

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
2:00 p.m. - 6:00 p.m.  
TUESDAY, MAY 9, 1978

The House met at 2:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

I am pleased to welcome to the House of Assembly a delegation representing the Port Blandford to Winter Brook Rural Development Association, and the five gentlemen are Mr. Edward Hall of Musgravetown, Mr. Herbert Hounsell of Port Blandford, Mr. Irving Matthews of Musgravetown, Mr. Roy Oldford of Bunyan's Cove and Mr. David Newell of Lethbridge. I know hon. members join me in welcoming these gentlemen to the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

STATEMENTS BY MINISTERS

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, we are all aware that one hon. member, hon. gentleman has presented to this House various documents, purported affidavits, signed, we are told, by one, Andrew Davidson. It must be pointed out that this hon. member has presented the documents without specifically acknowledging the truth and the validity of their contents. It is critical, I suggest, that we realize just what has been tabled for public consumption.

An affidavit is an assertion under oath by a person that such and such is true. It does not mean that what he says is in fact true, but merely that he asserts it to be so. If in fact Mr. Davidson did sign these affidavits, I think it is important that this House seriously consider why he has allowed and/or encouraged them to be used in the fashion in which they have been used. If you or I consider that an injustice has been done to us, we would immediately apply to a court in order that this injustice could be corrected and punished.

Sir, I ask why has not Mr. Davidson brought these alleged wrongful practices on the part of certain individuals before the tribunals? Is Mr. Davidson afraid that the court would dismiss his accusations as being completely unfounded and motivated quite possibly by others than himself? Mr. Speaker, I am convinced that the courts

Premier Moores: would reject these allegations as the fabrication of a person who apparently for purely partisan, political motives intend on weakening the credibility of the government so that he can further his own ends.

Mr. Speaker, I do not fear the courts. In fact, I believe that all of Mr. Davidson's allegations of wrongdoing are submitted to the courts, he will be shown to be the kind of individual that I believe he is. Mr. Speaker, since these unsubstantiated allegations were tabled by a member of the Opposition, the image of this Province had been tarnished in the eyes of our fellow Canadians from Coast to Coast. As well, the allegations and the other various charges are completely dominating proceedings and this disruptive activity has been held by the member for LaPoile (Mr. Neary), aided and abetted, I suggest, Sir, in every way by the Leader of the Opposition.

I would suggest, Sir, that because the matters are in the capable hands of the RCMP we give our full attention to the more important business of the Province. However, Sir, to set the record straight, and to erase any doubt that the true state of my alleged involvement, I have retained legal counsel and have instructed that proceedings be instituted immediately through the court for defamation and libel. I am not afraid to bring this matter to the courts, nor, Sir, am I at all concerned, although I am sure that Mr. Davidson and others will be, of the results of the investigation which the government has ordered and is presently being conducted by the appropriate law enforcement authorities. Mr. Speaker, the allegations which Mr. Davidson has allowed to be presented by a member whose motives I have personally questioned, are totally and completely false with respect to any personal involvement on my part.

I shall sue Mr. Davidson, and eagerly await to see if he will attempt to contest my lawsuit. I have nothing to hide. I have done no wrong, and I am willing to let the courts of our country judicially examine this entire affair. It makes me, Sir, extremely

Premier Moores:       angry that by addressing this subject I am to some extent, I suppose, dignifying a person whose accusations are so unfounded and false he should, by normal standards, be completely ignored. It makes me even more angry, Sir, that a member of this Legislature, the member for LaPoile (Mr. Neary), as he must realize, has been influenced by people such as Mr. Davidson. I do not know what sort of relationship the member for LaPoile has with Mr. Doyle or Mr. Davidson. I have no idea. What I do know is that the member has yielded to the influence of Mr. Davidson. What I do know is that the member has a responsible obligation to act with dignity and decency towards matters relating to this hon. House, and individuals within and without it.

PREMIER MOORES: This, in my opinion, Sir, has not been the case. The most upsetting aspect of all this is the fact that a person living at Panama, who does not dare come to this Province voluntarily and make any statements, can not only make statements in the Province but with the co-operation of the Opposition make them through a member of this House with immunity. Mr. Speaker, to make matters worse all that has transpired has been aided and abetted and encouraged by the Leader of the Opposition and, I assume, by his party. I hope, Sir, that when I have vindicated by the courts on this particular matter, the Leader of the Opposition together with the member for LaPoile (Mr. Neary) will take the only hon. course of action.

Mr. Speaker, I call upon Mr. Davidson and the member for LaPoile to indemnify me for the falsehoods that have been circulated. The member for LaPoile has made allegations inside the House of Assembly where he hopes he has immunity. Last night, Sir, I heard the member for Eagle River state that the member believes the allegations to be true. Therefore, Sir, I am sure that the member for LaPoile will have the courage to make these same allegations outside the House where, as he well knows, he does not enjoy the same immunity as he does within this House.

SOME HON. MEMBERS: Hear, hear!

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

MR. W. N. BONE: Mr. Speaker, I rise on a matter of privilege, a matter affecting the privileges of this hon. House and every member in the hon. House. I rise, Sir, at the earliest possible opportunity. It is a matter of distinct

MR. M.N. ROWE: from the matter raised by the hon. the Premier. I understood that he was rising too from the tenor of his statement on a point of privilege and therefore I did not interrupt, hoping perhaps that he might have also touched on the matter that I am going to raise myself.

Sir, the matter I rise on is a grave and serious matter affecting the privileges of this hon. House and, I believe, Sir, every hon. member of the House of Assembly. Sir, I intend to move a substantive motion at the conclusion of my remarks and, therefore, Sir, some of the language which I use in my statement which might otherwise be termed unparliamentary or out of order, Sir, are made and said and stated in keeping with my commitment to move a substantive motion regarding this matter. My point of privilege, Sir, is that the Premier of this Province, aided and abetted by a minister or by ministers, has deliberately misled this hon. House in a matter involving tens of millions of dollars of public money. I submit, Sir, that the deception and the misleading of this House and its members by the Premier concerning this matter has been systematic and continuous, beginning in the first session of the House in 1976 following the general election of September 1975, continuing into the session last year, 1977, and culminating in this present session with remarks made by the hon. Premier in reply to a question asked in this House yesterday.

I will now quote directly from Hansard, Mr. Speaker, the words which, I submit, deliberately and systematically misled this hon. House, and I will be tabling these excerpts from Hansard, Mr. Speaker. The first reference I would like to make is to May 13, 1976. It is a question by my colleague, the member for LaPoile, referred to in Hansard as, of course, Mr. Neary: "Mr. Speaker, I would like to direct a question to the hon. Premier, Sir, in connection with the rental of

MR. W.N. ROWE: Office space now for the government. Could the Premier outline for the House whether or not the agreement with Trizec is off and if the government have been approached by Mr. Morgan or Mr. Andrew Crosby to try and persuade the government to rent space in Atlantic Place? And is the government going to rent space in Atlantic Place? And thirdly, what is happening to the Dobbin deal? Is that still on or is it off? What is the situation now regarding renting of office space for government offices." Premier Moores, referred to in Hansard here on May 13, 1976: "First of all in answer to the first question, Mr. Speaker, there never was any agreement as such to my knowledge with Trizec. Secondly, regarding where the government is going to rent space, it is under consideration now and when we have made up our minds we will gladly pass that information along. When we have made up our minds, Sir. May 13, 1976. A little further down, Mr. Neary: Well, Mr. Speaker, a supplementary to the Premier. In connection with the rental of office space, whether it be from Atlantic Place, Mr. Dobbin or Trizec, would the Premier

MR. W. ROWE: indicate if public tenders will be called for the rental of office space or just what procedure will be used." And then there is an interjection. "Mr. Lundrigan: For rental a tender call? Mr. Neary: Calling of tenders, yes, for rental. Premier Moores: Mr. Speaker, AS I have said before, it can be done on a proposal basis. It can be on tendering if it is for a particular building, but it is impossible to tender space which may have different criteria. Some space may have different, well not just cost but different amenities and all the things that make up what space means, what partitions are there, what services are there and so on. Ottawa and none of the provinces tender, to my knowledge, for that sort of proposal, what they do is call a proposal and accept what seems to be the most beneficial to the government. Mr. Neary: A supplementary," which was allowed, "Could the Premier tell the House if the government have invited proposals in recent weeks in connection with the rental of office space and if so what firms have they asked for quotes?" And as May 13th., Premier Moores answers, "Not in recent weeks, Mr. Speaker."

Mr. Speaker, on June 3rd., 1976, the following exchange took place during Oral Question Period. "Mr. Roberts," the hon. member for the Straits of Belle Isle, "My question would be addressed to the Minister of Manpower who was in the Chamber a moment or so ago but seems to have gone out for a moment or so, no, here he comes. Well let me ask one of the Minister of Public Works while the Minister of Manpower is on his way back to his seat, Could the minister bring us up to date with respect to the government's negotiations to obtain additional office space? This seems to be causing a lot of comment. The tenders were called last year, were they not? There were some tenders called for office space, or an office building, or proposals on an office building or space, the big building, the one that we are all so interested in, and so badly needed, obviously, at least in part, could the minister bring us up to date on that please, Sir?" The hon. Minister of Public Works and Services, says, "Mr. Speaker," and his



MR. W. ROWE: name, Dr. Farrell, as of June 9th., 1976, Dr. Farrell states, " Mr. Speaker, we did receive proposals publicly last year but nothing further has been done up to this date," June 3rd., 1976, "a decision has not been made and when it is made I will be announcing it to the House. Mr. Roberts; Mr. Speaker, in view of the repeated statements by members of the government that there was some urgency about acquiring additional space, could the minister tell us when some decision might be expected to be made? I am not asking for a day but I am asking for a reasonably time frame indication, particularly in light of the fact that these tenders were called a year ago. Dr. Farrell; Well, Mr. Speaker, I am glad to say that I will be delighted to make the announcement in due time, when the Cabinet decides on what course to take." June 3rd., 1976. " Mr. Doody; When you get the dollars. Dr. Farrell; When we can find the dollars. Mr. Roberts; A further supplementary. I thank the minister because he is obviously answering questions. Could the minister tell us whether the prices submitted a year ago, and I assume the proposals involved cost, whether those proposals are still valid, given the fact that a year has passed and costs have obviously escalated? And if they are not valid, could the minister tell us whether further proposals will be called or do the government propose to award this contract without calling further tenders?"

"Mr. Speaker; The hon. Minister of Public Works and Services. Dr. Farrell; Mr. Speaker, I cannot answer at the moment how valid they are because no further discussions have taken place with the individuals concerned. Mr. Roberts; In other words, the minister's officials have not gone back to these companies and said, Are you prices still holding there now? Dr. Farrell; No, there have been no discussions officially at all, at any time since that as far as I know, to my knowledge." This is June 3rd., 1976. "As far as the future is concerned, as I have said, this will be discussed. We may indeed go back, you know, to look at this and probably will, but at

MR. W. ROWE:                   this time there is nothing being done in that matter." And there are other extraneous references in the same Question Period.

February 7th., 1977, Mr. Speaker,  
a question by the hon. member for LaPoile, "Mr. Neary; I would like to direct a question to the Minister of Public Works and Services. Would the minister tell the House what has transpired recently and if any decisions have been taken in connection with additional office space to house the public servants? Mr. Rousseau; Mr. Speaker, nothing has happened recently. First of all, the federal study we had done a couple of years ago is being updated. This is a division of the Federal Department of Supply and Services who we retained, I think, two or three years ago and we are now having them update their study of two or three years ago which we hope to have"

MR. W. ROWE: "Mr. Roberts: Four years ago. Mr. Rousseau: Four years ago it was. By May of this year we would hope that that would give us an indication of what space we need based on certain limitations they have in respect to the space requirements of individuals and so on." Continuing with Mr. Rousseau on February 7, 1977, "In the meantime, I think what the hon. member is getting at is Atlantic Place, and what the hon. minister said, and said it over and over again, is that there are a number of options open to the government - building its own building, lease a building, stay like it is, or Atlantic Place or any other large area. It is merely one of the options available because there was a large amount of space there." February 7, 1977, Sir. "The minister nor the government did not say it was going to take space in Atlantic Place, it did not say it was going to build its own building, or lease a building, but it is one of the possible options when you look at the amount of space that is required by the various government departments. So it is merely one of the options available. No decision has yet been taken." February 7, 1977 that was, Sir.

"Mr. Speaker: A supplementary." By Mr. Neary. "My supplementary is directed to the hon. the Premier. Would the hon. the Premier tell the House whether or not the hon. gentleman intends to proceed with the suggestion that the Premier made in the last session of the House that a special committee of the House would be established to look into office space to house the public service in this Province? Does the Premier still intend to follow that procedure? Premier Moores: I do not know if that suggestion was made in the House or behind the curtain, Mr. Speaker. Mr. Neary: In the House. Premier Moores: But the fact is that I think there is no question whatsoever that office space is needed for the sake of efficiency. This is always a very delicate situation when it comes up because there are all kinds of intonations read into it and what can happen and so on. But certainly I would hope it would be the subject

MR. W. ROWE: of the Department of Public Works presentation after which time we would look at the requirements. We can either have a select committee of the House on the matter or the government could put forward a proposition which can be debated by the House, either one." This is February 7, 1977, Sir.

A supplementary by Mr. Neary: "Would the hon. minister tell the house whether it is the minister's intention to lay on the table of this House the report of the Federal-Provincial Task Force that the minister just spoke of that is updating the matter of office space to house the public service in this Province?

Mr. Rousseau: I will take the question under advisement, Mr. Speaker. The study is merely for departmental study, for the edification of the Department of Public Works officials, it is not meant to be any secret document. I am sure the federal department would not in any way tell us anything of a policy nature. All they are saying is that you have so many people, you need so much space and here are the obvious options that you have. In consultation with my colleagues I will take it under advisement." The then Minister of Public Works, Sir, referred to as Mr. Rousseau.

