfortunately, none are known at this moment. This combined effort puts the spruce budworm in the category of the most researched forestry problem ever.

Now we come to Matacil, the chemical to be used this year.

MR. SPEAKER: While the hon. Minister is catching his breath, perhaps I could make a brief announcement.

Hon. members will be interested to know that in the galleries we have twenty students from the Cape John Collegiate of LaScie, accompanied by their teachers, Ann Bannister and David Brett. I am sure they would wish to welcome the students.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Hon. Minister.

MR. E. MAYNARD: Mr. Speaker, the insecticide to be used this year in Newfoundland is the Aminocarb - Matacil. The dosage rate would be two applications of one ounce of active ingredient in 20 ounces of oil-based formulation per acre. The first application, as I stated in an earliest address, will be applied at peak levels of the third stage of the larval development and the second will be applied at the fourth stage. Two applications are necessary to achieve the adequate control.

Aminocarb was selected for the following reasons:

(a) The recommended and approved Aminocarb formulation has been screened by Federal health and regulatory bodies and contains no materials implicated with human health hazard.

MR. MAYNARD: (b) Assessment of the 1977 experimental spray program showed that Aminocarb gave much better control than other chemicals tested. (c) Based on the environmental assessment of last year's program, aminocarb was less damaging to the environment, especially aquatic systems. I might interject here for a moment that the adequacy of last year's monitoring program has been questioned and I will deal with that point later on. (d) Because of the newly recommended mixes for other chemicals tested, the cost of other chemicals had increased significantly. In fact, by using aminocarb only, we will be able to reduce the cost by about \$400,000. (e) Aminocarb is easier to formulate than other chemicals tested and requires a simpler mixing plant (thus is less accident prone).

It is common knowledge at this stage that matacil is a poison, a toxic substance, and naturally if the human body is exposed to it in an excessive manner, illness could result. In fact many substances we use today, even the flouride used when brushing our teeth, if it is used in excessive and abnormal quantities, can cause illness. No one denies that.

Matacil has been used experimentally since 1965. Full registration in Canada was granted in 1976. Therefore, information from twelve years of research has been made available to provide the basis for registration by our Federal Government. This research has satisfied the requirements of the Federal Pest Control Acts, the Food and Drug Act, the Environmental Contaminants Act, the Fisheries Act, the Migratory Birds Convention Act, the Ocean Dumping Act, the Canada Water Act, and the Northern Inland Waters Act and Waters Pollution Prevention Act. All of these legislative controls have been applied to the chemical matacil.

Scrutinizing the use of this pesticide is the Federal Interdepartmental Committee on pesticides, the Canada Committee on pesticide use in agriculture which is a Federal-Provincial industry and university group, the National Research Council Associate Committee on agriculture and forestry aviation, again a Federal-Provincial,

MR. MAYNARD: university and industry group, the National Research Council Committee on scientific criteria for environmental quality - the subcommittee on pesticides and related compounds, again - a joint group, the Canadian Association of Pesticide Control Officials which is a Federal-Provincial industry and university group and the Federal Interdepartmental Codex Committee of Pesticide Residues.

Besides these committees, more than twenty other Federal-Provincial and industry committees exist relating in some degree or other to pesticides.

Now, Mr. Speaker, I have some copies of the procedures that are used by the Federal regulatory bodies in Canada in researching chemicals. There are five copies here for the use of hon. members - part one and part two presented by Agriculture Canada, Fisheries and Environment Canada and Health and Welfare Canada.

The point is that anyone who says matacil has not been thoroughly screened and scrutinized by scientific means, and has not been proven as posing no threat to human beings or the integrity of the environment, just is not paying attention to the facts.

My department and other departments of this government, as well as the Federal Government, industry and the Canadian Universities have amassed a great deal of information on the chemical we will use and its effects on the environment which, as has been shown, are negligible.

Our own Provincial Department of Health is on record as having stated that toxicity, notwithstanding, the department is satisfied that the material was duly registered for operational forest spraying and has therefore been screened by the Federal Health Officials and all regulatory bodies. Dr. David Severs, head of the Medical Services Division of the Provincial Department of Health has stated that there exists no evidence to suggest that there are any current adverse effects on the health of the public at large which

MR. MAYNARD: can be attributed to forest spraying with the material. Dr. Severs has also stated the department has no undue concern for quantities in drinking water since even maximum amounts normally recorded in spray programs are well below the maximum specified by the Canada Drinking Water Standards and dissipate relatively quickly.

The Aminocarb-matacil has now arrived in Newfoundland and is being kept in storage in both Stephenville and Gander until utilization. And there were some charges the other day that barrels in Stephenville were scattered all over the tarmac. I think one statement was that they were stored on the runway. So I went out to Stephenville to have a look and we took a few pictures of the barrels and where they are stored and how they are stored and I have some photographs here that I will give hon. members in a

MR. MAYNARD: few minutes showing how they are stored. The facts are, Mr. Speaker, that in Stephenville the barrels of chemical are stored in a remote part of the airport tarmac, not the runway, they are at least one-quarter mile from the runway section presently in use. The barrels are in a protected area inside a fence which I admit is not in perfect condition, but I will also add there is a 24 hour watch on the storage. There are two barrels which have experienced a tiny leakage, and these are stored inside. This substance - Matacil - is not susceptible to spontaneous combustion, an explosion for example, although it can be burned slowly as can stove oil or diesel oil, but it is not a combustible material. As an added precaution, however, the fire department there has been briefed as to the presence of the chemical and its location. There are some office buildings located about one-fifth of a mile away from the temporary storage area, and the nearest domestic dwelling is quite a distance - I would say approximately, Mr. Speaker, one mile - whereas the other day in this House of Assembly charges were made that the chemical was stored right by the residents of Stephenville. That is not so.

MR. MURPHY: Completely irresponsible.

MR. MAYNARD: It is a completely irresponsible statement, that is correct. The temporary storage areas are perfectly adequate and, incidentally, the sites are routinely visited by the Department of Health.

In Gander, the barrels are again stored on a remote portion of the tarmac inside an airport security fence under 24 hour watch. There was some slight leakage there, but protective measures have been taken against these.

In both storage areas all personnel have been familiarized with the handling procedure for the Aminocarb and there is no danger to either human health or the environment as a result of precautions being taken in the storage areas, contrary to

MR. MAYNARD: earlier statements made to that effect.

Now, Mr. Speaker, I want to table some photographs of the areas; the top one is Stephenville, the next one is Gander showing exactly how remote they are from any human beings or any office buildings. There are two more photographs there showing a Matacil barrel with the label on it clearing outlining the instructions for handling the anecdotes and everything else.

As I said earlier, it has been alleged that last year's experimental spraying program had not been adequately monitored by scientific means. Let me quote to you from a statement made by the Minister of Consumer Affairs and Environment in a letter, a few days I believe, to a Mr. Greg Mitchell of Ekowatch in Corner Brook.

"My department undertook to co-ordinate an Environmental Monitoring Project in 1977 and has already commenced a similar effort for 1978. An Environmental Monitoring Committee was set up, representing three provincial and three federal resource protection agencies, as well as the Department of Health and Memorial University. Each member of the Committee was a professional scientist; no one in this Province was better qualified than these persons to design, oversee, interpret and report on their respective segments of the project. Since the study coincided with the period when university students were available, it was decided to select qualified students to carry out the field work for the project. These students were chosen on the basis of high academic standing and/or previous experience, and were put through an intensive training program before beginning their duties. Their work was supervised regularly by post doctoral scientists from Memorial University. I suggest to you, Mr. Speaker, that there was no need to employ the members of the Committee or any

MR. MAYNARD: other professional scientists in carrying out field work which consisted mainly of routine sampling techniques. However, all data interpretation was done by Committee members not by the students. Every technique used is a generally accepted method of study for the particular parameter in question."

I might add to the Minister of Consumer Affairs and Environment's comments that the 1978 monitoring program has already begun. The Committee has been enlarged, the field staff has been increased in numbers per study allocation, new study techniques have been introduced and the Budget has been increased by about 50 per cent over last year.

I must also mention that having observed our 1977 project of monitoring, at least one other Province this year is going to begin using mist-netting to sample bird populations, following our example.

The provincial Department of the Environment is already on record as stating that the rate of Aminocarb proposed by our department falls within the maximum range allowable under the federal registration of this chemical. In addition, the Environment Department has studied each province using Aminocarb. These provinces had conducted environmental monitoring during projects designed to detect immediate or short-term effects. Our Environment Department found that these reports indicate no serious impact on the environment as a result of the use of Aminocarb. Our own Monitoring Program of the 1977 spray effort similarly found no significant effect of Aminocarb on non-target organisms.

The conclusion of our own Environment Department then is that all things considered, the Pesticide Advisory Board and that department are aware of no conclusive scientific evidence to indicate that Aminocarb when applied in the manner and at the

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MR. MAYNARD: rate proposed, will cause any significant adverse side effect on the natural environment or on human health.

There have been numerous concerns expressed about the possibility of water contamination as a result of the spray program.

MR. MAYNARD:

As I mentioned earlier, the Aminocarb is even less damaging to the environment than other chemicals, especially in aquatic systems. Even though traces of Matabacil were found in the Corner Brook water supply last year, the quantity was insignificant when compared with the Canada drinking water standards for carbonates. In fact, even in areas directly sprayed last year, the quantities detected were well within acceptable limits under these standards. These quantities begin to break down to very low levels very rapidly and pose no health hazard whatsoever.

In addition to this, I would also like to point out to you that in Eastern North America over the past couple of years there have been three independent task forces established to consider the spruce budworm problem. These three are the Baskerville Task Force Report of New Brunswick, the MacDonald Task Force Report of Nova Scotia, and the Rendell Task Force of Newfoundland. Each Task Force as part of its recommendations, has stated that forest protection is a desirable objective for the short-term and that the application of chemical insecticides to control the spruce budworm is an acceptable forest management activity and is required in the short-term within the jurisdiction studied.

Two activities - salvage and forest management - have been postulated as alternatives to a protection program, such as has been mentioned above. This they are not. I would first like to deal with the salvage question.

The objective of salvage, primarily, is to minimize the economic effects of the damage which has already been incurred in our forests by the spruce budworm. I have already outlined the extent of our salvage programme and the fact that technological reasons dictate that an optimistic estimate of the amount of salvage we can do in this Province is approximately 50 per cent of the wood which is already in the dead or dying category. During the past four years my department has constructed a total of 94 miles of access roads to salvageable stands at a cost of approximately 2.4 million dollars. In addition, we have entered into agreements with the two major pulp and paper companies whereby they

MR. MAYNARD:

are obligated to harvest from these stands a minimum of 263,000 cords per annum for five years. The two pulp and paper companies have co-operated to the extent of modifying their harvesting plans and have obligated to salvage from their limits as much wood as is possible taking into account their quality guidelines. There are two other points which I would like to make with respect to salvage. The first is that the amount of salvage that can be done relates very specifically to the amount of utilization possible. It makes absolutely no sense to incur considerable expenditures and store wood now - even though you would increase employment now - at the expense of having no wood harvesting and absolutely no employment two or three years down the road. The second point has to do with trying to increase current wood utilizing capabilities such as increased sawmill capabilities, the export market, or the Stephenville mill.

Another question here is, if all cutting effort was channeled into harvesting dead and dying timber as currently identified, how do we deal with the additional volumes which would die in the interim while the budworm continues uncontrolled?

Government is still evaluating ways and means to reopen Labrador Linerboard. One point raised was that a re-apportioning of cutting limits would mean fuller utilization of forest resources and more employment. This, of course, is a vast oversimplification of a very complex issue. In the event that this mill is reopened in the near future, a long-term wood supply is essential. If the damage already caused by the budworm is left to expand, however, the chances of this mill being reopened would be greatly minimized. This situation, therefore, enhances the need for spraying rather than reduces the need to go ahead with it.

Forest management: The primary objective of "forest management" is long-term and is to produce, for the future, a healthy and productive forest which is hopefully less susceptible to future attacks by the budworm and other insects. This was addressed in the report which was

MR. MAYNARD:

made public in the Fall of 1977 which I have referred to. It is not an alternative for protection. In fact, intensive forest management is an area of activity in Canada which is now receiving considerable attention irrespective of the spruce budworm problem.

MR. MAYNARD: All across the Country our forest resource and industry (which nationally is larger than agriculture, fishing and mining combined) is threatened and the economic supply of wood jeopardized because of past practices. This has been recognized in all jurisdictions in Canada for the past few years. It was articulated in the First Ministers Conference in Ottawa in February of this year. The year 1973-74 is a significant one for this Province with respect to forest management as in that year the Forest Land Management and Taxation Act was passed and as well the Province entered into a forest subsidiary agreement with the Department of Regional Economic Expansion. Over the past few years millions of dollars have been spent on forest improvement, tree nurseries at Wooddale and Mount Pearl, and in the area of increased utilization. These efforts are continuing and are expected to require continuing large expenditures in the coming decade. And I have listed some expenditures which are very relevant: Since 1973-74 years to this present year we have access roads - \$21 million; forest inventory - \$4 million; forest protection - \$11 million; forest management - \$13 million; improvement - \$ 4 million; reforestation - \$4 million; management plans and surveys - \$2 million; buildings - \$1.3 million; harvesting and utilization - \$3.3 million, for a total, Mr. Speaker, of \$54 million over that number of years on the forestry of this Province. And some of these expenditures obviously have been shared by the federal government.

As announced in my statement of April 11th., 1978, additional initiatives have been undertaken in an effort to further minimize the effects of the spruce budworm problem in this Province. On January 24th., 1978, I met with the Atlantic Ministers of Forestry, the hon. Len Marchand, the hon. Marcel Lessard, and the hon. Bud Cullen. All recognized the seriousness of the problem and agreed with me that selective salvage and forest management activities using Canada Manpower funds was a desirable use of these funds which would help the short-term economic benefits in the form of a more viable forest resource.

MR. MAYNARD: This concept was agreed to by the Ministers of Forestry nationally who met on January 25th. It was recommended by the Premier in his report from the conference and agreed to by the First Ministers when they met in Ottawa in February.

Since January my officials have headed a working group consisting of officials of Canada Manpower, DREE, the Canadian Forestry Service, and other provincial departments in preparing a realistic programme proposal for submission to the federal government.

This programme is in the area of selective salvage and incremental silviculture programmes which would be over and above what is presently in the budget for this year and it is estimated in the vicinity of \$23 million would create some 1790 man years of employment over the next five years, if we can get the programme implemented.

Nova Scotia has a severe budworm problem in the Cape Breton portion of that Province. It does not have a similar problem on the Mainland. But in Newfoundland the infestation is Island-wide. In my opinion Nova Scotia has decided to write off the forest resources in Cape Breton for a period of years after the salvage can be carried out.

Mr. Speaker, we cannot afford to take that approach with the Island of Newfoundland. The forest management strategy in Nova Scotia is five elements. And there has been a big announcement about a \$60 million programme with 9,000 jobs.

The five elements are these. One, wood salvage and storage; two, forest improvement programmes, three, expanded nursery facilities and genetically improved planting stock; four, spruce budworm control alternatives; and five, hardwood substitution.

Only one part of that five point

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MR. MAYNARD: programme, Mr. Speaker, is related to the budworm problem.

I think this programme has some commendable elements and with the exception of massive wood storage, these elements have been present in Newfoundland's programme for the past few years, as I have indicated earlier. However, I will repeat that in my opinion, in this Province, there is no benefit in salvaging and storing wood for which there is no known utilization, at present day costs and at the expense of jobs a few years from now,

MR. MAYNARD: or in improving trees by thinning and reforesting areas this year which will be destroyed by the budworm next year. Protection is required. The attack on the budworm must include all facets - Neither is sufficient alone - and all facets are presently in the Newfoundland programme as I have previously announced.

Perhaps the favourite argument used by those opposed to spraying is the New Brunswick situation. Reference has been made to the duration of the spray programme there and that it has not solved their problem. It should be noted, however, that spraying has allowed the forest industry in New Brunswick to survive, and in fact, expand. The objective of the New Brunswick programme has been to afford foliage protection. This it has done, and New Brunswick forests are now green.

It has been stated that in Nova Scotia where they had not sprayed the budworm count is down. This is true and it may very well be related to food supplies, since over half of Cape Breton Island now is completely devastated, and obviously, the budworm, like anything else, when the groceries run out they run out as well.

But also I add that in Newfoundland, where we have not sprayed, the budworm in six short years spread across the full Island and in fact a most recent survey shows a largely expanded area of heavy infestation on the Avalon Peninsula. But have no fear - I am not going to spray the Avalon.

A reference has also been made to the State of Maine and its intention with respect to

MR. MAYNARD: spraying which has been misinterpreted and therefore, misrepresented.

Essentially the State of Maine has decided to spin off the operational aspects of spraying to private enterprise, while government retains regulatory control over the choice and application of insecticides. There has not, therefore, been a decision to stop spraying in the State of Maine. The role of the government, in other words, the 4 per cent - and that is all, Mr. Speaker, that the state government put into the spray programme in Maine - was 4 per cent of the cost and they have decided to withdraw that, which I submit to you, is not going to have a very significant impact on the spraying programme.

The government of the State of Maine will not physically carry out the spray programme itself but will allow the public sector to do this, while the government will continue to choose the chemical to be used and decide how it will be applied.