On March 7, 1977, there are some references made, Sir, which I will table which bear on the matter but which I will not read out in the House at the present time. On March 28, 1977, Sir, the following exchange took place, March 28, 1977. "Mr. Neary: Now I hope the hon. minister" referring to the hon. Minister of Public Works, then referred to as Mr. Rousseau here, "I hope the hon. minister does not think I am a mind reader, I just got the information now. But, Sir, would the minister care to tell the House if a Task Force that is looking into this whole matter of office space has yet completed its work and has submitted a report to the minister?" The Minister of Public Works, "Mr. Rousseau: Mr. Speaker, the last date that I was told was May, we hope to have it by May, so I will say May or June. That is the update of the study

MR. W. ROWE: that was done a few years ago by the Federal Department of Supply and Service, the division which we are using. So the last date I heard is May, so I will say May or June I anticipate having it." Which is March 28, 1978. " Mr. Neary: Can the minister assure the House then that in the interim period while the minister is waiting for this report that if office space is required, such as the Minister of Justice, that public tenders will be called for such office space and that the award will go to the lowest bidder? Can the minister assure the House that that will be the procedure?" And on March 28, 1977, Sir, Mr. Rousseau said "Yes. The minister can assure the hon. member " in answer to that question.

On May 13th, Sir- I have one or two other references here- 1977, "Mr. Neary: My question, Sir, is directed to the hon. the Premier. Would the hon. Premier now care to give an updating on the rental of office space because there is still all kinds of space available being rented in various locations in St. John's? Partitions are being put up, hauled down, etc., etc. Can the Premier tell us what the government's

MR. W. N. ROWE:

position is on the future of office space?"

"Premier Moores: In general terms, Mr. Speaker, the situation is that the group from the federal government made available regarding the - to do a study on what square footage is available and what efficiencies are desired. They will have their report finished, as I understand it - the Minister of Public Works is not here now - as I understand it within another ten days to two weeks. As soon as that is received, appropriate action will be taken."

Mr. Neary asked a supplementary question: "Will the hon. Premier indicate to the House whether the government, the hon. Premier would follow a recommendation made by the Premier to this hon. House last year - in this hon. House last session with an impartial committee of members representing both sides of the House would be set up to take a look at the office space problem for the government?"

"Premier Moores: No reason why not, Mr. Speaker. Because of the controversy that was raised the last time it may be a good idea to do. But before making a final decision on that we will wait for the report from the Department of Public Works." (May 13, 1977)

Sir, on May 17th of the same year, 1977, Mr. Neary again: "In connection with the rental of office space would the Premier indicate to the House if the report is yet in and what action the government are going to take in connection with the office space problem?"

And the Premier says: "I understand, Mr. Speaker, the report actually arrived either yesterday or will be arriving today. It will take about a week or ten days to analyse it and hopefully after that there will

MR. W. N. ROWE: be some decisions made as to which direction we will go." (May 17, 1977)

On June 2, 1977, Sir, the following exchange - and this is perhaps the most important of all the exchanges - took place in this hon. House - again, "Mr. Neary: I wonder if the hon. the Premier would give the House an updating now that they have received the report of the Task Force? Has any decision been taken whether the government is going to build the new building, an extension to Confederation Building, a new House of Assembly, or whether the government is going to go for the proposals that have been made from downtown developers to rent office space?"

"Premier Moores: Mr. Speaker, an answer to that is that the report, as I advised the House, has been received; it has been given to the Department of Public Works and others associated. And somebody said it is only a draft - yes, I know, only a draft report, but it has been given to the appropriate officials to do the proper analysis and that has not yet been received, but I would think is probably momentarily to get it, one or two days, I would think."

A supplementary by Mr. Neary: "Would the hon. Premier indicate to the House if the hon. gentleman will be keeping his commitment of appointing an independent committee representing members of both sides of the House to look over the report and to make recommendations before the government decides what course of action they are going to take in connection with office space?"

The hon. the Premier mentions the report, Sir, but does not say anything regarding any commitment.

MR. W. N. ROWE: Further down, Mr. Neary says this: "Could the Premier assure the House that no deals, that no commitments have been made to private developers to rent office space either on a short term basis or a long term basis until the government has the report in its hands and decides what the future is going to be as far as government new buildings or office space is concerned?"

And the Premier's answer, Mr. Speaker, to this hon. House, June 2, 1977, is as follows: "Premier Moores: I most certainly can, Mr. Speaker. There have absolutely not been any commitments made to any developer with office space or without." June 2, 1977 - a statement made to this hon. House by the Premier of the Province.

Mr. Speaker, a number of other statements were made on March 10, 1978 of this year, which I will table, which are relevant to anyone who wants to pursue the matter.

On March 9, 1978, Sir, the same thing. And, Sir, finally as far as Hansard is concerned, Sir, May 8, 1978, yesterday in this hon. House, "Mr. F. Rowe: Mr. Speaker, a question for the hon. the Premier. In view of the fact that I am sick and tired of driving constituency delegations all over the city to the various government departments that are scattered in the city, has the government any intention or plans to build a new government building or an extension to the Confederation Building?"

"Premier Moores: First of all, Mr. Speaker, I am very sorry the hon. member is sick and tired. Also, Sir, there is no immediate plans right now to build an extension to the building, no."



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MR. W. N. ROWE:

A supplementary by Mr. F. Rowe:

"In other words, Sir, what the Premier is saying is that no arrangement has been made with anybody at all to provide for a new government building or an extension to the Confederation Building? Is that correct?"

"Premier Moores: I think that is what I said, Mr. Speaker. That is what I meant to say."

MR. W.N. ROWE:

A supplementary by Mr.

F. Rowe: "Would the Premier mind answering the question? Did the Premier think he said it, or did he say it, Sir?"  
Premier Moores: Both." "Mr. Speaker," a supplementary by Mr. Neary: "Is the Premier saying in answer to my hon. friend there was no deal with Atlantic Place to rent office space and there was no deal with anyone else to put up a new building or to put an extension on Confederation Building? Is the Premier saying no to that question?"  
Premier Moores: First of all, Mr. Speaker, the hon. member asked if there was a deal with Atlantic Place as a supplementary."

Then, Sir, the matter goes on for a little while here until, Mr. Speaker, a little further over in Hansard, Mr. Neary asked the following supplementary: "Is the Premier indicating that there is no arrangement, or is he indicating that there is an arrangement to put up a new building for office space? I am not quite clear, the Premier has me confused, will the Premier just tell me yes or no? Is there an arrangement or an agreement to put up a new building, that is all?" And, Mr. Speaker, Premier Moores replies as reported by Hansard; "Mr. Speaker, I have already answered once. Maybe if one of the pages could come I could spell it out for the hon. member. It is just n-o, Sir. He can get a translation from his colleague the Leader of the Opposition."

These, Sir, were the statements made by the Premier and various ministers in reply to the questions raised since 1976 as to whether there was any arrangement or any deal with anybody outside to build an office building in this Province.

Mr. Speaker, late yesterday afternoon two documents came into my possession following

MR. W.N. ROWE: the answering of the questions by the Premier. One of these documents, Mr. Speaker, is a copy of an agreement. The day and the month of the agreement are left blank, but the year is dated to be 1975. The agreement, Sir, is between Her Majesty the Queen in right of Newfoundland, represented by the Minister of Public Works and Services, called in the agreement, the government, and Craig L. Dobbin, called in the agreement, the developer. And, Sir, I have copies of that agreement which I will be tabling in the House when I have concluded my statement.

I think it important, Sir, that I refer for the record to various matters mentioned in this agreement. The preamble of the agreement says: "Whereas the developer (Mr. Dobbin) proposes to build an office building hereinafter called the demised premises upon all that piece or parcel of land situate off Higgins Line in the City of St. John's in the Province of Newfoundland and being described in appendix (a) as set out hereto annexed - I confess, Sir, that my document does not have appendix (a) attached to it which would describe the land - and whereas the government is desirous of leasing from the developer (Mr. Dobbin) approximately 408,000 square of office space for a term of twenty years; now this agreement witnesseth that for and in consideration of the mutual covenants and agreements by and between the parties hereto - the government and the developer - the developer hereby offers to lease to the government and the government hereby agrees to take on lease office space totalling approximately 408,000 square feet in a building to be erected by or on behalf of the developer for the term, the twenty year term, subject to the payment of the rentals and other conditions hereinafter provided on land more particularly described an set out in appendix (a) annexed, which land the government hereby agrees to

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MR. W.N. ROWE: lease to the developer  
from the date of execution of this agreement to the  
expiration of the term of the lease."

Sir, the agreement goes  
on to state its major terms which can be perused by  
anybody who cares to read it. Since I am going to table  
it, it will be a public document. "The minimum rental  
for the demised premises" - I will refer to the major  
points - "Shall be" -

Mr. W. Rowe: this is 1975, "Shall be \$8.35 per square foot per annum payable by equal monthly installments in advance," \$8.35? You have not heard anything yet, my son, if you think that is disgusting.

"The government as the lessee shall have the option to purchase the demised premises at the expiration of a twenty year for the sum of \$1.00 by giving at least one year prior written notice of its intention to exercise the option to the developer." In other words, Sir, the leaseback deal. The developer undertakes to have the building substantially completed and so on.

During the term of the lease the government, Sir, if you think \$8.35 may be a nice little rental in its own right, the government, Sir, undertakes in this lease, in this agreement to lease, undertakes to pay all expenses whatsoever in connection with the maintenance of this building that is proposed to be built. The government undertakes to lease to the developer the land for the \$1.00, to pay all business taxes or other similar taxes in association with the premises, all rates and taxes, costs of the supply of all utilities and related services required and without limiting the generality of the foregoing, the government agrees to pay all operational costs of lighting, heating, air conditioning plumbing, elevators, electricity, water and gas, repairing, maintaining, and if necessary, the alteration of the above, all water and property taxes, if any, management, maintenance, engineering, and security staff, at its own expense, all insurances in connection with the building, Mr. Speaker, with an insurance company mutually agreed on by the party, maintain and operate at its own expense, the walkways, landscaped areas, entrances to the premises. If the method of collecting taxes or rates or charges render the developer libel in any way the government agrees to reimburse the developer, and any payment made by the developer. And the demised premises shall be measured in accordance with the provisions of Appendix D, which, Sir, I will be referring to, this famous Appendix D, a little later on.

Mr. W. Rowe: Mr. Speaker, during the period prior to the commencement date, and it goes on with a few other matters which can be looked by anybody who is interested in it. Disputes arising under the agreement, Sir, are subject to arbitration in the normal way under the Judicature Act of Newfoundland. And the agreement, Sir, calls for, of course, the execution of a lease of the premises and so on upon a certain period of time after the submission of plans and specifications and the lease itself. In witness whereof-

AN HON. MEMBER: Who is it signed by?

MR. NEARY: We will come to that, just take it easy.

MR. W. ROWE: We are getting to that, Sir.

MR. NEARY: The hon. gentleman will get the shock of his life.

MR. W. ROWE: In witness whereof -

MR. SPEAKER: Order, please!

I would like to point out to the House the Speaker's function here, and indeed the procedure here, I read from May, Page 346, "As a motion taken at that time for matters of privilege is thereby given precedence over the pre-arranged programme of public business, the Speaker requires to be satisfied both that privilege appears to be sufficiently involved to justify him in giving such precedents (or as it is sometimes put, that there is a prima facie case that a breach of privilege has been committed), and also that the matter is being raised at the earliest opportunity."

And then in the next paragraph much the same thing is said. "It has also been laid down that the Speaker's function in ruling on a claim of breach of privilege is limited to deciding the formal question whether the case conforms with the conditions which alone entitle it to take precedence of the Notices of Motion and Orders of the Day standing on the Order Paper of public business, and does not extend to deciding the question of substance, whether a breach of privilege has in fact been committed, a question which can only be decided by the House itself."

Mr. Speaker: I say that in order to remind hon. members that after I have heard what argument there is, I shall then have to make a decision on the earliest opportunity and prima facie, and then depending on that, then obviously whether there would be a motion and the substantive matters entered into. I just point out that there is a preliminary step, before the substantive matters herein referred to are decided by the House, a preliminary step on which I have to make a decision. I point that out so that our procedures there are clear. In other words,

MR. SPEAKER: substantive matter would come or should come at a later date depending on the primary consideration on which I have to make a decision.

The hon. Leader of the Opposition.

MR. W. ROWE: Thank you, Sir. Your Honour, I will try to be very brief now and finish up with some of the substantive matters which I am raising here.

The agreement, Sir, to lease includes with the following information; "In witness whereof the hon. Dr. Thomas C. Farrell, Minister of Public Works and Services, acting for and on behalf of Her Majesty, the Queen in Right of Newfoundland, has hereunto his hand and seal subscribed and set and Craig L. Dobbin has caused this agreement to rent to be duly executed, Signed, sealed and delivered by the hon. Dr. Thomas C. Farrell, Minister of Public Works and Services, acting for or on behalf of Her Majesty the Queen, in Right of Newfoundland, in the presence of, and we have, Sir, a signature over the name of the hon. Dr. Thomas C. Farrell, and above it the name which appears in somebody's handwriting and appears to me to be the name, T. C. Farrell, or T.C. Farrell, M.D. And, Sir, it is witnessed by a signature, Sir, which on any reasonable examination can only prove to be the following words and letters, F. D. Moores.

SOME HON. MEMBERS: Shame! Shame!

MR. W. ROWE: Signed, sealed and delivered by Craig L. Dobbin, Sir, and then there is the name Craig L. Dobbin, and a signature above that and another signature which I cannot read.

The important points concerning this agreement, Sir, just to summarize, because I realize I was perhaps a little bit lacking in conciseness going through it, the agreement, first of all, is dated 1975, although there is no date or month. The



MR. W. ROWE: amount of space to be rented is 408,000 square feet, the length of the term of the lease is twenty years at which time the government buys the building for \$1. The minimum rental, the minimum rental, Sir, as set out in the agreement is expressed to be \$8.35 per square foot. All expenses of any kind whatsoever in connection with the building are the responsibility of the government, not the developer. That means, Sir, that means that the developer would make a net revenue of \$3,406,800 per year, nearly \$3.5 million per year -

MR. NEARY: Scandalous! Scandalous!

MR. W. ROWE: - on this agreement.

MR. NEARY: For twenty years.

MR. W. ROWE: Over the twenty years life of the lease, Mr. Speaker, the developer would receive \$68,136,000 or nearly \$70 million of public money -

MR. NEARY: What a scandal.

MR. W. ROWE: - for this building.

MR. NEARY: What a scandal.

MR. W. ROWE: Twenty years times the nearly \$3.5 million, Sir, which I have referred to.

PREMIER MOORES: Where is the building?

MR. W. ROWE: Remember, Sir, that these figures are expressed to be minimum rental figures in the agreement itself. The agreement as I said, Sir, purports to be signed by the Minister of Industrial Development and is witnessed by a signature which appears to read, as I said, F. D. Moores, Sir. Appendix (d) to the agreement, Sir, which would be interesting for hon. members to look at, states that the rentable area will include, among other areas, the other areas in the building, will include air ducts, flues, vents, stacks, pipe shafts, vertical ducts, air conditioning shafts and ducts.

MR. NEARY: What about toilet seats?

MR. W. ROWE: Toilet rooms are all included in it.

MR. W. BOWE: The other document, Mr. Speaker, which has come into my possession is expressed to be a true copy of a directive approved by Cabinet at a meeting held on August 18th., 1975. The records, Sir, will show that the date of that Cabinet meeting was just one week before the general election was called on August 25th., 1975. That is when that Cabinet meeting was held, Sir.

I have a copy of the directive, which I will be attaching to my statement, and which will be tabled in this hon. House.

The Cabinet directive begins as follows, Sir, I, for the record, state this; "Ordered that the following proposals submitted by Mr. Craig L. Dobbin, St. John's, with regard to the construction of an office complex for the government situate immediately west of Confederation Building be and they are hereby approved in principle, subject to the submission to Cabinet of satisfactory plans and specifications based on analysis of the project by the Department of Public Works and Services," then headed up, Sir, by my hon. friend, the present Minister of Industrial Development.

MR. W. N. ROWE: Mr. Speaker, the Cabinet directive then goes on to approve the major points and the details basically of the agreement which I have already referred to including the approximate amount of space to be rented, 400,000 square feet, the rental period of twenty years with the government having the option to purchase for the sum of one dollar, and the minimum rental of \$8.35 per square foot per annum. As in the agreement, Sir, so in the Cabinet directive, all expenses in connection with the building are basically to be paid by the government and not the developer. The copy of the Cabinet directive, Sir, which I will not go through in any detail-as I say, I will make it public - a copy of the Cabinet directive purports to be signed by the Secretary of the Cabinet and above that appears the name, which I have seen many times as a former minister of the government on Cabinet documents and so on, appears to me to be J. G. Channing - this particular document.

Mr. Speaker, I submit humbly, Sir, to Your Honour, it is clear from these two documents that the Premier and at least one minister, maybe more, have deliberately misled this hon. House on this very serious matter.

Among the many references to Hansard which I have already given, I particularly mention the answer of the hon. the Minister of Industrial Development given to the member for the Straits of Belle Isle (Mr. Roberts) which I have already referred to, on June 3, 1976; I refer also to the answer of the hon. the Minister of Labour and Manpower, referred to in the Hansard as Mr. Rousseau, given to the member for LaPoile (Mr. Neary) on March 28, 1977 - a firm denial, Sir.

MR. W. N. ROWE: As far as the Premier is concerned, his answer given on June 2, 1977 replying to the member for LaPoile (Mr. Neary) that there have absolutely not been any commitments made to any developer concerning office space, directly and deliberately misleads that member, Sir, and, I would submit, this hon. House. Similarly, Sir, yesterday, May 8th, the Premier wrote out the answer, "No", as the Hansard would clearly show, and initialled the piece of paper in answer to the direct question by the member for LaPoile as to whether or not there is an arrangement or an agreement to put up a new building, Sir. And I will be tabling that document as well.

Let me conclude, Sir, by saying legal advice which I have received on these documents, backing up my own feeling, Sir, as a lawyer, on the matter, having studied them and looked at them, is to the effect that such an agreement or memorandum of agreement - whether it possesses a seal or a date or not, is irrelevant, Sir - such an agreement or memorandum of agreement backed especially by a Cabinet directive purporting to be a true copy of a Cabinet directive signed by the Secretary of the Council, copies of which I will be tabling here, all appear, Sir, to be legally binding and enforceable against the government in court. In other words, Mr. Speaker, these documents would be and are very valuable documents worth many millions of dollars in the hands of the developer named in the agreement or anyone who may want to purchase the developer's rights under the agreement and the Cabinet directive. And I trust, Sir, that the Premier will not attempt to pretend or try to pretend that this agreement has in any way been rescinded, for example, since it first came into effect, rescinded unilaterally by the developer

MR. W. N. ROWE:                   without his having received other equally valuable considerations or concessions from this government. These documents, Sir, are worth millions of dollars on the best legal advice that I can receive and based upon my own knowledge of the law as well. A court case, a case against this government is inherent in these documents. I submit, Sir, that the whole matter is a grave and serious breach of the privileges of this hon. House and I am prepared, Sir, to move a substantive and distinct motion to the effect that the matter be referred immediately to a Committee of the Whole House, such committee being empowered to call witnesses before it for questioning and examination and also to call for documents to be brought before it.

                                  The question also arises, Mr. Speaker, as to what ministers of the government were aware of these documents and condoned the deception, allowed and condoned the deception of this hon. House?

MR. W. BOWE: What minister, Sir, condoned the misleading statements and the deception and deceit practiced in this hon. House? And, Sir, if any ministers opposite claim to have had no knowledge of the agreement or the Cabinet directive, the questions must be raised publicly as to why appropriate questions were not directed to the Premier or to the secretary of the Cabinet as to the possible existence of any such documents since the matter has been raised on numerous occasions in this House and outside, Sir, and I might say, Sir, that before I came into possession of this document from a source in the Atlantic Provinces, that it would seem to be common knowledge among many people that these documents existed. So I would like to hear explanations of ministers, Sir, on that particular subject. Sir, it is matter of the deception of members of this House in a matter involving tens of millions of dollars of public money. And it is a matter which must be dealt with on an urgent basis, forthwith, Sir. And I am prepared as I said to move a motion which I will move now if Your Honour will permit, or which I will give notice of moving, Sir, that this whole matter be referred to a Committee, to the Committee of the Whole of this House because it is such an urgent matter of misleading and perhaps skulduggery going on in the government with outside sources outside people, that this matter be referred to a Committee of the Whole House and such Committee have the power to bring witnesses before it and documents called for and examined by this hon. House, Sir.

Sir, this is not a pleasant duty on my part. I believe this to be a tragic and sad day in this hon. House. Sir, it sickens me to the stomach to be doing what I am doing here now. It sickens me, Sir, as a member of this House and as a member of the public of Newfoundland but, Sir, I consider it to be my honourable duty as a member of this House however sickening it may be, however hurtful it may be to me or others, in this House or outside, Sir, to bring this knowledge to the

MR. W.N. FOME: public, to the press and to other members of this House so that we can act accordingly, Sir, and I do hope that the matter will be dealt with forthwith on an urgent basis and dealt with severely. I will table this, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. Premier.

PREMIER MOORES: Mr. Speaker, it is obvious that we are at it again. I noticed the hon. member is sick to have to do it but I hope he does not throw up over the member for LaPoile (Mr. Neary) because that is always a possibility. Because I have never heard such unadulterated nonsense of half-truths again, Sir. We have here two documents. I have here fortunately a great many more that I will table as well this afternoon on exactly the same subject. Do we check with anyone to find out if this true? Do we find out where these documents come from or are we prepared to say or do we say as the Leader of the Opposition says, "I bring this to the attention of the public, the press and the House," in that order, and that is exactly the order I would suggest, Sir, he wanted to bring them in.

SOME HON. MEMBERS: Hear, hear!

PREMIER MOORES: The fact is, Sir, that this is half a story, half the truth again. Not all the information, nothing about an attachment regarding a reference to Cabinet of any agreement; that is there, but the attachment is part of it to refer to Cabinet for approval or otherwise. No seal, nothing official but it is official enough to cause a rumpus in this House. Now, Sir, if you will excuse me I am going to take some time.

The Opposition are using the art of innuendo and smear through half-truths. In my opinion again. They seem these days, Sir, to be mouthpieces either for fugitives from justice or in this case I would suggest a thief

PREMIER MOORES: or someone very close to it.  
Because Sir, how could they get an Order-in-Council unless  
some despicable character broke his oath of secrecy, which  
is obviously the case.

SOME HON. MEMBERS: Hear, hear!

PREMIER MOORES: Secondly, how could the agreements  
be passed on of this nature unless the same thing occurred, or  
unless a lawyer broke his lawyer/client relationship, or unless  
a partner of that lawyer went next door and dipped into the files of  
of that particular lawyer or unless, Sir, a thief stole it?  
But all these, Sir, are alarming possibilities, but the one  
thing that is obvious is that a thief knew who his friends were.  
Now, Sir, I have had a little forewarning on this because there  
are members in the Opposition who are more concerned about  
the truth and presenting the facts than just publicity in  
this House and I am very thankful for those people at  
this time.

This time, Sir, I am not out of the  
Province so I will not only set the record straight but table  
the complete story regarding office space and not just a small  
part of it with all kinds of innuendo which is what has been  
the case, Sir, this afternoon.



PREMIER MOORES: The background to the office space requirements is that first of all, Sir, in 1974 there was a study completed by the Department of Supply and Services of the government, a study that was done in conjunction with the federal government planning group. This particular study is fairly detailed, it shows that by 1980, I forget the exact figure, but it shows I think some three hundred and some-odd-thousand square feet required but basically it is the document that we tabled our initial space requirement on. I table that particular one now.

Secondly, Sir, there was a study finished in March 1977, and I will come back to the various proposals and the various actions that government took in the meantime, a study tabled in March 1977 which is an update of that which shows that by 1980 government requires 470,000 square feet which, by the Opposition standards, may be a great deal of space, it may sound like a lot, it may cost a lot of money to sit in that amount of space, they all may need ducts, flues and all the other things that the hon. Leader of the Opposition obviously practiced on to get all this verbiage correct on it. I understand practicing is something that he does in great style in that regard. I also understand that Mr. - Pardon!

DR. KITCHEN: Did you or did you not?

PREMIER MOORES: I am not sure what the hon. member for St. John's West (Dr. Kitchen) is saying. I do not know if he was talking to Mr. Forsey about impeachment last night or not. I have no idea.

AN HON. MEMBER: He made a deal.

MR. DOODY: Will you just wait for the gist (Inaudible).

MR. F. ROWE: Order, please!

PREMIER MOORES: The fact is, Sir, that this particular document is an update of the requirements of government and these two documents basically are the background of what government needed in the business of office space.

PREMIER MOORES: Now, Sir, instead of having one Order-in-Council here I have got approximately fifteen and I will be glad to table them. I do not think Orders-in-Council should be tabled, but as the Leader of the Opposition thinks this is the route to go I think in that case we go and we go with agreements that have been with other companies before, companies present, and companies in between, and hopefully what we will do in the future. But, Sir, we will give the exact detail as to what has happened.

The first approach was in the end of 1973 and at that time Trizec made a proposal to the government. And, Sir, at this time I will table the agreement that Trizec presented to the government, and which government agreed with, by the way. I will also read the Orders-in-Council that goes particularly with that. Now, Sir, the Trizec proposal, in order to get it right, was going to be building office space not just for government but for others in downtown St. John's. At this particular time there was no public tender or public proposal for office space, but rather it was felt that because Trizec planned to build a major hotel downtown, because they planned afterwards to build a convention center, apartments and so on, that the government was interested in promoting this for two reasons: First of all, of course, they needed space, but particularly to preserve the core of the city of St. John's and with the proposal they had that made total sense to do. Now, Sir, in order to insure that Orders-in-Council of this nature are not irregular or improper or unusual, I would suggest that in December 31, 1973 it was ordered:

"That the hon. the Premier be and is hereby authorized to inform Trizec Corporation Limited in Montreal in the province of Quebec that the Government of Newfoundland approves in principle the leasing of approximately 270,000 square feet of space in a commercial development which the said corporation proposes to establish in the downtown St. John's area for occupancy in 1977. The said lease to be for a period of twenty years at a net rental of \$5.50 per square foot based upon present construction costs which may be adjusted

PREMIER MOORES: in accordance with the Canadian Construction Index and to be subject to the submission of satisfactory plans and specifications in due course."

Shortly after that, Sir, in June 1974 it is ordered "that subject to further negotiations between the Department of Justice and Trizec Equities Limited, Trizec, with regard to certain clauses contained therein the hon. the Minister of Public Works and Services be and is hereby authorized on behalf of Her Majesty the Queen in the right of Newfoundland to execute an agreement with Trizec along the lines of the annexure to the relevant submission relative to the leasing of space by the Government of Newfoundland in the building forming part of a development complex to be established by Trizec in the St. John's area bounded by Gower Street, Barter's Hill and so on. On June 26th, Sir, in that same year it was ordered that a sub-committee of the Executive Council comprising of myself, the Minister of Finance, the Minister of Health and the Minister of Public Works and Services be and is hereby appointed to discuss further with the Trizec Equities Limited the leasing of space by the Government of Newfoundland in the building in the same actual location. On

PREMIER MOORES: the 21st. of June, Sir, it was ordered that the draft agreement to rent between Her Majesty the Queen in Right of Newfoundland and Trizec Equities Limited, with Trizec Corporation Limited subscribing as an intervenor, a copy herewith, and all schedules of appendages thereto is on file with the Clerk - be and is hereby approved. The fact is, Sir, that at that time there was an agreement, both by Order-in-Council and with Trizec, to go ahead with that particular development as has been suggested here today. And, Sir, I am sorry that development did not go through. But the reason it did not go through is because Trizec could not find a hotel to come in to build up the core of the city of St. John's which we as a government thought was very important at that time. And the fact is, Sir, that there are two other Orders-in-Council here that say exactly the same thing, the last one being regarding another proposal which I will deal with in a moment. But the fact is, Sir, that agreements had been made with Trizec in 1974 that by Order-in-Council that we approved the rent for a twenty year period for that sort of an arrangement. We have an agreement and I will table a copy of that agreement, Sir, as well as the Orders-in-Council, just to show that that was the first commitment by the government, which the developer did not live up to, but which we would have liked to have gone along with. That is number one.

Now, Sir, the fact is that it is obviously natural to order Cabinet directives, but it is always with the understanding that it comes back to Cabinet - signed, unsigned. With the developer there has always been covering correspondence and documentation that it has to come back to Cabinet for what is in effect final approval. The fact is, Sir, that there has not been any approval. I mean even the Opposition must be able to identify that there is not a building next

PREMIER MOORES: door. The tens of millions of dollars they said it was going to cost, Sir, I mean -

MR. PECKFORD: Where is the building?