Myself and officials of my department and others are meeting continuously with concerned groups and individuals in an attempt to allay any fears which may arise through this programme. We have set up information programmes to make the general public aware of the government activities. Any person or individual in this Province or elsewhere, for that matter, has access to all information related to this work. Anyone who has a concern can call in, or write or come in in person, and my officials will openly discuss any aspect of the programme with them. There is no problem in coming up with literally thousands of alternatives to the spraying programme. Ask any person you meet on the street corner

MR. MAYNARD: and I am sure that person will come up with a dozen offerings. But unfortunately, only a pitiful few of the solutions expounded actually have any worth. We could, for instance, suggest transshipping the infested trees to Mars. We could suggest using witchcraft to put a curse on the budworm, hoping it will go away. We could also get down on our knees and pray that tomorrow the insects will be gone, but I guarantee you, Mr. Speaker, tomorrow the budworm population of this Province will still be there, eating away at our forests as enthusiastically as it was yesterday.

Some of the arguments used against the spruce budworm spraying programme are reminiscent of the emotional arguments - and it is emotional - used against the Newfoundland sealing industry. As any Newfoundlander will testify, these arguments were simply that - emotion based on the cosmetically appealing appearance of the baby seals. The arguments had no basis in fact, although the protesters of the seal hunt did manage to smear the good name of Newfoundlanders.

The government is not immune, however, to these arguments, no matter what their basis. We understand the natural concern created in many Newfoundlanders by the announcement of a chemical spraying programme, but I suggest to you, Sir, that it is a misunderstanding of the chemical - Matacil - that creates the most fear and there have been many who have capitalized on that fear, and whether or not for a noble motive, have helped to nurture that fear and concern. Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Before recognizing the hon. gentleman to my right, I would like to welcome to the House of Assembly on behalf of the members, a number of Grade IX students from Assumption Junior High in Avondale accompanied by their teacher, Miss Peggy Dunphy. I know hon. members join me in welcoming these students.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Hon. member for Windsor-Buchans.

MR. G. FLIGHT: Thank you, Mr. Speaker.

Mr. Speaker, it is difficult to answer this kind of a ministerial statement. I will give the Minister credit for having gotten a copy of the statement to me shortly before he announced it, as soon as he got it, I think, but I did not have time, as he knows, to study the statement. But in listening, Sir, I followed with him, and all we have here is a defence of the Government's decision to spray. Nothing else, no new insights, a defence of the Government's decision to spray.

Mr. Speaker, the Minister makes some interesting points here. He said in 1978 he met with four or five cabinet ministers in Ottawa to look at the possibility of having Ottawa co-operate with funding a program that would help salvage and a massive reforestation and a proper reforestation program. Well, it was about time. The Minister knew in 1973 that this Province was facing a massive onslaught of spruce budworm. Why does he wait until 1978 to sit down?

MR. E. MAYNARD: That is another misstatement.

MR. G. FLIGHT: I will yield to the Minister. When did the budworm occur in epidemic -

MR. S. NEARY: In 1972 when the P.C. Party came -

SOME HON. MEMBERS: Oh, oh!

MR. E. MAYNARD: If the hon. member will keep his yap shut I might be able to answer the question from the hon. gentleman from Windsor-Buchans (Mr. Flight).

MR. S. NEARY: In 1972.

MR. E. MAYNARD: The budworm appeared in the Humber Valley, Mr. Speaker, in 1971, for the information of the hon. member. It did not infest the Province in major proportions until 1975.

MR. S. NEARY: In 1972.

MR. SPEAKER: Order, please!

MR. G. FLIGHT: Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

I must point out to hon. gentleman on both sides of the House that debate is not permitted under this procedure. The hon. Minister makes his statement and the hon. gentleman to my right is allowed to comment on it and ask for explanation. There can be no debate under this particular heading.

MR. G. FLIGHT: Mr. Speaker, in the amount of debate we have had in this House as regards to the spruce budworm, the Minister gives me the impression that this is a "now" problem, that "You will have to forgive me for the fact that we have a massive spruce budworm problem in this Province today," the Minister and the Government seems to say, "You will have to forgive us for the fact that we have allowed our forests to reach a stage of degeneration that it is open to budworm attack, that it is there waiting for the first budworm to eat it. You will have to forgive us for the fact that we have no reforestation." We have had no forest management in this Province up to this day, Mr. Speaker.

It has been difficult to stand in this House the past three years and listen to the Minister and his officials, and other ministers, talk about reforestation and then go into the forests, walk into the areas where the logging is going on and try to reconcile what has been said in the House with regard to forest management to what you actually see there. I watch the new growth, Mr. Speaker, second growth that a man would suffocate it is so thick, Miles and miles of natural revegetation on Price and Bowaters limits and it is so thick that you suffocate, it has to die anyway. And the reason today that we are going to have to go

MR. G. FLIGHT: into a spray program, and the Minister has known this for years and years and years, and he is hoodwinking the general public of this Province when he says that we have a reforestation program and the forests of Newfoundland are under good management.

MR. A. MURPHY: On a point of order.

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

MR. A. MURPHY: I do not think any member can refer to any minister or anybody in the House as hoodwinking the people of the Province. I think it is rather an unparliamentary. I do not know if it is meant, but it means that this Minister with a terrible responsibility is purposely going out to bluff the people and tell them lies and all the rest, and I object very strenuously.

MR. S. NEARY: On the point of order, Mr. Speaker.

MR. SPEAKER: Hon. member for LaPoile.

MR. S. NEARY: There is no point of order. My hon. friend has quoted no authority for his point of order. My hon. friend, Sir -

MR. A. MURPHY: ~~The hon. member for Windsor-Buchans (Mr. Flight)~~ is the authority.

MR. S. NEARY: No, Mr. Speaker, it is not listed as one of the unparliamentary words. Your Honour knows that, and the hon. gentleman should learn the rules of the House if he is going to become a constitutional -

MR. SPEAKER: Order, please!

MR. S. NEARY: If the hon. gentleman is going to retire in Sarasota and become a constitutional advisor, then the hon. gentleman should learn the rules of the House.

MR. SPEAKER: Order, please!

I understand the hon. gentleman is going to withdraw.

MR. G. FLIGHT: I withdraw the term 'hoodwink', Mr. Speaker.

Certainly, there are other words that could be used. The public of Newfoundland is well aware, have no input but

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MR. C. FLIGHT: They are well aware, or at least the people who know something about the forestry in this Province are well aware that we have had no forest management in this Province, proper forest management, and the reason, and the Minister will have to live with this fact, Mr. Speaker, the reason we have to go into a spray program in this Province and

MR. FLIGHT:

take a chance on wiping out our ecology, doing irreparable damage to our environment, and take a chance on the health of our people is because he did not, and previous ministers of forestry did not address themselves to that particular problem. There has been up to this point, there will be as of now and I hear the minister talk these past months about a spray programme. I have not heard him say, Mr. Speaker, that in conjunction with that spray programme that we are actually going into a thinning programme, to a reforestation programme. He tells us that we have a seedling operation going on that in three years time will produce 5 million seedlings, I think. He does not indicate as to whether or not Price (Nfld.) and Bowaters are going to start preparing land to be reforested.

So, Mr. Speaker, we cannot talk about the spray of the spruce budworm unless we look at the reasons we have this kind of a problem in this Province today. And the reason we have it is because this minister as well as his predecessors have not paid the slightest bit of attention to good forest management policies. ~~They have let Price and Bowaters harvest how they have seen fit to harvest and as a result we have what we have; Price and Bowaters have gone after, to this point, the most economical wood supply. They have allowed over-~~ ~~mature stands to remain over mature. It was the overmature that first attracted the budworm. When the budworm started to eat its way out of the over mature stand it attacked its second growth. Mr. Speaker, we have set ourselves up for the kind of budworm invasion we have and the minister is going to have to live with that fact.~~

Now, Mr. Speaker, his defense of Matacil. His defense of Matacil is the weakest defense I have ever heard. I would remind the minister that the seven federal agencies that approve Matacil also approved DDT and five or six or seven years after we were using DDT it was taken off the market as being injurious to the health of the people of this country. And I still will not accept that the United States having manufactured Matacil up to this point, manufactured it and are selling it now to this country. They would not have used Matacil if they had researched it to the point where they were definitely

MR. FLIGHT:

sure that there was no long term ill effects. They were not sure. And the federal agencies listed by the minister and the Department of the Environment in Newfoundland are not sure of what the side effects of Matacil are and they are going on blindly and they are going to use it anyway, Mr. Speaker.

There is no doubt that in using Matacil we are guinea pigs. If next year this time and the year after there have been no long term effects proven, good. We have proven there is nothing wrong. But this is the kind of research - the first real research Matacil is going to get is the spray programme in Newfoundland. This is the first real research. And five years down the road when New Brunswick or Quebec or some state in the United States goes into a spruce budworm spray programme they will be able to say, "Let us use Matacil because we tried it in Newfoundland and it worked."

Mr. Speaker, I was surprised the minister did not address himself to the choice of spray areas in the statements. A twenty-one page statement and no mention at all that one town in Newfoundland has got the resources - and there are lots of towns in Newfoundland if they had the resources would be taking taking this Province to court and trying to stop that spray programme - but it so happens that the Gander town and the resources to take the kind of steps they are taking. And I will tell this House now that the Gander town council have come up with characteristics by phoning the people manufacturing it, by phoning the people testing it, have come up with characteristics that the minister or the Department of Forestry have not made public to this Province.

Most of the water in Newfoundland is acidic and one of the characteristics of aminocarb is that it is very slow to break down in acidic water. The Gander town council is aware of this. Why, Mr. Speaker, in what sense has responsibility been shown? The minister has indicated that most of the Province of Newfoundland forest resources are infested with budworm. Now why in that case - I have seen

MR. FLIGHT:

the maps where the spray is going to take place and we are not going to spray one-tenth of the Province of Newfoundland, maybe not one-twentieth of the forests - so why, with such vast timber acreage available to us, why did we have to spray in an area that endangers the water supply of a town such as Gander and all the other towns? Who made the decision to spray Gander Lake, for instance, and why was that decision made?

MR. MURPHY:

We are spraying Gander Lake now?

MR. FLIGHT:

The minister makes light of it and this is the problem.

MR. MURPHY: That is a very irresponsible statement to say that Gander Lake will be sprayed.

MR. FLIGHT: Look at the map! I doubt, Mr. Speaker, if the minister -

MR. SPEAKER: Order, please! I must point out to both sides that this is not a period in which there may be debate.

MR. FLIGHT: Mr. Speaker, I am aware because, number one, it is my job, I suppose, and number two is because of personal interest to know what areas in Newfoundland are to be sprayed. And I very sincerely, with no desire to offend the minister, I very sincerely doubt if the Minister of Environment is aware of what areas in this Province will be sprayed. I very seriously doubt that, yet he stands here and says, spraying Gander Lake, are there any budworms on Gander Lake? How irresponsible can the minister be? And that is the minister who is responsible for the health of the people of this Province.

MR. MURPHY: Yes, I am very much concerned.

MR. FLIGHT: Mr. Speaker, that was one of the longest prepared statements I have ever heard and I would hope, Sir, I know I may be getting tedious, I would hope that the Speaker would allow me at least long enough to cover what I think is appropriate. Last night, Mr. Speaker, in an interview on television the minister said this - he said that "we cannot now stop the spray program. We have committed ourselves and we cannot stop it regardless of the public outcry." Now, Mr. Speaker, I am a person who believes that you should not have government by referendum that we come in here and we make our decisions. But in the final analysis, Mr. Speaker, in the final analysis when it comes down to it, all we are are the wardens of the things in this Province. The people of Newfoundland owns the forest in this Province. In the final analysis when they say, even if they are wrong, if they are prepared to write off the forestry to the economy of this Province, write off our forestry resources, if the people of Newfoundland are prepared to do that then it is not up to us to say you are wrong. It is government by the people, for the people and of the people and if there is enough of a ground swell in this

MR. FLIGHT: province, if petitions go out in this Province where three-quarters or all the people of Newfoundland indicate through a petition that they do not want this spray program then Minister of Forestry does not have the authority to spray this Province. And he said last night "we will not stop" but he will stop. I am not suggesting he should stop. All I am asking is that the minister would have enough responsibility to answer some of the questions and even in a twenty-one page statement he has not dealt with the issues that have been brought up with regards to the spray program in this Province.

And so, Mr. Speaker, the minister said last night that he could not stop the spray program. Well I will tell the minister that he might take that back. I know that today in St. John's there is an office being set up to co-ordinate the opposition to the spray programme. I know that there is a building rented in St. John's where there will be an office set up to co-ordinate all the activities in this Province for the purpose of taking care of all the work that they anticipate that will come with the anti-spray offensive that is going to take place in this Province. I will guarantee you, Mr. Speaker, that as more and more of the facts and the truths and the questions get out you are going to get more and more people asking why.

So, Mr. Speaker, the minister may have to take back that and it bothers me to hear the Minister of Forestry say that regardless of what the people of this Province thinks we will spray. Mr. Speaker, when the minister criticized the Nova Scotia program alternate as opposed to the spray program and subtly criticized their approach, the one major issue he forgot to say was that the egg mass in Nova Scotia, the budworm egg mass is down sixty per cent while the egg mass in New Brunswick is up over forty. Now how do the people of Newfoundland - the ordinary guy on the street who is asking about the spruce budworm spray and is it good or is it bad or should we spray - how does he reconcile that? Has the minister come out and explained why that is, why there is a major infestation of budworm in Nova Scotia? They decided

MR. FLIGHT: to go with reforestation, salvage, stockpiling, anything but spraying. Now how does the guy on the street reconcile the fact that the egg mass under that kind of a program has been reduced by sixty per cent?

MR. HICKMAN: Is it not a fact that they are now transporting wood from down around Liverpool and Yarmouth to Cape Breton to keep the mills going -

MR. FLIGHT: They may well be.

MR. HICKMAN: - because they lost their forest in Cape Breton? That cannot go on very long before that mill shuts down.

MR. FLIGHT: That may well be. Now, Mr. Speaker, there is seven and a half million cords of wood dead in this Province. Here is an indication of how concerned the minister and his department were about a salvage programme in this Province or dealing with the problems that were created by the budworm; there are

MR. FLIGHT:

now 3 million cords of wood dead. It takes five years of severe attack to kill a tree. So we have had for five years infestation to the point that we have killed 3 million cords of timber. Where was the minister this past five years that we would get into a position where we have 3 million cords dead.

MR. MAYNARD: We salvaged some.

MR. FLIGHT: None salvaged. None of it salvaged.

MR. MAYNARD: Yes it was.

MR. FLIGHT: There is no salvage.

MR. MAYNARD: There is.

MR. FLIGHT: And Price (Nfld.) and Bowaters will not even agree now to a salvage programme.

MR. MAYNARD: You are wrong.

MR. FLIGHT: If it was salvaged it was because it was the cheapest wood available.

SOME HON. MEMBERS: Oh, oh!

MR. FLIGHT: Mr. Speaker, none of this wood that I am talking about is salvaged.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

I think hon. members on both sides are debating the issue, so I would ask them not to and for no further interjections. And I point out to the hon. gentleman to my right as well that his remarks may not be of the nature of debate either but of comment or asking for explanations.

MR. FLIGHT: Thank you, Mr. Speaker.

Mr. Speaker, we have 7.5 million cords of wood today in this Province that is either dead, moribund or in a state that we cannot get to it in time. It is lost to this Province, 7.5 million. Five million cords of that wood is dead. Now what happened this past three or four years while that wood was in a stage of dying? What happened that the minister did not realize we needed a thinning programme, we needed a salvage programme, we needed a programme of forest access roads?

MR. FLIGHT:

Why did he not go to Ottawa in 1973 or 1974 when we only had 1 million cords dead and negotiate with Ottawa and get the funds we needed for revitalization of the forest resources? Why did he not do it? He waited until 1978. Another example of government by crisis, and this is a beauty of government by crisis.

MR. MAYNARD: \$21 million in the last five years or more.

MR. FLIGHT: \$21 million in the last five years has nothing to do or addresses itself to the budworm problem. Not a cent was spent on the budworm problem up until this year, not a cent.

AN HON. MEMBER: Access roads were built (inaudible).

MR. SPEAKER: Order, please!

MR. FLIGHT: Now, Mr. Speaker, I would like to be heard in silence.

MR. NEARY: Desperation by desperados.

MR. FLIGHT: Mr. Speaker, the minister did not address himself to this fact that practically most of the sawmills in this Province are down flat and they are down flat because of a lack of wood supply - I have said this before - down, shutdown, equipment being expropriated by the finance companies. And the reason, Mr. Speaker, is simply that they do not have a wood supply. Any sawmill operation that is operating where their wood supply must come from Price or Bowaters cannot get the permission of those companies or cannot get the co-operation of the minister to guarantee them a wood supply that will keep them going. Yet we have 7 million cords of wood dying in this Province, most of it on the companies' limits.

We talk about salvage! If we did nothing else only kept those sawmills going with the wood that is presently infested with budworm we would have taken one step towards the salvaging programme and utilizing the wood that is now attacked by the budworm. So, Mr. Speaker, the minister got up and he gave us a twenty-one page - I kind of suspected that this Ministerial Statement would have the effect of quelling of stopping the kind of criticisms and the movement toward the anti-spray programme. I thought it would take away their fire. I thought he would tell us something new. There is nothing new in this, Mr. Speaker.

MR. FLIGHT:

It is a précis of what the minister has been saying this past five or six months. Mr. Speaker, there is going to be a ground swell of opposition. The people are concerned about the Matakil. They have not been convinced that the spray programme as such is going to mean anything other than the risk that we know will be involved with the use and with the implementation of that spray programme. The minister has not once indicated as to whether or not this will be ongoing. He has not even alluded to the fact that we will go this year but maybe next year we will not.