PREMIER MOORES: The fact is, Sir, that there is not a building next door. The second approach, Sir, to the government on this same particular issue was for a building of 75,000 to 100,000 square feet of space. On that particular building Mr. Craig Dobbin once again made a bid on a building located on Torbay Road. This particular building was for that amount of space - I will come to it in a moment, when I get past the other bidders, to the amount of money involved. The Crosbie companies also bid on that particular building. Mr. Dobbin's bid was for a period of twenty years, two options to renew at ten years each. The price now had gone up to \$6.90 a square foot in that particular building, and that it is his proposal based on that which includes ceiling, ducts, flues, electrical and telephone distribution, air conditioning, all these wonderful things. Lundrigans also made a bid on that for twenty years for the same places, double glazed, this particular one, elevators were in it, interior furnishings, interior partitions, taxes, operating expenses and so on. There was St. John's Development Corporation, which I think is Atlantic Place. There was Seabord, which is Mr. Len Brown also with a proposal in here, and the price on it, and an agreement, imagine that, an agreement once again between Her Majesty the Queen and Craig L. Dobbin, which was assessed by Public Works to be the best bid. This particular one is signed by Mr. Dobbin again and I think we have some Orders-in-Council to deal with that. I am sorry I got the wrong pile, Sir, I will be fixed up here in a minute.

No, the Orders-in-Council on that one, that went out for proposal, these were the proposals that were accepted and they

PREMIER MOORES: were all turned down. No one thought that was a very good idea. We figured that if we needed 400,000 square feet by 1980 there was no point building something in '74 that would not be ready until '78 and we would only have two years life to it. So I will table that one as well.

Now, Sir, the third approach was an extension to the Confederation Building. The extension to the Confederation Building as such, there was an Order-in-Council that said, that "In view of the apparent need of the government for additional office space in the St. John's area and elsewhere during the next few years, the hon. Minister of Public Works is hereby authorized to endeavour within the framework of the existing approved leasing policy of his department, to locate such additional office accommodation as may be determined in consultation with other departments to be urgently required, the hon. minister of," so on, is to go ahead, find out from the space consultants exactly what is needed.

It was then entered further, on 7th. November 1974, "Ordered that the hon. Minister of Public Works and Services be and is hereby authorized to enter into negotiations - " I am sorry that is the 75,000 to 100,000 square foot one, Sir. I beg your pardon. I am going to table all that.

MR. PECKFORD: But there was a Cabinet -

PREMIER MOORES: Oh yes, I will come to that in a minute. I am in

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PREMIER MOORES: the other layer now apparently.

Here we are, now we are coming down to it, Sir.  
The 5th August, 12th March - that one I am  
sure goes into the pile as well.

Now, Sir, this one is the 5th  
August, 1976: "Ordered that subject to prior consultation  
by the hon. the Minister of Public Works and Services:  
(a) detailed plans and specifications for a new public  
building to be erected in the Confederation Building area  
be prepared by the Department of Public Works; (b) tenders  
be called requesting that bids be submitted thereon on a  
leased purchase basis arrangement and on a fixed cost basis,  
both; the Department of Public Works and Services evaluate  
the tenders received under both alternatives and recommend  
to Committee of Council the best course of action to be  
followed." Now, Sir, after all the various proposals that  
came in were analysed-I might say that first of all I have  
the sheet here of the analysis - but there was a fairly  
good proposal from Trizec, there was one once again from  
Mr. Dobbin in a three-part form, there was one from  
Western Realities, which was not a very big one, there was  
one from Projects Management and Design. I have other  
documents of which copies could not be taken. I have one  
from the St. John's Development Corporation Limited, two  
from them, actually, which were the bids received. After  
those bids were taken and analysed by the Department of  
Public Works it showed very clearly that by far the best on  
a leaseback arrangement, if that is what the government  
decided to do, was the Dobbin proposal. And I enclose  
the analysis of all these bids for the benefit of hon.  
members as they go through these various proposals. If  
someone would take these documents and put them in for  
late reading, Sir.

PREMIER MOORES: One second now, I have some more Orders in Council I have to give you yet; take that pile too, if you would.

At that particular time, Sir, it said that 'the following proposal submitted' - it was the Order in Council read by the hon. the Leader of the Opposition - 'with regard to construction of an office complex of the government situate immediately West of Confederation Building' and so on. He said it was a week before the election, Sir. This was dated August 18, 1975; the election was exactly five weeks after that, in fact. And unlike the hon. gentleman over there, Sir, why he would say that this has anything to do with election I do not know. Even the most acute and good builder could not build it in five weeks. Also, Sir, it says here that this be done. Okay, this was done and I table those Orders in Council as well.

Now, Sir, in addition to that, after this was done with Mr. Dobbin, the fact is that the agreement came in plus the attached business of having to refer it to Cabinet. He had to get some specific drawings and so on done. It was referred to caucus and Cabinet leaseback was discussed. A lot of people did not like the idea, a lot of people wanted to build the building on our own, a lot of people did not like the going proposal, and the fact is, Sir, that the agreement and the Order in Council were rescinded and cancelled. And the fact is that I would suggest Mr. Dobbin is probably out several hundred thousand dollars. He is not the beneficiary of it nor can he sue for it, but I would suggest that he is out a lot of money because there is another plan, Sir, which was submitted to the Department of Public Works by Mr. Dobbin as to what the whole thing was going to be about. And I



PREMIER MOORES: would suggest to the hon. the Leader of the Opposition that I have adequate proof that no agreement is presently in existence -

MR. PECKFORD: Nor was it.

PREMIER MOORES: - No. For that matter, nor was it ever officially approved.

Now, Sir, all this time when we are talking about buildings, Hydro were also talking about building a building of their own. We have gone through Trizec, we have gone through the 75,000 to 100,000 square foot building, we have gone through the 400,000 foot extension to Confederation Building. In the meantime, in the background, Hydro think they should have their own building, they do not think they should partake with anybody. And then, Sir, we have the fourth approach from Atlantic Place on the 9th of September this year, on which, once again, agreement in principle was reached and negotiators sat down with Atlantic Place, worked out all the details - everybody was happy, except, Sir, for the people who had to pay the bill - and in the end analysis there were a lot of things to be considered - the need, the economic particular problem. But, Sir, in the end analysis it was figured that it was the wrong location, that in fact a great deal of cash would be required to change locations and terminate leases and so on, and the Orders-in-Council regarding Atlantic Place directing people to go and actually negotiate, actually sign - once again with Atlantic Place, all these Orders in Council once again, Sir, I lay on the table of the House.

Now, Sir,

PREMIER MOORES:                    what I am saying in all this is that what is being suggested by the Leader of the Opposition is something that this government had done three times as it relates to office space. It has been done in such a manner, Sir, as never to be binding. And when I say not binding, it is never binding with the principals because we have always had documents that make sure it is not binding at that time.

   I also say, Sir, that all in all a Minute-in-Council may state a decision but, Sir, that decision has no value unless it is carried out. And agreement is an agreement only if both parties agree in the final analysis to the final document which has to be the final seal of the Province and all the rest that goes with it.

   The fact is, Sir, that Trizec, Dobbin and Crosbie have all had proposals in exactly the same category. No space has been rented, Sir, and no building has been built. This nonsense I heard a few minutes ago of tens of millions of the public money being wasted! The fact is, Sir, there has not been one nickle expended on the building, there has not been one agreement that is binding on this government.

AN HON. MEMBER:                    Hear, hear!

PREMIER MOORES:                    There has not been one commitment made to any developer or any person with an office building.

SOME HON. MEMBERS:                Hear, hear!

PREMIER MOORES:                    The fact is, Sir, that the Opposition once again have tried to take away the thing that is important in this House of Assembly from the people, and that is to discuss the business of this Province that is meaningful. All the Opposition Leader had to do, Sir, was come and see if this was a fact, not take hours of the House's time. Come and see what the

PREMIER MOORES: story was and if it was wrong, of course bring it up in the House. But, Sir, is there any decency in doing that sort of thing? I suggest, Sir, there is not. Another cheap shot, As he said in the beginning, the public, the press and then the House. I suggest, Sir, the Opposition clean up their acts, get their facts together and start acting in behalf of the people of this Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

Before recognizing the hon. gentleman I will point out to hon. members that I have heard the hon. gentleman to my right at quite some length in outlining his position which I think was proper. It is a very serious matter and I wished to have his full submission; and similarly the hon. gentleman to my left to have his full submission. I will just point out that what the Chair will have to do, obviously, is to decide a specific issue and that is whether or not a prima facie case has been established. So I would ask other hon. members who are speaking to bear in mind that that is the area in which the Chair will have to make a decision and the Chair will welcome submissions and reasoning and any authorities that would be of help.

But I certainly will not allow the full submission which I allowed the hon. gentleman who rose on the matter of privilege and the hon. gentleman who made the direct reply and who was involved in the allegation. In other words, certainly the rule of relevancy and the requirement here, the fact that there be no debate will be, as I think is appropriate, enforced - I prefer to say expected of hon. members, because the Chair does not wish to act as a policeman or to be interrupting or that kind of thing. What I am

MR. SPEAKER: really doing is asking  
hon. members to recognize what the Chair's obligation  
is now and what the nature of the submissions should  
be.

The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, in his submission,  
Sir, the hon. the Premier instead of clarifying the issue,  
instead of allaying the fears of members of this hon. House  
that the House had been indeed misled, the hon. the Premier  
made the situation worse by tabling other documents other  
than the one - and you might note, Mr. Speaker, that the  
hon. the Premier did not table the agreement between the  
government and Mr. Craig Dobbin.

AN HON. MEMBER: He tabled that.

MR. NEARY: No, it was tabled. The hon.  
the Premier did not have that document in his pile and I  
would submit that hon. members of the Cabinet heard today  
for the first time that there was indeed a document, an  
agreement between the provincial government and Mr. Craig  
Dobbin to build a building adjacent to Confederation  
Building. I would submit it is the first time my hon.  
friend from St. John's East (Mr. Marshall) heard that  
there was an agreement. And so in presenting other  
documents, Sir, the hon. gentleman has made the situation  
worse. Because

Mr. Neary: hon. members will recall, when my hon. colleague the Leader of the Opposition was outlining a prima facie case for a breach of privilege of this House, my hon. friend laid out certain documentation; and then the hon. the Premier followed in his case by laying out other documentation. But in the Hansard, Sir, in the Hansards that were tabled by my hon. friend, members will recall that consistently, systematically the hon. the Premier kept denying there was any agreements. There were no agreements with Trizec, we were told, no agreements with Atlantic Place, no agreements with Craig Dobbin. Do not hon. members - The copies of Hansard are on the table of the House where the hon. gentleman kept denying, kept denying for three years, Mr. Speaker, and this is where the breach of privilege comes in. Mr. Speaker, it is not just a matter of opinion between two members, it is a very serious and grave breach of privilege of this House where a member, not an ordinary member, not a minister, but the Premier of this Province, Sir, according to the case that is being laid out, has grossly misled the House. And in tabling these other documents this afternoon has proven to Your Honour and to the House beyond any doubt that the House has been misled for three years, over three years. And if Your Honour will refer to Hansard, the documents that my hon. friend has researched and laid on the table of the House, Your Honour will note that for three years in reply to questions put to the Premier, the Minister of Public Works, and various other ministers that they denied emphatically that there was any deal.

Now, Mr. Speaker, the hon. the Premier has tabled documents. I have not seen these documents, but I am prepared to say right now, Sir, without seeing these documents, that they do not have a signature on them like the one I have in my hand. This indeed, Sir, is a legal document. This document, as my hon. friend said, can be taken to a bank and peddled, and has been! I would submit, Sir, that money has been raised on this document. And if hon. gentlemen want the names of the banks, I would be very happy to

Mr. Neary: provide them with them, that money has already been raised on this document.

Now, Mr. Speaker, -

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

I must point out that I cannot now hear argument on any substantive issue. There is no motion before the Chair, and there is a preliminary decision for the Chair to make which obviously will determine what happened subsequently. But there is no motion before the Chair. It would be improper for hon. members to get involved on a substantive issue.

The hon. member for LaPoile.

MR. NEARY: Well, Mr. Speaker, one very important point I want Your Honour to take into consideration in making a decision on whether or not there is a prima facie case for a breach of privilege of this House, and that is, Sir, that the hon. the Premier stated, but did not table, a rescission order, an order rescinding this agreement and the Order-in-Council. And that, Mr. Speaker, is a very significant point. The hon. gentleman said he could prove it if he had to. The hon. gentleman did not put the documents on the table of the House.

So I submit, Sir, that there has been deception, and misleading statements in answers to questions by the hon. the Premier concerning this matter. And I would submit and agree with my hon. friend that it has been done in a systematic way, that it has been continued for the past three or four years beginning in the first session of the House in 1976 following the Provincial General Election in September 1975, and continuing right on into this session. Only yesterday, Sir, and I do not know if my hon. friend intended to table this note -

MR. W. ROWE: I have tabled a copy of it.

MR. NEARY: A copy of it. When hon. gentlemen will remember the hon. the Premier said in his usual poker-faced, sarcastic way, "Maybe the hon. gentleman does not understand, I will write down, no, N-o!" And he wrote it down and the Page delivered it to me and I brought it back and I said to the Premier, "Would you mind signing this document?" which becomes an official document of the House, Your Honour, and he

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Mr. Neary: signed it. He put down No, and then it was witnessed by my hon. friend the member for Eagle River (Mr. Strachan ), in answer to a question in connection with the extension to Confederation Building or the putting up, the erection of a new building outside of this building.

And so, Sir, it is a grave and serious matter indeed, Sir, indeed, and Mr. Speaker, all of the documents that were tabled today do not discount the argument, the case that is being made by my hon. friend. It does not.

MR. NEARY: It merely substantiates the case that was made by the Leader of the Opposition, that indeed the House had been duped for the last three years, that we have been given false and misleading information and I hope Your Honour will realize the seriousness of this situation and allow the House to resolve itself into a Committee of the Whole, so that we can send for witnesses, so that we can send for documents. And I would think, Mr. Speaker, if the hon. Premier and the administration have nothing to hide that they would agree with my hon. friend's proposal and bring witnesses, and bring documents into this House. If they have nothing to cover up and nothing to hide, Sir, why would they not agree to have this matter cleared up? Why would the Premier get up and just put up a very weak defence?

AN HON. MEMBER: (Inaudible).

MR. SPEAKER: Order, please!

MR. NEARY: Instead of agreeing to have witnesses brought before the House, as Your Honour knows we can do within the rules of the House, according to Beauchesne and our own Standing Rules, and according to May, to have witnesses brought into the House, to have documents brought in, and Your Honour is in a position -

MR. SPEAKER: Order, please! I must point out that the House is now, and the hon. member is now, in my opinion, embarking on a debate of substantive issue which cannot be allowed at this time. I would ask the hon. gentleman to bring his submission to a conclusion.

MR. NEARY: Well, I bring it to a conclusion by appealing to Your Honour, by calling upon Your Honour to see to it that the House has access to all the information involving this apparent scandal and that the House be given access to witnesses and to documents that we do not now have before us.

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



MR. PECKFORD: Mr. Speaker, to the point of privilege, the kernel of the point, as I see it, Mr. Speaker, as put forward by the Leader of the Opposition, is that members of the government, Ministers of Public Works in particular, and the Premier, deliberately misled the House when they said in response to questions asked by the opposite side whether there were any agreements in place as it related to additional office space for the government.

Now one has to examine, Mr. Speaker, the word agreements. And I think this is the kernel of the situation. As the hon. the Premier has pointed out in his submission, the normal practice for government over the last five or six years—and they are related to three individual incidents, Trizec, Mr. Dobbin, and Mr. Crosbie's group, as it is related to Atlantic Place—that the practice was, and is as I understand it, to authorize the appropriate minister to either begin negotiations with an individual who came in with the best proposal or had a proposal in, and then after so negotiating, to refer back to Cabinet all the details of those negotiations to see whether in fact Cabinet wanted to proceed with a permanent arrangement with that developer.

Now, Mr. Speaker, I submit that when the questions were asked here in the House over the last couple of years by members opposite, that when they asked those questions it was implied, or assumed, or whatever, by hon. members on this side of the House that the Opposition were referring to actual money outlays of an agreement, actual agreements signed and sealed that would mean that public money was to be expended on a given addition, on a given expansion, on a new building; that there was something permanent, something long lasting, some public funds would be expended to a particular corporation, to a particular individual, to build an office building, to extend upon the Confederation Building. And so that, therefore, none of the hon. gentlemen on this side of the House deliberately misled the House. They were aware undoubtedly that Cabinet has on a number of previous

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MR. PECKFORD: occasions and afterwards authorized a given minister to continue negotiations but to bring those negotiations and details back to Cabinet before any final decision would be made as to whether government was in fact going to enter into a permanent arrangement with developer Trizec, developer Dobbin, developer St. John's Development Corporation. And the record shows that no such permanent agreements were entered into. And it was in that light that the answers were given by hon. members on this side of the House and surely this is what the Opposition are

MR. PECKFORD: interested in. Surely it is their role to try to ensure that government is spending public monies reasonably and after sound proposals have been put forward -

MR. SPEAKER: Order, please!

MR. PECKFORD: - and so that therefore there was no such proposals, no such agreements and hence there is no misleading of the House as being alleged by the Opposition.

SOME HON. MEMBERS: Hear, hear!

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

MR. H. SIMMONS: Mr. Speaker, I would think that Mr. Speaker has most of the information he needs now on which to base his decision. There is just a point or two I wish to emphasize, to do so very concisely, if I may. Mr. Speaker, we have heard much talk about negotiations. I am sure there were some, obviously there were lots, some of them related to this subject and some quite unrelated. For example, one of the documents the Premier tabled alleging that it was preparatory to the agreement with Mr. Dobbin was actually dated three months after the agreement was signed with Mr. Dobbin. The document from the St. John's Development Corporation is dated November 30, Mr. Speaker, so that I would not place an awful lot of confidence in those documents until such time as we can peruse them. I just had a brief opportunity at the table a moment ago. The documents are not necessarily related to the subject under discussion, that is the first point I would like to make.

Mr. Speaker, a lot of talk about negotiations. We all know the difference, I believe between negotiation and agreement. You do not go around signing documents, signing bits of paper when you are in negotiation. That is certainly, I would hope, a necessary step which would precede an agreement, but let us not get befuddled on this one. We all know the difference between a negotiation sequence and an agreement, and what

MR. R. SIMMONS: I have seen tabled here today by the Leader of the Opposition is clearly an agreement. Now the government alleges, Mr. Speaker, the government asserts that it is not an agreement.

MR. S. NEARY: Bull!

MR. R. SIMMONS: Mr. Speaker, in fairness, if it was not an agreement why did not somebody tell Mr. Dobbin? Because he used that agreement, Mr. Speaker, he did use that agreement to negotiate a large bank loan. Mr. Speaker, it is neither here nor there, but it is very much here, I suggest, if I were the bank manager sitting behind the desk and had what I thought adequate protection to cover a \$20 million or \$30 million loan, and then found out after that one of the signatories of the agreement is now alleging that it is not an agreement. Bank managers, Mr. Speaker are not necessarily as stunned as the member for Green Bay (Mr. Peckford) would like to think they are. The agreement was used, Mr. Speaker, to secure substantial bank financing of the order of, I believe, \$20 million using this bit of paper that we have tabled here today - the Leader of the Opposition has tabled -

MR. S. NEARY: Interim financing of almost a half million dollars.

MR. R. SIMMONS: That is right, plus some interim financing arrangement as well.

Mr. Speaker, very quickly: one, no question that there is an agreement, no question about that at all in my mind there is an agreement. No question in my mind that the Premier and some of his colleagues told the House there was no agreement. Now, Mr. Speaker, if we agree that the Premier and his colleagues told the House there was no agreement, and if we could agree for the purpose of my submission that this document is an agreement - the document tabled by my colleague the Leader of the Opposition - then, Mr. Speaker, one of two things follow from it: either the agreement still stands or it has been rescinded. If it still stands, the Premier clearly and deliberately misled the House, which is the point of the matter of privilege raised by the Leader of the Opposition. If the

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MR. R. SIMONS: agreement still, if the agreement still stands - it has not been revoked or rescinded, then the Premier and his colleagues clearly and deliberately and knowingly and systematically and on a continuing basis misled this House, if the agreement still exists. If the agreement does not exist, Mr. Speaker -

MR. NEAPY: It is thanks to us.

MR. R. SIMONS: - then first of all let the record show that the Premier has today given no proof that it has been rescinded. He has given no proof that the document has been rescinded. He brought in mountains of material to obfuscate and to confuse and to impress, but all of it had nothing to do with the price of fish in China at all. All of it had had

MR. SIMMONS: nothing to do with the material allegation made in the matter of privilege raised by the Leader of the Opposition, There are two possibilities; either the agreement still stands, Mr. Speaker, in which case the Premier and his colleagues deliberately and knowingly misled the House; or if the agreement does not stand, Mr. Speaker, first the Premier ought to produce documentation that the agreement has been recinded and then, Mr. Speaker, even in that instance I would submit to you, Mr. Speaker, that the Premier and his colleagues were being less than honest with the House when being quizzed on the matter of the existence of agreements. Because unless the agreements were made one day and recinded fairly soon after, before the House subsequently met, the Premier has been given literally dozens of opportunities to inform the House of the existence of the agreement, even before such time as it might have been recinded in the unlikely case that that is so.

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

MR. DOODY: Mr. Speaker, I had originally risen with the hope of presenting another statement but I would like to speak for just a moment on this particular item, if I may.

The hon. member for Burgeo - Bay d'Espoir (Mr. Simmons) has raised a couple of points which I think are worthy of comment and should perhaps be clarified and underlined. The major point is the fact that the files of all government departments, I would suggest, but particularly Industrial Development, Public Works, Fisheries and others are filled with suggestions, proposals, draft agreements, tentative agreements, agreements in principle, heads of agreements, suggestions from

MR. DOODY: developers, from companies. They are brought in, looked at, examined. Some get as far as Cabinet, some are tentatively approved with the authority to go back and negotiate further, others are never heard of again, others go further along the negotiation stage. I do not think that this one is all that much different from any of the others. I have seen dozens of them, hundreds of them over the years, and if hon. members opposite will remember, they themselves have seen hundreds of them during their days in office.

That so-called documents, that so-called agreement that was tabled by the hon. the Leader of the Opposition, was not an agreement and nothing could demonstrate that fact more forcibly than the fact that it is dated back in 1975 or what have you. Nevertheless, it is purported to be tens of millions of dollars and nothing has been heard or seen of it since that time. That in itself, I think, destroys any argument there might be in that particular area.

The Order-in-Council substantiating or authorizing that agreement, the hon. the Premier has said that that has been rescinded and that is so, period. There is no Order-in-Council authorizing that agreement. And that, Sir, to me is the sum, substance and gist of the discussion.

When Your Honour finishes discussion on this particular point I should like to make a small statement on another item, Sir.

MR. SPEAKER: The hon. member for Trinity - Bay de Verde. Perhaps I should say here that I will hear no more than two further hon. members, the hon. member for Trinity - Bay de Verde (Mr. F.B. Rowe) and if somebody on the left wishes to make a further submission I think that that will suffice. The hon. member.

MR. F.B. ROWE: Mr. Speaker, I shall be short here. I hope that I will not be repeating anything that has been said earlier. Sir, I will not get into any of the mudslinging that the hon. the Premier got into in suggesting -

MR. ROUSSEAU: (inaudible) who started it.

MR. MURPHY: Tell that as a joke.

MR. F.B. ROWE: Now, Mr. Speaker, I ask for the protection of the Chair.

MR. MURPHY: You have it.

MR. F.B. ROWE: I would like to have the hon. minister out of the Chamber.

Sir, I am not going to get into any of the mudslinging that the Premier got into, referring to stolen material and using the valuable time of the House. This is the very place to bring this sort of a thing up, Sir. The point that Your Honour has to consider is whether a prima facie case has in fact been established by the hon. the Leader of the Opposition.

Now, Sir, the hon. the Leader of the Opposition got up and made numerous quotations from Hansard, dating back to 1976, in which we have repeated denials by the Premier and other ministers that any kind of an agreement existed for the building of any kind of a government building to be used as office space on the part of this government, between the government and any other persons or companies. So that is one point, numerous references of denials over the past



MR. F. ROWE: three years ending just yesterday. And, Sir, then we have a document tabled by the Leader of the Opposition, an agreement, Sir, and I shall repeat to the hon. members opposite, signed, sealed and delivered by the hon. Dr. Thomas C. Farrell, Minister of Public Works and Services -

SOME HON. MEMBERS: Oh, oh!

MR. F. ROWE: - Mr. Speaker, the hon. members opposite can speak in their turn - signed, sealed and delivered by the hon. Dr. Thomas C. Farrell, Minister of Public Works and Services, acting for and on behalf of Her Majesty, the Queen in the right of Newfoundland in the presence of F. D. Moores, the hon. Dr. T. C. Farrell, signed, sealed and delivered by Craig L. Dobbin in the presence of signatures we cannot pick out, Sir.

Now, Sir, I ask this basic question: If any hon. member in this House had possession of this document is it not their duty to the people of this Province to bring it before the Chamber as a breach of privilege in view of the fact that we have had three years of denials by the Premier and by other hon. ministers when asked if any agreements or any agreement existed for the building of buildings? Sir, the very fact that the hon. the Premier tabled a bale of documents or agreements - I do not know what they are, I have not seen them, but I got the message that they were agreements that were not acted upon - but the very fact that the Premier saw fit today to table numerous other agreements further, I would submit, Sir, substantiates the Leader of the Opposition's argument that there is a prima facie case that the Premier has indeed deliberately, systematically and continuously misled this House over the past three years. And, Sir, we have no evidence - I do not know whether the Premier will

MR. F. ROWE: be able to dig it up between now and some future point in time - we have no evidence of this agreement having been rescinded, no evidence whatsoever.

MR. NEARY: Well, the Minister of Transportation just told us it is rescinded but not by Order-in-Council.

MR. F. ROWE: And on top of that, Sir, I have to mention the fact that there is also not only the agreement signed, sealed and delivered, so said, with the signatures, but there is also a true copy of a directive approved by Cabinet at a meeting of Committee of Council held on August 18, 1975. Sir, I would say that any member of this House who comes into possession of such documents, he or she is duty bound to bring it into this Chamber as a breach of privilege. Why? Because we have had three years of consistent, steady, unalterable denials by the hon. the Premier to very simple questions.

MR. NEARY: (Inaudible) does not have the truth in -

MR. F. ROWE: Do agreements exist or does an agreement exist? - and we have had denials. Sir, to me it is very simple. I am not a lawyer but it is clear as the nose on your face, Sir, that a prima facie case has been established that the Premier has misled my hon. friend, the member for LaPoile (Mr. Neary), the member for the Straits of Belle Isle (Mr. Roberts) and myself in the question and, therefore, the whole House. And Sir, that is a very, very serious thing indeed. There is no doubt in my mind that a prima facie case has been established and has been backed up by the tabling of a signed agreement by both partners, the government and Mr. Dobbin, and witnessed by the Premier, backed up by a true copy of a directive approved by Cabinet at a meeting of the Committee of Council.

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MR. F. ROWE:

What more do you need, Sir?

MR. NEARY:

Draw a cartoon.

MR. F. ROWE: Sir, I would suggest that the simple piling upon the Table of a whole whack of other agreements by the minister, if it does anything it substantiates the case that has been put by the Leader of the Opposition. And, Sir, I feel very strongly in order to clear up this whole matter that we should be resolved into a Committee of the Whole House where we can bring witnesses into this House and let the truth hang out, Sir. And the truth, Sir, I will submit is the best defence.

SOME HON. MEMBERS: Hear, hear!

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

MR. MORGAN: Mr. Speaker, it is indeed a very serious matter, and I would like to have a few words to say on the matter put forward by the Leader of the Opposition, which he puts forward as a prima facie case of privilege of the House. He attempts in his statement to put forward the argument that because of the fact that answers to questions on the dates of May 13, 1976 and June 3, 1976, February 7, 1977 and March 28, 1977, and May 3, just recently, in this year, and also on May 9, that the Premier in replying to questions, and also one or two of his ministers, gave information which is incorrect. The Premier has put forward the argument pointing out that he did not make any incorrect information by pointing out there was no agreement made between government and any company, a legal, binding document sealed by both government and the company concerned which would make it a legal binding document.