There is a great fear in this Province that we are going to get locked into this kind of programme, Mr. Speaker. The areas we spray this year will have to be sprayed next year and it will escalate and we will get on the treadmill that New Brunswick is on. The minister has not given the House any assurance that, caught into the position he is in, that they have to spray this year but that they will not consider spraying next year or that based on the results of a spray programme we will not spray next year. The feeling is growing rampant in this Province, Mr. Speaker, that we are getting into a major spray programme and an ongoing spray programme that will take us down the road that New Brunswick went.

Mr. Speaker, I recognize and am as well aware of what the forestry of this Province means to the economy of Newfoundland as the minister or any other member. I am afraid of the spray programme.

MR. FLIGHT: The fact is that hon. gentleman is the minister, he is responsible to the people of this Province for the condition our forests are in, he is responsible to the people of this Province for the side effects or for the long term effects that a spray programme has. And he is going to have to take the flack. And an hon. minister has already said to me this morning that we - and he said you and me in particular - are making a political issue of this. Well, I ask the minister, is the town of Gander making a political issue? Do they have any politics to play? Do all the people who are joining up, are all the committees that are being formed up all over Newfoundland playing politics with the spruce budworm situation? Where does Gonzo Gillingham stand?

MR. MAYNARD: He is protecting the loggers.

MR. FLIGHT: He is protecting the loggers. All right, so he is protecting the loggers. Well, I will tell the hon. minister -

MR. NEARY: (Inaudible) that hon. gentleman (inaudible)

MR. FLIGHT: Who is the government protecting? And I will tell the hon. Minister of Justice that if the loggers, the 3,000 members of the loggers union, had available to them all the facts that have been available in this House and all the -

MR. MAYNARD: Do you think they have not?

MR. FLIGHT: No, of course they have not and the minister knows he has not. And the minister should not be surprised, because some of his own colleagues do not know.

MR. MAYNARD: The papermakers union does not know.

MR. FLIGHT: Not only the papermakers union - no, sir, a representative. A member of the labour movement

MR. FLIGHT: in Grand Falls, one of the senior officials of the labour movement, made a statement that had they been aware prior to this of what they have become aware of about the spruce budworm spray in the past week or week and a half, they would have taken a stand long ago that would have had the effect of trying to stop the spray programme in this Province.

MR. NEARY: The members of the unions are taking stands -

MR. FLIGHT: The members of unions are taking stands -

MR. NEARY: - in Grand Falls against the spray.

MR. FLIGHT: - in Grand Falls against the spray. So, Mr. Speaker, this business of playing politics - as I say, thank God we have people outside this House of Assembly, responsible people, town councils, mayors, all sorts of groups who are standing and showing their hands and advancing their opposition towards this spray programme. There are some people in this House who are concerned about the spray programme, who are concerned about the long term effects, who are not convinced that it was the way to go, not convinced that we had to go that way. If there had not been outside opposition then certainly the case could have been made that it is strictly a political thing. But there are a lot of people in this Province who have nothing to gain from politics and want no part of politics, Mr. Speaker, who are opposing the spruce budworm spray programme in this Province. And, Mr. Speaker, as long as the people who are opposing the spruce budworm spray programme make sense in this Province, then I, for one, am going to stand and look at their position in the light of day, and if they advance theories that

MR. FLIGHT: indicate that we are going the wrong way, that we are not concerned to the point we should be, that the spray programme is not in the better interests of this Province, or is not in the better interests of the health of this Province or the total ecology of this Province or the total environment of this Province, then, Mr. Speaker, I will stand with the people who oppose the spruce budworm spraying until the government convinces us that they are doing the right thing and the only thing that could have been done under the circumstances.

SOME HON. MEMBERS: Hear, hear!

PRESENTING PETITIONS

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

MR. SPEAKER: A point of order.

MR. NEARY: Mr. Speaker, under Ministerial Statements, Sir, does the minister have a statement to make? I am hoping that the Minister of Transportation will make a statement today. This is his sixth opportunity to table the helicopter proposals.

AN HON. MEMBER: - and sit down.

MR. NEARY: No, it is not, Sir, it is a point of order. The minister promised the House -

AN HON. MEMBER: That is not a point of order.

MR. NEARY: If the hon. gentleman is now occupying the Chair, the constitutional order? I claim it is a point of order, Sir, that the minister promised the House last week that he would table the proposals in connection with the helicopter contract. The minister has not done so, and the minister in doing that is just playing games with the House. And I think that is a very serious point of order.

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

May 26, 1978

Tape 3583

EC - 4

MR. SPEAKER:

The hon. the Minister of
Mines and Energy.

MR. PECKFORD:

The hon. the Minister of
Transportation and Communications indicated in statements
in this House in the past few days that he will give the
House all the information relevant to the subject just
mentioned by the member for LaPoile (Mr. Neary). There
was no commitment or promise that the statement would be
given today, Friday, May 26th, and in any case, even if
he did, I doubt very much it was a point of order. But
given number one, that I question whether in fact, even
if it was true that he said today whether it would be a
point of order, the fact of the matter is that he did not
make that commitment for today and hence, that specious,
foolish point of order by a so-called House Leader
deserves no more attention.

MR. SPEAKER:

Order, please! I do not believe
that is a matter

MR. SPEAKER:

on which the Chair can make any decision. The presentation of the ministerial statement and the timing thereof would not be a matter which the Chair would have any authority.

MR. NEARY: Unfortunately. Too bad, Your Honour.

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

MR. MURPHY: Mr. Speaker, I just want to bring to the attention of all the members of the House a very important matter that has come to the attention of my department within the past few weeks -

MR. NEARY: Car wrecks?

MR. MURPHY: - and that is with reference to electrical fuse panels which are purported to be not functioning properly. It is a CB electrical panel, MB 40-10. Now I do not know if any of the members on the opposite side or on this side have heard of it -

AN HON. MEMBER: I heard it on the radio.

MR. MURPHY: - but I just want to say this, that this morning there has been a meeting convened by my Director of Consumer Affairs with the Fire Commissioner, Mr. John Cardoulis, with the Chief Electrical Inspector of Hydro, Mr. Butler, with Captain Leo Knox of the Fire Department, with representatives of the Newfoundland Light and Power Company, with the City of St. John's electrical inspectors and representatives of the Federal Department of Consumer Affairs and Corporate Affairs. I bring this to the attention of the House, Sir, just for the purpose of - if anybody has any representations to make I would like for them to do it as soon as possible to my department. There have been instances of at least four fires, we have heard, throughout the Province because of this switch box.

AN HON. MEMBER: I can give you another one.

MR. MURPHY: And anybody who has it I would kindly ask to let me have the information because after today we hope to get

MR. MURPHY: this committee functioning in the protection - perhaps it may not be of interest to some people in the House because it is only trying to protect the lives of some people of this Province.

MR. NEARY: What about the spray programme?

MR. MURPHY: Mr. Speaker, as far as I am concerned this is just as important as the spray programme. Fires have been known to kill people and burn them, spray has not yet. But I am not being sidetracked on this. Sir, in my opinion it is a very important matter. We have received many representations on it and I just want to inform all the members of the House that this is happening. If anybody who has an interest in their districts and have any complaints kindly let our office have them as soon as possible.

Thank you.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES:

MR. SPEAKER: ~~The hon. Minister of Mines and Energy.~~

MR. PECKFORD: Mr. Speaker, I wish to table the annual report of the Newfoundland and Labrador Hydro, 1977.

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MR. MORGAN: Mr. Speaker, I beg leave to table -

MR. SPEAKER: Does the hon. minister have leave to revert? Agreed? Agreed.

MR. MORGAN: Mr. Speaker, I beg leave to table in the House the official road map of Newfoundland, a new road map, and I would like to point out that this is a point of history in our Province because it is the first time ever these road maps have been printed by a Newfoundland company, in this case Robinson and Blackmore. They had the foresight a few years ago to upgrade their printing facilities and equipment and now they were the beneficiary of a contrat let by a tender call. And I am hoping that these road maps, by the way, will also enable the members of the House to follow the policy of our Department of Tourism to stay in Newfoundland this year and enjoy a good vacation.

AN HON. MEMBER: - Labrador.

MR. MORGAN: And Labrador, yes.

SOME HON. MEMBERS: Hear, hear!

NOTICES OF MOTION:

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I give notice that I will on tomorrow ask leave to move the House into a Committee of the Whole to consider certain resolutions in relation to the advancing or guaranteeing of certain loans.

MR. SPEAKER: The hon. Minister of Municipal Affairs and Housing.

MR. DINN: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill, "An Act To Amend The City Of Corner Brook Act." (Bill No. 46).

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN:

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

MR. DOODY: Mr. Speaker, this is the answer to question no. 103, asked by the hon. member for Baie Verte - White Bay (Mr. Rideout) of the Minister of Transportation and Communications, Order Paper May 10th., 1978. I do not have a copy of the question here. I think it was a three part question. Number one dealt with how many firms tendered, and the names of the firms who tendered on the calcium chloride last year. Number two was the amount of the tender and to whom it was awarded? And three was a list of the roads in the Province to which the treatment was applied. I will not take the time of the House by reading it all out.

MR. RIDEOUT: What question number was it?

MR. DOODY: Question number 103.

ORAL QUESTIONS:

MR. SPEAKER: The hon. Opposition House Leader.

MR. NEARY: Mr. Speaker, I would like to direct this question, Sir, to the hon. the Premier but for some reason or other the hon. the Premier is shying away from the House these days so I do not know -

MR. HICKMAN: He was here yesterday, for the record -

MR. NEARY: He was not here all day yesterday, Sir, for the record, or for off the record or on the record. It was not true.

MR. HICKMAN: - every second, every hour, every half hour.

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, my question therefore will have to be directed I guess to the Acting Minister of Public Works. Could the minister inform the House -

AN HON. MEMBER: ~~The Minister of Public Works~~

MR. NEARY: No, Acting Minister, Or Minister, I do not care ~~Public Works anyway~~. Would the minister tell the House if there are any meaningful negotiations in progress at the present time with developers, individuals, firms, companies, corporations, or what have you, in connection with the rental of office space to house part of the public service in this Province?

MR. SPEAKER: The hon. minister.

MR. DOODY: That is a difficult question because of the way it was phrased, Your Honour. The word meaningful could possibly be misconstrued later on. We have, the Province, the government, through the Department of Public Works, has advertised regularly for space as needed. We have not at the present time come anywhere close to finalizing any agreement for space, rental or for building or for extensions to this building or for the erection of another building, or for the leasing of large sections of office space in any building in the Province at the present time. I think

MR. DOODY: that is what the hon. member is getting at, is it? Is that the question?

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

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

MR. NEARY: Do I gather from the hon. gentlemen then that there has been no agreement either orally or in principle or in writing with any developer in this Province to rent a substantial amount of office space? There has been no agreement either in principle - there has been no intent stated orally or in writing to any developer that the government, if certain conditions can be met, that the government will rent a substantial amount of office space either here by Confederation Building or downtown St. John's?

MR. SPEAKER: The hon. Minister.

MR. DOODY: Mr. Speaker, the Government of Newfoundland, through the Department of Public Works, has had discussions with a downtown developer. We have not reached any agreement in writing or in any other way. ~~As for oral communications or discussions~~ I can only speak from the Department of Public Works, from whom the question was asked, and I can assure hon. members that we have made no oral commitments, or written commitments or any other sort of commitments to any developer for space rental, or leasing or building or what have you at this point in time.

MR. SPEAKER: A supplementary.

MR. NEARY: The hon. gentleman can sit down.

MR. DOODY: Why? Sure you are going to keep at me for the next half hour. It is just as well to stand up.

MR. NEARY: Two members are not permitted to stand at the same time in the House, only one is allowed to stand. The hon. gentleman, Sir, just said that discussions have taken place. Well, let me put the question to the hon. gentleman this way; have discussions taken place to the degree that the downtown developer, to

MR. NEARY: whom the hon. gentleman referred,
and I did not bring up that particular -

MR. DOODY: You said downtown, uptown, all around
the circle sort of thing.

MR. NEARY: All right. Have discussions advanced
to the stage where this developer may be carrying on negotiations
with the City Council to change the agreement, and we are talking
about Atlantic Place in this particular instance I presume, if the
hon. gentleman and I are thinking about the same building, to change
the agreement so that at least three floors of Atlantic Place can
be rented to the provincial government to house the 1200 civil
servants? Could the minister confirm this or shed any light on it
at all?

MR. SPEAKER: The hon. minister.

MR. DOODY: Mr. Speaker, the only knowledge I have
of any discussions that might be going on between the owners of
Atlantic Place and with the City of St. John's, are those items
that I read in the newspapers or hear through the other media.
Certainly the Province of Newfoundland, the Government of Newfoundland,
the Department of Public Works is not privy to, nor interested
in, nor involved in any such discussions.

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

MR. SPEAKER: A supplementary.

MR. NEARY: Well, Mr. Speaker, obviously the
hon. gentleman did not get the question. I do not know how -

MR. DOODY: Did the hon. member get the answer?

MR. NEARY: I got the answer all right but I wish
it was Thursday so I could debate the answer. What I am asking the
hon. gentleman, has anybody received for instance sufficient
encouragement from the government that if they can get agreements
changed on their buildings, that they will be almost guaranteed

MR. DOODY: I do not know how many thousand to complete the work. These negotiations and discussions have been ongoing for quite a long while, but we are nowhere close to an agreement. The terms and conditions that the developer feels are necessary are not acceptable to the Province - they are too onerous and too expensive and so we have not come close to reaching agreement. What that has to do with the city council or any discussions the developer may have had with city council is certainly beyond my area of knowledge, confidence or terms of reference, Sir.

MR. NEARY: A supplementary question, Sir.

MR. SPEAKER: A supplementary.

MR. NEARY: There is nothing to be ashamed of, Sir. I mean, I am merely looking for information.

~~The hon. gentleman seems to be ashamed of the fact that~~ the government may or may not rent space in Atlantic Place. We are not ashamed of it, Sir. If it is a good deal, if the government can get a good deal and it does, so what is wrong with it?

MR. DOODY: Do not beat your breast in front of me, mea culpa. I am not interested in what your shames and humiliations are. I am sure they are legion.

MR. NEARY: But, Mr. Speaker, the hon. gentleman must surely be aware that the developer concerned within the last forty-eight hours met with city council carrying on negotiations with city council with the intention of changing the agreement to rent office space to the provincial government to house 1,200 public servants. Well, there is nothing wrong with that. I mean, if the government can get a good deal I see nothing wrong with it, but the minister should be prepared to admit it that it is true.

MR. NEARY: Is there now a proposal before the government from the owners of Atlantic Place? Is the proposal being actively considered? And if so, the minister should not be ashamed of it, he should just admit it.

MR. DOODY: Mr. Speaker, the hon. minister is not ashamed of anything, nor have I tried to deny anything or hide anything. I have said here during the past ten minutes and on several occasions that we have been on behalf of government actively carrying on discussions with the owners of Atlantic Place with a view to acquiring office space - up to three floors, I think it was, and I do not know how many thousand square feet, the numbers escape me. I have also said that we have not been able to finalize an agreement that is acceptable to government. The terms and conditions which the owners feel are necessary for their satisfaction are too onerous for government to find acceptable. There is nothing shameful about that. It is an ongoing discussion. There is no commitment by government, there is no commitment by the owner. What that has to do with the city of St. John's is beyond me. The owners of Atlantic Place hopefully, are also carrying on discussions with the town councils in Harbour Main, Avondale, Wabana - there have been various other places, but they certainly do not affect the Province of Newfoundland or the government's rental requirements.

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

MR. SPEAKER: A final supplementary.

MR. NEARY: Now that I have managed to pry a little bit of information out of the minister I am getting closer now to what the minister knows. The minister knows more actually, than he is telling us.

MR. DOODY: No question about that!

MR. NEARY: Yes, that is right, Sir and I know, because when I ask a question of the minister I usually pretty well have the answer before I ask the minister, and the minister knows that I have the answer. . . And the minister has the answer. So I have to pry it out of him.

MR. DOODY: I have to be very careful about answering you, because I may be accused of misleading the House.

MR. NEARY: Well, if the hon. gentleman misleads the House, he will find out in due course whether he did or not, but, Sir, the question is this - now that we have gotten an answer from the minister, would the minister indicate if any other alternatives are now being actively pursued by the government in case the Atlantic Place one falls through? What are the alternatives? Are they being explored actively at the present time? And what are the other alternatives?

MR. DOODY: The other alternatives, Sir, that have been discussed and talked about - certainly not in detail, but have been discussed for some time - are the possibilities of putting up a public building on this particular area, the possibility of leasing space elsewhere in the area, the possibility of acquiring or buying a building somewhere else in the area, and all the various options as regards the acquisition of space have been looked at and are being examined, and when something more definite along these lines becomes known or becomes available, or if we come anywhere close to an agreement or to a decision, certainly we will be only too happy to inform the hon. member.

MR. NEARY: The House and the people, not me.

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Tape 3586

EC - 4

MR. LUSH:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Terra Nova.

MR. LUSH:

I have a question for the Minister of Labour and Manpower. Sir, in view of the serious effect on the total economy of this Province as a result of the long drawn out strike at Labrador City, and in view of the fact that the company I.O.C., according to latest views, plan to lay off a further 500 people, I think it is, can the minister give the House some significant information, shed some light on the situation with respect to negotiations there? And more precisely, what is the effect of the

MR. LUSH:

involvement of the workers from Northeastern Quebec in these negotiations from Seven Islands and Shefferville and other nearby areas? What is the legal position of the involvement of the workers from Northeastern Quebec? Can the minister shed some light on this because there is a lot of people not knowing what is going on?