And what I am at a loss to understand is the fact the man who put forward this so-called prima facie case is indeed himself a lawyer, and surely he must know what is a legal, binding document. And a legal, binding document is not a draft agreement in principle, it is an agreement signed by both companies, agreed by both parties concerned, in this case, government and company. It is indeed a document that is with final decision of Cabinet, agreed upon by Cabinet and agreed upon by the company concerned. The fact that the Premier

Mr. Morgan: has put forward arguments saying that he asked for proposals from companies like, in this case, Trizec, Lundrigan's, the Crosbie Group, and others mentioned today, asked for proposals on building a building or leasing a building or expanding on the Confederation Building, despite these arguments and these facts put forward in documents filed in the House of Assembly. And, Mr. Speaker, a more serious case, a very more serious case is this, that two of the last spokesmen from the Opposition stated, and Hansard will prove this, Mr. Speaker, that the Premier had deliberately misled the House of Assembly.

AN HON. MEMBER: That is right.

MR. MORGAN: Deliberately. That, Mr. Speaker, is a very, very serious charge.

AN HON. MEMBER: Well, of course, it is.

MR. MORGAN: And I, Sir, would submit that if the documents tabled today by the Premier of this Province, these documents, I feel, not because I am a member of the Moores' Cabinet, because I am a member of this House of Assembly.

DR. KITCHEN: Is the hon. gentleman saying -

MR. MORGAN: Because I am a member of this House of Assembly that these documents tabled in the House will prove to the public, to the press, and the House of Assembly that what the Premier had said in his documentation is correct, there was no agreement. And therefore, Mr. Speaker, the gentleman in the Opposition who made the charge that the Premier of this Province made a deliberate misleading of the House of Assembly is indeed a very, very serious charge.

And what I am saying is that upon your ruling, Mr. Speaker, upon making a ruling, Mr. Speaker, I feel that it is of the utmost importance that no member of this House of Assembly be allowed to have hanging over his head the charge of deliberately misleading the House of Assembly. So what I am saying, Sir, is that the documentation in itself can surely prove to Your Honour and to all members of this House that there was no agreement, that the Premier and his ministers concerned did not mislead the House, did not mislead the

Mr. Morgan: House innocently, and surely, Mr. Speaker, surely did not deliberately mislead the House. Therefore, Mr. Speaker, the statements made of that nature from the Opposition must be retracted. It must, not only your ruling in ruling on a prima facie case as the Leader of the Opposition put forward in the House, whether it is a prima facie case or not, Mr. Speaker, your ruling must also entail whether a member of the House of Assembly can stand and charge another member of deliberately misleading the House.

Thank you, Mr. Speaker.

MR. NEARY: Did you ever see the document?

MR. W. ROWE: If I may, Sir, it is a matter which I brought up myself originally, very briefly, Sir, mention one or two little points here.

First of all, Sir, let me say that I am a lawyer, that I have practiced law and that I have studied hundreds and hundreds of legal documents and Sir, that agreement, as signed by a member of this government, holding himself out as signing it on behalf of the Government of this Province, backed by a Cabinet directive, Sir, I would advise any client anywhere, Sir, that is a legally binding document.

MR. NEARY: Hear! Hear!

MR. W. ROWE: At the very least, Sir, it is - at the very least - it would be a memorandum of agreement which is required under the statute of frauds to prove that an agreement or a contract exists. Legally, Sir, I would give that advice to any client of mine, Sir, anywhere in this land if that document was presented to me.

Secondly, Sir, the matters laid on the table of the House by the Premier relate, as I understood it when he was talking, to various proposals that have been made and nobody has denied that. Hundreds and hundreds of proposals are made to a government all the time to get various things done. None, Sir, I would submit, is a legally binding document in the same way that the agreement between the Minister of Industrial Development presently and this Mr. Dobbin is a legally binding document.

MR. NEARY: That is right.

MR. W. ROWE: Secondly, Sir, let me say that the Premier has now laid on the table of the House something which augments and adds to my original case, because denials were made, if indeed there were agreements between Trizec and the government similar to the Dobbin one, which I doubt, Sir, that matter has also been denied continuously, I do not have the references to Hansard but that question has been asked and denied continuously by the government and the question if there is

MR. W. ROWE: an agreement between the government and Trizac.

Remember the words, Sir, that I mentioned from Hansard when I was making my original case. The Premier in one instance said, there has absolutely not been any agreement between the government and any developer regarding office space. And, Sir, whatever that document was that I presented it certainly is an agreement and it is a signed agreement, signed, Sir, by a Minister of the Crown, a very unusual thing, witnessed by the Premier of the Province. Sir, I would say that is unprecedented in the annals of any signed document.

The Premier, Sir, mentioned that this has been rescinded. I defy him, Sir, to present to this hon. House a document which is not of a current date, showing where the Cabinet has rescinded the Order-in-Council, the directive which they made earlier. And, Sir, if they have rescinded it, Sir, I would like to know who was present at such a Cabinet meeting.

Sir, I would also submit that there is not before a current date any agreement from Mr. Dobbin which unilaterally rescinds an agreement that has been made. The other documents, Sir, I have been informed by my colleague, are not in fact signed -

MR. NEARY: That is right.

MR. W. ROWE: - by any member of this government and cannot compare with the document which I tabled in this hon. House, not signed, Sir.

MR. NEARY: It takes two to make agreements.

MR. FLIGHT: How does the hon. Minister of Tourism feel about that?

MR. W. ROWE: And, Sir, I do hope that the press of this Province do not allow the red herring to be dragged over it as has been dragged over it, that this matter is a serious one which must



MR. W. ROWE:                   be gone into, and if there is a rescission let us see it, let the Premier table it in this House and let us see when it was rescinded and who was around at the time.

                  Sir, if the Premier is going to let the truth hang out, as one of my colleagues said, he would also table in this House, Sir, a document which I know the Secretary of the Cabinet would have, because I was in a Cabinet one time myself, showing who was present at the Cabinet meeting that approved this agreement between the government and Mr. Dobbin. Who was present at it, Sir, one week before a general election? I would be very interested, Sir, in seeing who was present at that meeting. And I would also like to know, Sir, from other ministers, who were not in the Cabinet at the time or were not present, if they knew about the existence of this document or if they made enquiries concerning it. And finally, Sir, let me say this, the hon. the Premier in his usual manner rose and made what I consider to be a gross insinuation concerning a law partner of mine, Sir, whom I used to practice law with. Let me state here, Sir, publicly in this hon. House and to the Premier, let me say to the Premier, Sir, it was a gross insinuation. Let me tell him, Sir, he knows the gentleman about as well as I do, that nothing

MR. W. ROWE: that has been raised here today had anything to do with any lawyer, Sir, in this Province.

MR. NEARY: Apologize, the same as you did to Mr. (inaudible)

MR. W. ROWE: Certainly no partner of mine or no law partner of any other member of this hon. House, let me make that statement, Sir, categorically. The matter has never been discussed, Sir, with any law partner of mine or with any other lawyer in this Province as far as I know. The documentation which I have received, Sir, was considered to be by the person who gave it to me a current, ongoing matter and not a dead issue in any way, shape or form, a current, ongoing matter was received from outside of this Province. I will not go any further, Sir, because I would then be divulging my sources. It was not received from inside the Province. So, Sir, the points at issue are a signed agreement which is different from anything tabled by the Premier in this House, an agreement which I would consider and any lawyer would consider to be an actionable agreement in a court of law and therefore, Sir, on any broad -and certainly within the spirit of any idea of the law, an agreement as defined -and not defined in any kind of a narrow way by the member for Green Bay (Mr. Peckford) over there - but an agreement which is signed between two parties, Sir, and this was referred to in a number of questions which were asked to the Premier by numerous members on this side over the past three years and other ministers, Sir, and the House, I would submit, Sir, was treated with deliberate deception. It could have been easy enough if the Premier wanted to be open with this House to say "Yes. There was an agreement but we have now rescinded it," but no mention was ever made of that, or, "We have a document which some people might consider to be an agreement but which this government does not." But, Sir, in fact the thing was obfuscated, the thing was twisted around and no honest answer was given to the question as to whether there is an agreement or was an agreement.

MR. W. ROY: The Premier said there has not been, absolutely not any agreement concerning any office space and that is a deliberate misleading of the members of this House, myself included and my colleagues, Sir, not to mention members on the other side. That is a breach of the privileges of this House, Sir, and must be dealt with severely by the House.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I will reserve a decision on this matter and give it as soon as I can. Back to statements by ministers.

The hon. Minister of Transportation and Communication.

MR. DOODY: Mr. Speaker, I have been asked by my colleague, the Minister of Finance, to announce that today in Paris he has finalized the negotiations and signed the agreements for a nine and a quarter \$50 million U.S.-Euro dollar issue for the Province of Newfoundland with a group of nine leading European bankers managed by the province's European fiscal agents, A.E. Ames and Company Limited and Credit Commercial de France. The issue is priced at a hundred and a half of par in light of the continued strong acceptance and demand for the debentures of the Province of Newfoundland. The issue is for a term of twelve years with a purchase fund, which is the European equivalent of a sinker, and at the issue price will yield 9.17 per cent. This is the fifth successful issue floated in the Euro dollar market, Sir, by the Province and with the total indications now from the full investment syndicate being in excess of demand of U.S. dollars of \$110 million. That is the European book, the order book was in excess of \$110 million. The issue was a \$50 million issue and I was speaking to the hon. Minister of Finance this morning on this matter.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES:

MR. SPEAKER: The hon. minister.

MR. DOODY: Mr. Speaker, I would like to table on behalf of the Minister of Finance the copy of the reciprocal taxation agreement between the Government of Canada and the Government of Newfoundland.

NOTICES OF MOTION:

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

MR. PECKFORD: Mr. Speaker, I think there is a slight error, if I may be allowed to, in Motion 1 that I have been advised to move that the House resolve itself into a Committee of the Whole to consider certain resolutions relating to the imposition of a tax on income. In other words, I think "theof and corporations" those words are to be deleted from the motion and then the motion reads as it was intended to read when it first was given notice of, if I may be so bold as to end a sentence with a preposition.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

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

MR. H. COLLINS: Mr. Speaker, yesterday the hon. the member for Buchans raised a question about some severe damage which had occurred in the new Health Sciences Complex which I had not heard of then and no one in the department had heard about it. The assistant deputy minister checked this out for me, and I have a piece of paper here which he gives me. It says, 'Notes for the minister regarding report of a flood in the medical school portion at the Health Sciences Complex' and he tells me that he has checked with the General Hospital people. It appears that the alleged flood in the medical school at the Health Sciences Complex was merely a dribble. We have seen lots of dribbles turn into floods - this is another one, I suppose.

Over the last few days the sprinkler system was being tested with air to insure that everything was in order and in readiness for full occupancy of the building. When the testing had been completed one of the valves within the sprinkler system was not completely closed so that when water was put into the system, several of the sprinklers controlled by this valve leaked. The leaks occurred in a corridor and stairway. The amount of damages was less than \$100, and it involved replacements of some ceiling tiles. Within several hours the water had been vacuumed up and everything was in normal operation again. The incident was more of a nuisance than a problem.

ORAL QUESTIONS

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

MR. W. N. ROWE: I would like to direct a question to the hon. the Premier.

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MR. W. N. ROWE: Sir, a news report recently over the last ~~few~~, during the last day or so quoted the ~~Premier~~ referred to the Premier either erroneously or ~~as~~ as saying that he would be willing apparently to sell Gull Island power below cost in order to ~~stimulate~~ industry or encourage industrial development ~~and~~. Was that a correct statement of policy by the ~~Government~~, and if not, what is the situation with regard to ~~the~~ of Gull Island power, Sir?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, at the time I was interviewed by ~~several~~ people I have made exactly the same answer. I said ~~the~~ options of the Province were fourfold - first of all ~~was~~ nothing with the development of Gull Island ~~power~~ wait for its value or bargaining position to ~~increase~~, number one; number two, we could develop in ~~competition~~ with the federal government, as was suggested ~~at~~ the First Ministers' Conference, which would allow ~~export~~ whatever area through the federal government and ~~the~~ provincial government operating together; the ~~second~~ option was to sell to Quebec if negotiations ~~could~~ such as to give a proper return for the power ~~with~~ Province; and the fourth option, Sir, was basically ~~possibly~~, industry could be attracted to the Province ~~which~~ would provide employment, obviously, without the ~~same~~ as you would get from international rates. I ~~cannot~~ did not say sell at a loss, but basically what I was ~~saying~~ get an industrial base for the Province, look at that ~~with~~ for utilizing the power and see how the employment ~~and~~ benefits and all the other indirect benefits apply ~~as opposed~~ to just cash revenue.

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

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

MR. NEARY: Would the hon. the Premier  
indicate to the House whether or not it is correct that  
the hon. Mr. Gillespie, the Federal Minister of Energy,  
has publicly stated, and has the Premier and the provincial  
government been notified that no work can start on the  
Lower Churchill Falls project in Labrador until  
Newfoundland can negotiate an agreement with Quebec to  
move surplus power to the market? Is this statement correct  
and has it been communicated to the provincial government?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, we have been advising  
Mr. Gillespie of that position for quite some time, because  
Quebec happens to be between us and any other customer  
other than Quebec unless we utilize the power ourselves.  
I think Mr. Gillespie was the one at the New England  
Governors and Atlantic Premiers Conference - I am not sure if  
it were last year or the year before - who made the grand  
announcement that the federal government would declare an  
international interest to make sure these developments were  
developed. So, Sir, as far as we are concerned, as I say,  
we are looking at all the options and hopefully we will  
be doing it in conjunction with all the governments and  
all those who can play a part.

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

MR. SPEAKER: A supplementary.

MR. NEARY: Would the hon. the Premier then  
indicate to the House as a result of the answer he just  
gave to my question, whether or not negotiations are going  
on at the present time between the Government of Newfoundland  
and the Government of the Province of Quebec either to

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MR. NEARY:                    sell the power or transmit the  
power through the Province of Quebec, or is there a  
stalemate? Is the thing just a dead issue at the present  
time?



MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: No there is no stalemate, Mr. Speaker, we met with Mr. Levesque here as everyone knows. Since that time we have been doing, as I said just in answer to the Leader of the Opposition's question, looking at the four options, trying to tie them down in a specific manner so that when the decision is made it is made with the ultimate interest of the people of this Province in mind, so that it is of the most benefit to the Province. In that context, obviously, we know what Quebec's position is, although it has not been publicly announced yet nor do I think it should be until we are ready to sit down and negotiate with them. I do not think it is wise to negotiate in public. But we will be obviously sitting down and talking to them about the maximum position they would be prepared to look at as we will with the other three options that I mentioned. They are aware of that, Sir.

MR. NEARY: A supplementary.

MR. SPEAKER: A final supplementary.

MR. NEARY: Will the hon. the Premier indicate whether or not an agreement has been reached with the Government of Canada, (1) to get a make work project going on the site this year, cutting the wood on the site as in accordance with an offer made by the Government of Canada sometime ago? And would the Premier also indicate whether or not the government will be upgrading the Freedom Road this year leading from Goose Bay to the Upper Churchill?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: To answer the first part of the question, Mr. Speaker, to my knowledge, and I think it is accurate, the proposal that the federal government gave on the clear cutting of the Churchill reservoir was totally unsatisfactory. What they said was that they would share 50-50, but then when it was isolated as to what 50-50 was, it boiled down to between \$8,000 to \$10,000 per job for the people who would work on the development, or for the clear cutting.

The cost of the clear cutting would be approximately \$14 million, if I remember the figures correctly, over a two year period

Premier Moores: of which by that criteria the federal government's input would be \$4 million, which is certainly a very low, in our opinion, a very low share of the total cost, two-ninths of it, hardly 20 per cent of it.

What we did was go back to the federal government and ask them - this was not a plan, by the way, under Canada Manpower that was available to many types of industries, As I was saying there is nothing unique about this particular offer for Gull Island. The cost of setting up the camp sites, the equipment, and all the rest that had to go into that particular project, there was nothing allowed for that. We have talked to federal ministers about it, one senior one no later than just a couple of weeks ago, explaining that it was not a 50-50 deal, or what we had hoped to be a 75-25 deal, but rather an 80-20 deal with the Province taking the 80 per cent.

I think there was some misunderstanding in this in Ottawa. It has been resubmitted, and hopefully I will get a more favourable report when they have had a chance to look at it.

Secondly, as regards the so-called Freedom Road -

MR. NEARY: Do you think it will start this year or what?

PREMIER MOORES: Hopefully it will, yes. I mean, it depends on whether Ottawa comes along or not, we cannot afford to do it ourselves.

But as far as the Freedom Road is concerned there is some work scheduled this year by ourselves, I think, in a minor way. What we would like to do is to see DREE get involved, for obvious reasons, with ourselves because it is a resource development road, it is a road that is going to be very depended on for employment, and for industrial traffic in the future. And once again we have requested a federal consideration of that, not just for Gull Island and for Churchill Falls, but also as part of the Trans-Canada arrangement. And one of the things, Sir, I think should be realized is that we are not looking for a new road through the wilderness here.

PREMIER MOORES:

There is, in fact, a road from Churchill Falls to Goose Bay-Happy Valley which was built at tremendous cost by Brinco originally and by Newfoundland Hydro secondly. And when you take the amount of dollars that are in that road already, by the Province indirectly or directly certainly I would think that the federal government has every reason to be co-operative in the future.

MR. SPEAKER: The hon. member for St. John's West followed by the hon. gentleman for Terra Nova.

DR. KITCHEN: Mr. Speaker, my question is directed to the Minister of Mines and Energy. During the Hydro hearings last Fall, tremendous extravagances were revealed in the manner of operation of the Newfoundland and Labrador Hydro, some of which extravagances were recommended not to be passed on to the consumers by the Public Utilities Board but others were not singled out for cutting. Instead of cutting the government quite properly, I believe, eliminated the sales tax on electricity bills but in doing so sort of obscured the fact that these extravagances persisted in Newfoundland and Labrador Hydro. But now Newfoundland Light and Power is asking for increased tariffs based largely on these continued extravagances in Newfoundland Hydro which are being passed on to Newfoundland Light and Power.

So my question to the minister is,

DR. KITCHEN:

what steps is the Minister of Mines and Energy currently taking, or what steps has he already taken to eliminate known extravagances within Newfoundland and Labrador Hydro, and thereby to reduce the charges to Newfoundland Light and Power and thereby head off increases by Newfoundland Light and Power in the household electricity bills which are, in effect, caused by continuous extravagances within Newfoundland and Labrador Hydro?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. Minister of Mines and Energy.

MR. PECKFORD:

Mr. Speaker, I disagree with the assumption or the premise under which the question was asked in the first instance and that is that the only reason for the increase of Newfoundland Light and Power at this time is to cover extravagances in Newfoundland Hydro and hence why Newfoundland Light and Power needs their increase now. I disagree with the premise on which this question was asked. After saying that I can go on to say that I am fully reviewing with the president of Hydro, all the matters that come under Newfoundland and Labrador Hydro, and treasury board as well, to ensure that any extravagance that still exist in that corporation are eliminated to ensure that not only does justice to be done but in actual fact will be done.

MR. SPEAKER:

The hon. member for Terra Nova.

MR. T. LUSH:

A supplementary to the minister. I think last week in the news media it was announced that Mr. Bursley from the Newfoundland and Labrador Hydro, I think he is the PR man, denounced the rates that the Newfoundland Light and Power was asking for 10.3. He denounced these rates saying that they were not necessary not in proportion to the increase that Hydro was given. My question to the minister is, in that this is a government owned corporation is this the official view of the government that the rate being asked

MR. T. LUSH: by the Newfoundland Light and Power is too much? And if this is the case does the government intend to intervene?

MR. SPEAKER: The hon. minister.

MR. PECKFORD: We are analysing that now. The position as given by Mr. Bursey, I do not remember seeing it but I think there was something concerning how Hydro felt about it, it was hydro's position and not necessarily government's. But that whole application before the Public Utilities Board is being assessed by government right now as to whether, in fact, it is justified or whether it is not and what other steps government should take, if any.

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

MR. T. LUSH: Mr. Speaker, a question to the Minister of Labour and Manpower. With respect to the strike in Labrador City I wonder if the minister can give us some news on this development. There seems to be a lot of confusion as to whether there is agreement or as to whether there is no agreement. Each day I am reading in the paper where one party is saying there is agreement and another party is saying there is no agreement. Can the minister straighten us out on that situation?

MR. SPEAKER: The hon. minister.

MR. ROUSSEAU: I think the hon. member would agree that any question he has asked I have attempted to answer. On this one I really would like to reserve any reply until I have the opportunity to go into it further. I have had a report this morning from both conciliation officers. The hon. member knows I have one in Labrador City with the Iron Ore Company of Canada and one in Wabush as well. There is also another mediator from the Province of Quebec and there is also two federal mediators involved in it. I had a complete run-down on it this morning, the situation is indeed confusing. There is supposed to be a news blackout. I have not lifted that news blackout but I can say this to the hon. member to my knowledge, from my

MR. ROUSSEAU: conciliation officers up to the weekend the package, except for the monetary package, had been agreed to. That was my understanding from - now that is subject always to ratification, by the membership and that the question of money was going to be discussed. But right now all I can say to the hon. member is that there will be a one or two day recess in the meetings. What is going to happen tomorrow I do not know, I do not know from hour to hour or day to day. But tomorrow, obviously, or Wednesday - I am sorry tomorrow is Wednesday-Wednesday or Thursday, obviously, I will have further reports and decide on what action if any should be taken from there.

MR. T. LUSH: Mr. Speaker, a supplementary.

MR. SPEAKER: A supplementary.

MR. T. LUSH: With respect to the workers there I wonder if the minister can inform the House whether or not the entire work force is still intact in Labrador City or whether they have gone back to their homes? Just what is the situation?

MR. SPEAKER: The hon. minister.

MR. ROUSSEAU: I do not have the exact numbers but on past experience, and I have been there for twelve years with three or four strikes, normally what happens is that a lot of people do come home. Because yesterday, as a result of the article in The Daily News I had a number of phone calls as did, I understand, the Iron Ore Company of Canada office down here from people who thought there was a settlement. So I would assume that quite a few people are out, "Home" are out to the Island or waiting for the strike to end. That is the normal occurrence. The exact numbers I do not know. There is still, of course, quite a few people left up there as well but there are quite a few. I have no idea as to the percentage who may be left or the percentage who may be out but there would be quite a few, I would say.

MR. SPEAKER: The hon. member for Eagle River, followed by the hon. member for Lewisporte.

MR. STRACHAN: A question for the Minister of Manpower and Industrial Relations. I wonder if the minister could indicate to the House whether any action has been taken by him or government, either directly or indirectly concerning the Freedom Road West? Freedom Road, the road which is supposedly being built in Quebec by striking iron ore workers, sorry not iron ore, not IOC, Quebec Cartier miners, although apparently some IOC workers have also volunteered their labour to build the road. I wonder if there is any action being taken directly or indirectly as to the union media or through any other source, through IOC, to either have the road stopped or to look at the situation. I wonder exactly what action is being taken?

MR. SPEAKER: The hon. Minister of Manpower and Industrial Relations.

MR. ROUSSEAU: Mr. Speaker, I am going to say something that may prove to be very unpopular but obviously there is very little the minister or the government can do to stop a road in the Province of Quebec, unfortunately. I say to the hon. members, I said the other day, we do not fear that. I say to the hon. member since October '77 his predecessor, the now Minister of Justice and the present Minister of Intergovernmental Affairs, the Minister of Transportation and Communications have before DREE a proposal in which we would see the upgrading of the road from the Goose Bay - Happy Valley area to Esker and a new road, of course, which there is no road at all between Esker and the Labrador City - Wabush area. We are very keen on that as I indicated. The cost when I was in Highways three years ago, was then in the \$500 million range. It is quite an expensive undertaking. We are certainly hopeful that the federal government will see fit to assist the provincial government on a cost shared basis in respect to that road.

As a matter of policy, this government, the Province's government, certainly feels that that road between Esker and Labrador City -

MR. ROUSSEAU: Wabush should certainly be open.

MR. STRACHAN: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the original questioner.

MR. STRACHAN: I understand the minister's answer quite clearly there. I wonder specifically if he can inform us first of all whether there was any call placed to Pittsburgh, as some people informed me, to try and place pressure on the United Steel Workers Union, or any of the members, to cool the situation because as I understood or was told the situation was an embarrassment to the Government of this Province? And secondly whether, in the same vein, whether the minister has any intentions of discussing with the Chamber of Commerce, or any other people in Labrador City or Wabush, who are interested in going to meet with the Quebec Government to discuss such things as freight rates, possible subsidies coming in through Quebec or many possibilities of that nature, and I totally agree that what we have to do is obviously a positive attempt as this road here, and that our jurisdiction does not apply to the Province of Quebec. But exactly what are we doing in a situation which is at present a troublesome situation?

MR. SPEAKER: The hon. Minister of Manpower and Industrial Relations.

MR. ROUSSEAU: First of all, Mr. Speaker, I am going to say, and I am not even going to look around at my colleagues, I certainly know that nobody from government has done it or at least I have not been informed. I would assume that no public servant would do it without the approval of a minister and I would assume if they did it with the approval of the minister that since it is in my area, and directly connected to my area that somebody would tell me. I have not heard that phone call although I have been asked whether indeed a phone call has been made. I have to assume, since I do not know that such a call was made, that one was not made and if one was made I would be very embarrassed.

Number two, I understand that the Chamber of Commerce did meet, I think it was the night before last, no Monday,



MR. ROUSSEAU: last night, it is Tuesday today, and there was a news report on that. I have not yet been in contact with the Chamber of Commerce. Unfortunately, like the hon. member for the Straits of Belle Isle (Mr. Roberts), I am only man and you can only involve yourself with one thing. We are in the House all day, I have been on the strike all morning and there is only so much - I am having the matter checked out. I am getting conflicting stories on the Quebec side of the road certainly. When I read something in the newspapers as the Minister of Labour I know that a lot of the times it is not correct. That does not mean that somebody is falsely misleading. So until I hear something from the persons responsible, that this is indeed the case, then I cannot really take the news reports to be of any substance.

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

MR. SPEAKER: A final supplementary.

MR. STRACHAN: From the minister's answer there I presume that he is certainly doubting some accuracy of reports and obviously between Labrador and St. John's there is a great deal of inaccuracy in news reports and so on, especially by reporters and so on who do not understand the local situations, but I wish to point out or ask the minister, does he believe or understand full well that the road is being constructed, that there is such a road being constructed because I do have coming to me proof of the sections of roads which are being constructed and I would like to make sure that he is not casting doubt on the fact, that they

MR. STRACHAN: are very much interested in Quebec in this form of economic colonialism through the road. And I think that that is the thing we should attack.

MR. ROUSSEAU: Mr. Speaker,

MR. SPEAKER: The hon. the Minister of Labour and Manpower.

MR. ROUSSEAU: There is no misunderstanding between the member and I on that issue, on the social and economic impact. But on the road itself - the conflicting reports that I have received, and it has only been a few because I have not had the opportunity to talk in detail with people, some people say it is not being done and other people have told me it is being done - I just cannot get concrete evidence as to just what the situation is. And certainly, by the way, if anybody wanted to go to Quebec to talk about it from my constituency or from this Province, I certainly would not at all be adverse to accompanying anybody to speak with the officials in Quebec. I would think that the most obvious man for me to deal with would be my counterpart, the hon. Pierre Marc Johnson, the Minister of Labour and Manpower for Quebec. That would be the only one, I think, unless government approved which they have done in the past when I represented Labrador on a certain issue that would be the man that I would have to meet with. But I would certainly accept any invitation from anybody in my district to travel to any province to discuss any matter of importance to us with another government.

AN HON. MEMBER: Mr. Speaker.

MR. SPEAKER: I have indicated that I would recognize the hon. the member for Lewisporte next.

MR. WHITE: Mr. Speaker, I have a question for the Minister of Municipal Affairs and Housing. It relates to the technicians who are or were employed on the St. John's regional water supply. There was some indication that they might be transferred to or forced to be transferred to the Metro Board. I wonder if the minister could clear up this matter?

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

MR. DINN: Mr. Speaker, there are, as I understand it, negotiations going on. I do not think they are completed, but I will find out for the hon. member and give him the answer on it tomorrow.

MR. WHITE: A supplementary, Mr. Speaker.

MR. SPEAKER: A-supplementary.

MR. WHITE: Could the minister tell the House exactly what is being negotiated with respect to these technicians. They seem to be of the opinion that they are going to lose their bargaining rights, lose their contract - the agreement they have through NAPE and so on, and they seem to be under the impression they are being forced to come under Metro Board. I wonder if the minister could just tell us exactly what is happening?