MR. SPEAKER:

The hon. Minister of Labour and Manpower.

MR. ROUSSEAU:

Mr. Speaker, I fully appreciate that a lot of people do not know what is going on because even the Minister of Labour and Manpower does not what is going on from hour to hour. And the purpose of the news blackouts, if I may mention that one to suggest that it is not so the people will not get information. The purpose of a news blackout in any given situation is that neither side makes statements that make it more difficult to bargain across the collective bargain table and not to hide away information.

Now I was out of the House yesterday. As hon. members may recall I was on the phone and talked to Mr. Mulroney, who is the President of the Iron Ore Company of Canada, and to Mr. Galligan, who is the Vice-President and in charge of negotiations, and to Mr. Leith, the President of the Union for some five times yesterday between five o'clock and seven o'clock our time.

The situation is this right now, that the company understood that the union were going to vote on the last offer the wage package has been made public by the way through a company news letter. The union had a meeting on last Saturday to have an information meeting and there was a motion put and it was supposed to be a ratification

MR. ROUSSEAU:

meeting on Sunday. As hon. members

know no memorandum of agreement or agreement between a negotiating committee is an agreement until it is ratified by the membership and a motion was made at that meeting that no vote be taken. And it was passed unanimously so no vote was taken on Sunday, they cancelled the vote. In yesterday's conversations with the company, the company have indicated to me that they are not prepared to return to the bargaining table until such time as a ballot, and I think I am assuming that that means in their terms a secret ballot, was held on this wage package. I have conveyed that message to the union yesterday. You know, the things may I am talking from about seven o'clock last night now, that the union felt a telegram should be forthcoming from the company saying to the regional co-ordinator that they were not prepared to return without a secret ballot and then of course the union would have to make a decision on whether they would conduct a ballot on it and return to the bargaining table or not. That of course would be their prerogative. So that information - in passing, we also yesterday wanted to clear up a point that appeared to be confusing to the union in the company news letter that they sent out outlining the details and we are working on that and the company is to get back to the conciliation officers some time today and that will be passed along to the union.

In respect to the Quebec situation, I understand yesterday that three top officials of the Steelworkers held a press conference in Montreal and I have not seen any report on it so I do not know what they said. In the situation the unions have decided that they are going to co-ordinate. I received a wire from the co-ordinator, who is based in Seven Islands and following a telegram - and I am being a little lengthy because the member wants the information I will give it to him and I cannot - if I give the information I have to give

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Tape 3597

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MR. ROUSSEAU: all of it.that on May 15 it was a Monday so the Friday before that,which was May12, I wired the two Newfoundland locals two Labrador locals in Newfoundland and Labrador in Labrador City of the Iron Ore Company of Canada and asked them to return to the table and that was the second time I had done that,and I also asked the company and they did return on Monday, May 15. I indicated in that telegram that my initiative was directed towards the Newfoundland and Labrador locals,to this Province's locals but that if any other locals wanted to sit in on the negotiations they were welcome to it. So meetings were held and as a result this came out now. The unions in Labrador City can choose not to go back without everybody or chose to go back by themselves that is their perogative I cannot order them back to the table unless both sides are prepared to go back.I cannot order the company to go to the table unless they are prepared to go back. I mean,

MR. J. POUSSEAU: there has to be some accommodation there. So the effect on - Now the telegram that I received Tuesday, and I received the same telegram Wednesday except for one added word, from the area co-ordinator, a Mr. McBertie in Seven Islands, who indicated to me that they had refused the latest company offer, that that refusal would be transmitted to the company and that any efforts by me to isolate the locals would not be in the best interest of the collection negotiation. The same telegram to me was sent also to the local union president in Labrador City. I talked to him yesterday and he indicated to me that is not the case, that if they want to go back to the table they are going to go back on their own. So right now we are just waiting for some word from the company to clarify the situation. We will be in contact with the union again. I presume, because the information has been passed along to the company, that if the company is, indeed, as it told me yestery, not prepared to go back to the table unless there is a ballot taken, and I assume they mean a secret ballot, I do not know, then I would assume they are in the process of, or have, or will wire the union to that effect.

MR. T. LUSH: Supplementary, Mr. Speaker.

MP. SPEAKER: Supplementary from the original questioner.

MR. T. LUSH: Mr. Speaker, what concerns me in this situation is the involvement of the workers from Northeastern Quebec and the Minister has not, to my own satisfaction, straightened out some of my own concerns. I am wondering what is the legal position with respect to another union from another province interfering or having some involvement in negotiations in a another jurisdiction, and what complexities this presents to the overall negotiations, and what the Minister can do in this situation.

MR. J. ROUSSEAU: You know, there is no legal requirement that they not be there. If a union decides that they want people around the table on their side of the table, that is their prerogative. The obvious repercussions are very difficult because of the situation you

MR. J. ROUSSEAU: are in, that no matter what happens in Labrador City and Wabush, if the railway goes out, or the strike is down at Seven Islands, there is going to be a limited return to work. Now I have asked the company what the situation would be if there was a ballot taken and the ballot was approved and they went back to work. Indeed, one would reason that there would be no work because the strike is on at Seven Islands. They will take back obviously - and they have said this to the union, as I understand it, across the table, they would take back as many people as they could.

I cannot say to the company and I cannot say to the union who is on either side of the bargaining table. The two people we deal with really, officially, are McBertie in Seven Islands who is the co-ordinator, but unofficially we actually deal with Len Leith, the President of the local union in Labrador City, and Jack Galligan who is the Vice-President of Personnel and Labour Relations for the Iron Ore Company of Canada. These are the two people we deal with, officially with McBertie, but really with Len Leith in effect, because Lawrence McBertie is supposedly the co-ordinator for all the unions on the Quebec North Shore.

Now, legally, there is nothing you can do. I would not tell the teachers, or the Public Service, or any construction industry, or any local in this Province, or any company in this Province, that when negotiations take place who they have on either side of the table.

If they want a co-ordination of all efforts in the Quebec North Shore area, that is their prerogative. The Minister of Labour and the Department of Labour and the conciliation officers are merely an assistance to both parties to reach a collective agreement. There are times when you have to lay out a program to one or the other and say certain things across the bargaining table. I do not think that sort of thing is properly said publicly. Certain things that happen at

MR. J. ROUSSEAU: the bargaining table, of course, would not come out publicly, and they should not. But there are times when the conciliation officer, or a senior official, or myself, may have to say a certain thing to a company or union that may not be pleasing to either one, or both of them.

MR. T. LUSH: Supplementary, Mr. Speaker.

MR. SPEAKER: Supplementary. The original questioner.

MR. T. LUSH: Obviously, since there are two provinces involved that it does create some complexities as they relate to the two provinces, Quebec and Newfoundland. Has the Minister been in touch with his counterpart in Quebec, the minister of labour or manpower, or whatever the title might be, to try to resolve the situation, to bring the two parties together, the two jurisdictions involved.

MR. SPEAKER: Hon. Minister.

MR. J. ROUSSEAU: I met with Mr. Pierre Marc Johnson, who is the Minister of

MR. ROUSSEAU:

Labour and Manpower for Quebec, sometime ago and he indicated to me that he had no intention of becoming involved in the situation on the Quebec North Shore in his jurisdiction. There is also by the way a Federal jurisdiction involved as well and because of the railway it is interprovincial. So he has not been involved. He has been criticized for not being involved I understand. I am down here and I can say in all honesty that I do not think that I have put in more effort on a strike in this Province since I have been Minister of Labour which has been four or five of the last seven years. I have had my deputy minister and I have had my director of labour relations in Labrador City and in Seven Islands or wherever the meetings may be held for seven or eight of the last nine or ten weeks. We have made every possible effort to try and reach a conclusion to the dispute but we have not. We will continue to do so but you know it is not for me to tell - I would be very upset if Mr. Johnson or any minister in Canada told me what way I should handle the labour situation in my jurisdiction and I would assume he would feel the same way if somebody indicated to him how he should handle his in his jurisdiction.

MR. STRACHAN: Mr. Speaker, a supplementary.

MR. SPEAKER: A supplementary, the hon. member for Eagle River.

MR. STRACHAN: I will be very short and I hope the minister will be the same in his answer or reply. Has the company made any request to the minister or applied any pressure on the minister to have the members of the union vote or in any other way affect the strike? Has there been any pressure from the company on that matter?

MR. SPEAKER: The hon. minister.

MR. ROUSSEAU: Mr. Speaker, before I answer that - You know does the hon. member want an answer? I am not trying to drag out the Question Period. I answer a question the way I want to answer it and if hon. members are not prepared to allow me to answer them, or do not want me to answer them the lengthy way, do not ask them. It is a simple as that.

SOME HON. MEMBERS: Oh, oh!

MR. ROUSSEAU: Well good enough. Well do not ask it. I am going to give the answers fully and try and give it as fully as I can. I forget the question. That was on the secret ballot was it?

MR. STRACHAN: Has the minister had any pressure from the company or any request from the company.

MR. ROUSSEAU: Yes I have had some pressures in respect to a secret ballot.

MR. STRACHAN: A supplementary, Mr. Speaker.

MR. SPEAKER: A final supplementary. Only one hon. gentleman if it is going to be final. It does not preclude hon. members from getting back. So I will permit a final supplementary now and then I will recognize the hon. member for Windsor-Buchans and obviously nobody is precluded from getting back to this subject.

MR. STRACHAN: I ask the Premier yesterday concerning these reported moves or statements by IOC in which I later received a call from Mr. Mulroney to say that he did not do it -- it was other officials who did it and certainly it was not him who did it that IOC were going to close down until May 1979 and if so come back as a different form. Could the minister indicate to us whether he views these kinds of statements by the company officials and if it was not Mr. Mulroney it must have been someone else as reported these kind of statements by the company that they are going to move out of Labrador City as pressure by the company on the union to force the union members back to the bargaining table? That concerns me that a company is continually in negotiations using the threat of pull out or close down on a long-term basis in order to try to force negotiations.

MR. SPEAKER: The hon. minister.

MR. ROUSSEAU: I agree with the hon. member that that should certainly not be used during a set of labour negotiations. I think the hon. member and I talked to Mr. Mulroney who said he had phoned the hon. member yesterday and I think that if Mr. Mulroney said that he did not make the statement and Mr. Mulroney is the president of the Iron Ore Company

MR. ROUSSEAU: of Canada and I think he indicated to the hon. member yesterday and indicated to me that as far as he was concerned no official said it with his sanction. So if anybody said it it is not accurate. Mr. Mulroney indicated to me yesterday that they had no intention of pulling out of Labrador City and that indeed they want to get back to work the same as the union does. They want to get the operation going back again.

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

MR. FLIGHT: Mr. Speaker, I have a question for the Minister of Environment. The minister is aware that over the past three or four days there has been some concern in the town of Windsor with regards to a lead content in their water supply. Now I have a great deal of faith in the responsibility of the Town Council of Windsor and in recent days the mayor of Windsor has through the public press indicated that their concern with the level of lead in their water supply and as the minister knows that water supply is the Exploits River. Could the minister tell the House whether or not this is the situation? Just what is the situation with regard to the lead content in that water supply?

MR. SPEAKER: The hon. minister.

MR. MURPHY:

First I would like to apologize to the hon. member because I did tell him yesterday that I had a call from the media in Grand Falls and I had asked my people to dig out some facts on the matter for me. I mentioned it to him I think it was on Tuesday. And perhaps I should have gotten it this morning but I just did not get time to check with them. But they indicated to me there were traces in the water as indicated by the hon. member but they were very insignificant as far as any danger to health was concerned. But they promised to give me the total checking of the whole matter. So on Monday I will be only too happy to bring along the report that they will submit to me in the form of a memo.

MR. FLIGHT: A supplementary.

MR. SPEAKER: A supplementary.

MR. FLIGHT: I do not know if the minister is aware or not but recently within the last two and a half years there was a point in time when tests on that river showed the lead content in the water supply as approaching the danger level, danger to human health. That happened two and a half years ago. So I want the minister's assurance that he will take whatever steps are necessary, do whatever testing is necessary to determine the actual level of lead readings in that water supply and to do whatever has got to be done to guarantee the safety, to guarantee there is no risk whatsoever to the health of the people of Windsor.

MR. SPEAKER: The hon. minister.

MR. MURPHY: I think I can assure the hon. member of that, Sir. This government when we came into power promised that we would look after the interests of the people of the Province and I think we do that as far as we possibly can. Accidents will occur. There are accidents on the roads that I cannot blame on the Minister of Transportation. There are fires happen that I cannot blame Cabinet. But as I told the hon. member yesterday, I will do everything in my power to find out what the trouble is and we will get investigating teams immediately on any danger spots that are there in the water supply for Windsor or on the Exploits.

MR. FLIGHT: A final supplementary.

MR. SPEAKER: A final supplementary.

MR. FLIGHT: Mr. Speaker, I would like to refer this supplementary to the Minister of Municipal Affairs. He has obviously been listening to the questions and answers and I would ask the minister if in spite of what he has heard and if in fact as he is aware that the present Windsor water supply is not an ideal situation and now there is a danger of lead poisoning. There are lead readings in the water. As far as he is concerned is he prepared to put the utmost priority on the hooking up of Windsor to the regional water supply and if he would indicate to me now as to when he sees this actually happening and thereby eliminating any dangers that presently exist in the present water supply?

MR. SPEAKER: The hon. Minister of Municipal Affairs.

MR. DINN: Yes, Mr. Speaker, as the hon. member knows or I assume he knows we have had some design work done this year. I am not quite sure if that design work is complete or if I have it in my office. But if it is, if it indicates - and of course we have health people working on our Capital Projects Committee - if they indicate that of course there is a danger we are currently looking at the possibility of hooking up Windsor for many reasons one of which is health. The other reason is the fact that they are burning out pumps and it is just about going to break the town if they do not get something done with it. So we are looking at that very carefully. It is on a very high priority with me because I have kind of an obligation to Windsor and I am indicated to the hon. member and to the people of Windsor and to the council of Windsor that we will do whatever we can.

ORDERS OF THE DAY:

MR. SIMMONS: Mr. Speaker -

MR. HICKMAN: Mr. Speaker, I do not want to upset the hon. gentleman for Burgeo-Bay d'Espoir but if he wants to orate for two minutes and twelve seconds I would be -

MR. MURPHY: Could I ask that he be allowed to start now and continue all afternoon and all over the weekend while we are not here.

MR. HICKMAN: Well I will do my best.

MR. NEARY: By leave, Mr. Speaker.

MR. HICKMAN: I think it is worthy of note that the hon. Opposition House leader wants to by leave accede to the suggestion of the hon. member for St. John's Center, that we all leave and leave the hon. gentleman for Burgeo-Bay d'Espoir (Mr. Simmons) to speak all by himself.

MR. NEARY: The minister wants the member to speak, the House to stay in session and speak for the weekend and we agree to that.

MR. HICKMAN: No, no. Mr. Speaker, I heard him very distinctly. He said we will all go home and we will allow the hon. gentleman for Burgeo-Bay d'Espoir to speak on over the weekend and then when we come back on Monday we can get down to work.

Now, Mr. Speaker, I move that the remaining Orders of the day do stand deferred and that this House on its rising do adjourn until tomorrow, Monday, at two of the clock and that this House do now adjourn.

MR. SPEAKER: It has been moved that the House adjourn until Monday at 2:00 P.M. The remaining orders of the day do stand deferred. Those in favour 'Aye'. Contrary 'Nay'. Carried.

The House stands adjourned until Monday at 2:00 P.M.

I N D E X

ANSWERS TO QUESTIONS

TABLED

MAY 26, 1978

ANSWER TO QUESTION NO. 103 ASKED BY THE MEMBER FOR
BAIE-VERTE - WHITE BAY DIRECTED TO THE HONOURABLE
THE MINISTER OF TRANSPORTATION & COMMUNICATIONS
APPEARING ON ORDER PAPER OF MAY 10, 1978

May 26/78

1. Allied Chemical Canada Limited
2. \$314,400. Allied Chemical Canada Ltd.
3. CALCIUM CHLORIDE

Wiltondale to Trout River	9 miles
Hampden to the beaches	4 miles
Pollards Point to Schooner Cove (Sops Arm)	4 miles
Lourdes to Main Land	11 miles
Lourdes to Black Duck Brook	4 miles
Point au Mal to Fox Island River	2 miles
Through Maddis Point	1 mile
Through Gallant	1 mile
Goose Arm Road	0.2 miles
Through Mings Bight	2.0 miles
Through Nippers Harbour	2 miles
Through Pacquet & Woodstock	4 miles
Through Burlington	2 miles
Through Smiths Harbour	1 mile
Through Middle Arm	1 mile
Seal Cove Road	12 miles
Coachman Cove Road	3 miles
Fleur D'Lys Road	14 miles
Port Anson - Miles Cove	2 miles
Norris Arm North & South	6 miles
Comfort Cove Road	9 miles
Port Albert, Horwood, Stoneville	6 miles
Twillingate Island	8 miles
New World Island	27 miles
Aspen Cove, Ladle Cove	4 miles
Musgrave Harbour, Lumsden, Deadman's Bay	5 miles
Fogo Island	32 miles (flake calcium applied by Dept. forces.)
Cape Freels, Newtown, Pound Cove	3 miles
Salvage, Burnside Roads	11 miles
Traytown - Cull's Harbour	4 miles