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

MR. DINN: Mr. Speaker, the only guarantee that I know that I have made to the people who work on the water system is that when the system is transferred to Metro Board and eventually, hopefully, to the regional government, that a job will be there for them. And that is all I know at this point in time.

MR. NEARY: Mr. Speaker.

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

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MR. WHITE: A supplementary, Mr. Speaker.

MR. SPEAKER: One final supplementary.

MR. WHITE: It is a very short supplementary, Mr. Speaker. I wonder if the Minister of Municipal Affairs could tell us whether or not the legislation re regional government will be coming into this House during this session?

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

MR. DINN: The answer is yes, Mr. Speaker.

MR. SPEAKER: The hon. the member for LaPoile followed by the hon. gentleman from Fogo and the hon. gentleman from Bellevue.

MR. NEARY: My question, Sir, is for the Minister of Labour and Manpower, who seems to have scooted out of the House. So if the hon. gentleman does not come back to his seat I will have to put my question to the Minister of Transportation and Communications. Both hon. gentlemen would be involved.

Would the hon. Minister of Labour and Manpower indicate to the House whether or not a formal complaint has been laid either on his doorstep or on the doorstep of the Minister of Transportation and Communications or the Premier of this Province in connection with the importation of Quebec labour to complete the 20 per cent remaining work that needs to be done by Avalon Cable Television to put cable television in the St. John's area?

MR. SPEAKER: The hon. the Minister of Labour and Manpower.

MR. ROUSSEAU: Yes, Mr. Speaker, I have had a "formal" complaint from one of the employees

MR. ROUSSEAU: at Avalon Cablevision.

I received the complaint, I believe, early last week - it could have been Monday or Tuesday. It has to do with the subcontract, actually - laying the cable - and I have had my assistant deputy minister check it out and there is a report supposedly coming to my desk. I did not see it this morning, but he is supposed to have checked the matter out and we are looking into the matter.

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: Could the hon. minister confirm whether it is a fact that thirty-five Newfoundlanders have been served notice that their services will be terminated and that they will be replaced by technicians and labour from the Province of Quebec?

MR. SPEAKER: The hon. the Minister of Labour and Manpower.

MR. ROUSSEAU: Mr. Speaker, I would like to have the written report. I am sure the hon. member can appreciate that, but the verbal report I have is this that it has something to do with the quality of work insofar as the subcontract is concerned, but

MR. J. ROUSSEAU:           verbally I have been told by my assistant deputy minister who has been talking to Atlantic Cablevision that it is not their intention to bring any workers in from outside this Province, whoever is working will be Newfoundlanders. That is what I have been told. Until I get the written report I would be more than pleased to take it as noted, I hoped I would have it this afternoon or tomorrow, but I should have it shortly. The ADM, as I say, is doing it up, but orally he has told me that there is no intention on the part of Atlantic Cablevision to bring anybody in from outside the Province. They do have some thought that the company concerned might be from outside the Province, and I say the problem that has arisen is because of the alleged work that was being done by the existing sub-contractor.

MR. SPEAKER:               The hon. member for LaPoile.

MR. S. NEARY:             Mr. Speaker, of course the hon. gentleman is aware that workers have already replaced Newfoundland workers on this installation of cable television in St. John's. Newfoundlanders did eighty per cent of the work and now it would appear that for the other twenty per cent the Newfoundlanders would be replaced by labour from outside the Province. What I want to ask the Minister, can the Minister assure the house that if the Newfoundlanders are there and available, and competent, and able to do the work, will the Minister see to it, assure this House that preference will be given to Newfoundland labour?

MR. SPEAKER:               Hon. minister.

MR. J. ROUSSEAU:           Mr. Speaker, first of all, I say this and I say it again, in the oral presentation I have been told that no non-Newfoundlanders would be hired. Now I take that as management's word; I do not turn around and say that you are lying. If -

MR. S. NEARY:             The new company admitted they had four.

MR. J. ROUSSEAU:           If they had twenty per cent, or whatever the number is, that is not the oral report that I received from my assistant deputy minister. I can assure the hon. member, I can assure this House, and I can assure any company in this Province that as Minister of Labour

MR. J. ROUSSEAU: and on behalf of this Government that every effort will be taken by every means possible to ensure that every job available in this Province for which there are qualified Newfoundlanders to handle it, it will be given to qualified Newfoundlanders. I can assure the hon. member of that.

MR. SPEAKER: I have indicated I will recognize the hon. gentleman from Fogo next followed by the hon. member for Bellevue.

CAPT. E. WINSOR: Mr. Speaker, my question should probably be directed to the hon. the Premier but seeing he is not in his seat perhaps I should direct it to the Minister of Manpower and Labour. Stat Canada showed today that the unemployment in St. John's and Newfoundland as a whole is increasing, and I might add, at an alarming rate. What I would like to ask the Minister is, is the Government through the Minister taking any action to create some employment? All over this Province there seems to be an area of unemployment and despair. Would the Minister be able to tell us on behalf of the Government whether or not any steps are being taken to provide some source of employment especially for the students? There are an awful lot of students now beginning to get out into the work field, they are very disgusted and very discouraged.

MR. SPEAKER: Hon. Minister.

MR. J. ROUSSEAU: Mr. Speaker, as the Premier mentioned the other day some students, of course, will be taken on in Government jobs, also the Federal Government is making an effort on behalf of students. In respect to the more global problem of employment, in our meetings with Mr. Cullen, and this would be Federal/Provincial, all the ministers felt the same way that the vast amount of money that is presently going into Canada Works projects are not such that would encourage the tradesmen to go back to work at the minimum wage plus fifteen per cent. What we are attempting to do and what Mr. Cullen has indicated to us was that in this fiscal year the Federal Government would take some of that money off the top of the Canada Public Works program

MR. J. ROUSSEAU: and in consultation with the provinces put them in a resource based area, areas for example as I know the hon. member from Fogo (Capt. Winsor) would be interested in, the Fishery, or Agriculture, or Mining, or Tourism, or something that would provide not only the jobs immediately, but ongoing jobs as well. We have talked to the Federal Government about that. We have put in various proposals from the Atlantic Provinces. Right now we are in the process because the budget is now near ready, I hope ready for discussion with Mr. Cullen and I have been talking to him about it, that we are going to prepare a further list for him and sit down and see if in consultation with the provinces that some of this money cannot be siphoned off into more longer term jobs. I am sure the hon. member can understand that Mr. Cullen has some problems because of the Constituency Association, the Federal MP's, and so on, everybody is involved in it. But we think that some of the money should be siphoned off into an area that would provide the resource based jobs immediately and provide for long term jobs in the future, and we have been pursuing that now for the past - well before me - but since I have been there, for the last year or so we have been pursuing that matter, and we hope that this year we will have some concrete results.



MR. SPEAKER: A supplementary.

MR. LUSH: In the Budget Speech mention was made of the government's intention to create 40,000 jobs in the next five years, I am wondering if the minister is able to give us a time frame with respect to the development of that. Whether, for example, in the first year the government plans to create 8,000 and 20,000 at the end of the second year or whether these jobs will all be created at the end of the fifth year of this programme?

MR. SPEAKER: The hon. minister.

MR. ROUSSEAU: Mr. Speaker, I have not seen the flow sheet. I will undertake to take a look at it. I would not think that government would say they wanted 40,000 jobs in the last year. I would assume that a project, for example, like the Hinds Lake Project is one that has been considered.

AN HON. MEMBER: (Inaudible).

MR. ROUSSEAU: I told the hon. member if he wants a flow sheet I will see if there is one available. Obviously I do not have that at my fingertips right now.

ORDERS OF THE DAY:

MOTION 6:

Motion, the hon. the Minister of Rehabilitation and Recreation to introduce a bill, "An Act To Amend The Welfare Institutions Licensing Act To Ensure Greater Emphasis On The Inspection Of Welfare Institutions In The Future," carried.

(Bill No. 22)

On motion, Bill No. 22 read a first time ordered read a second time on tomorrow.

MOTION 7:

Motion, the hon. the Minister of Finance to introduce a bill, "An Act To Amend The Conflict Of Interest Act, 1973," carried. (Bill No. 20)

On motion, Bill No. 20 read a first time ordered read a second time on tomorrow.

MOTION 8:

Motion, the hon. the Minister of Mines and Energy to introduce a bill, "An Act To Authorize The Lieutenant-Governor In Council To Enter Into An Agreement With British-Newfoundland Corporation Limited And N.M. Rothschild & Sons, Supplemental To The Agreement Dated The Twenty-First Day Of May, 1953, As Heretofore Amended," carried. (Bill No. 26)

On motion, Bill No. 26 read a first time ordered read a second time on tomorrow.

MOTION 9:

Motion, the hon. the Minister of Transportation and Communications to introduce a bill, "An Act To Amend The Motorized Snow Vehicles And All-Terrain Vehicles Act, 1973," carried.

(Bill No. 27)

On motion, Bill No. 27 read a first time ordered read a second time on tomorrow.

MOTION 10:

Motion, the hon. Minister of Consumer Affairs and Environment to introduce a bill, "An Act To Amend The Statute Law In Respect Of Annuities Payable Under Life Insurance Contracts," carried. (Bill No. 18)

On motion, Bill No. 18 read a first time ordered read a second time on tomorrow.

MOTION 11:

Motion, the hon. Minister of Mines and Energy to introduce a bill, "An Act To Amend Further The Government-British Newfoundland Exploration Limited Authorization Of Agreement Act, 1957," carried. (Bill No. 25)

On motion, Bill No. 25 read a first time ordered read a second time on tomorrow.

MOTION 12:

Motion, the hon. Minister of Forestry and Agriculture to introduce a bill, "An Act To Amend The Dog Act, 1976," carried.

(Bill No. 29).

On motion, Bill No. 29 read a first time,  
ordered read a second time on tomorrow.

Motion, the hon. the Minister of Education to  
introduce a bill, "An Act To Amend The Local School Tax Act,"  
carried. (Bill No. 10)

On motion, Bill No. 10 read a first time,  
ordered read a second time on tomorrow.

Motion, the hon. the Minister of Consumer Affairs  
and Environment to introduce a bill, "An Act To Amend The Local School  
Tax Act," carried. (Bill No. 31)

On motion, Bill No. 31 read a first time, ordered  
read a second time on tomorrow.

Motion, the hon. Minister of Mines and Energy  
to introduce a bill, "An Act To Amend The Mineral Act, 1976,"  
carried. (Bill No. 32)

On motion, Bill No. 32 read a first time, ordered  
read a second time on tomorrow.

THIRD READING:

On motion, a bill, "An Act To Authorize An Impost  
Upon Certain Mineral Holdings In The Province," read a third time,  
ordered passed and its title be as on the Order Paper. (Bill No. 5)

On motion, a bill, "An Act To Repeal The Government-  
Pyramid Mobile Homes (1959) Limited (Confirmation of Agreement) Act,"  
read a third time, ordered passed and its title be as on the Order  
Paper. (Bill No. 12)

On motion, a bill, "An Act To Amend The Adoption  
Of Children Act," read a third time, ordered passed and its title be  
as on the Order Paper. (Bill No. 9)

On motion, a bill, "An Act Respecting the  
Rehabilitation Of Disabled Persons," read a third time, ordered passed  
and its title be as on the Order Paper. (Bill No. 17)

On motion, a bill, "An Act To Regulate The Discounting  
Of Income Tax Refunds," read a third time, ordered passed and its  
title be as on the Order Paper. (Bill No. 21)

Motion second reading of a bill, "An Act  
Respecting Occupational Health And Safety In The Province."

(Bill No. 24)

MR. SPEAKER: The hon. Minister of Labour and Manpower.

MR. ROUSSEAU: Mr. Speaker, it gives me great pleasure to open debate in principle on the bill on occupational health and safety and for once in my life I am going to stand up here and I am going to finish everything I have to say. The hon. Minister of Justice (Mr. Hickman) is not in his seat so he cannot tell me to sit down and I am going to go over it from start to finish so that there are no misunderstandings on what has happened from day one up to this present bill. I think that is important, that it go on the record so that there be no misunderstandings. Also I think it is important for the members in debating the principle of the bill to know just what the sequence of events have been in respect to this bill on occupational health and safety.

Mr. Speaker, as early as 1972 this government has demonstrated concern regarding the level of occupational health in the environmental health services in the Province. In April of 1973 the first major step was taken to address this subject when a consultant, Dr. Mastreomateo, was retained to review the existing situation and to prepare specific recommendations on the objectives, costs and organization of such services.

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MR. ROUSSEAU:

The main recommendations of this study was that the Province provide the authority, the staff and the resources within the Department of Health to meet the needs of Newfoundland and Labrador in dealing with the question of occupational health and environmental health. As a result the position of Director of Occupational Health and Safety was created and attached to the Department of Health. This position was subsequently filled by Dr. A. B. Colohan. However, further action on the recommendations was delayed pending the outcome of a study which was in progress regarding the whole area of government inspection services.

With respect to the subject of occupational health and safety the latter study that I just referred to recommended that the Department of Health provide consultative service in the occupational health field to the respective enforcement agencies and departments, and that all inspection and enforcement of regulations be assigned to the Department of Manpower and Industrial Relations with the exception of mines which would remain with the Department of Mines and Energy.

The next and probably one of the more important incidents that occurred was in November of 1975, two briefs were submitted to Cabinet relating to occupational health and safety. These two briefs dealt specifically with the mining operations in the Province but obviously aspects of occupational health and safety could be stretched out to include other occupations. One was from the United Steel Workers of America that would be the provincial body encompassing all steel workers in the Province and a joint brief from the Confederation of National Trade Unions, the CNTU and the St. Lawrence Workers Protective Union. That would be the group of workers at St. Lawrence represented by their unions. Subsequently a Cabinet Committee was set up and in turn an Officials Committee was established to analyze the recommendations contained in the brief.

MR. ROUSSEAU:

With respect to the United Steel Workers of America recommendation requesting the institution of a ministry of occupational health and safety, the committee and subsequently the government rejected the idea of a separate ministry. However, there was a consensus on the concept of consolidating all occupational health and safety responsibilities. And as a result of that the then Minister of Manpower and Industrial Relations, the present Minister of Forestry and Agriculture (Mr. Maynard) was given a task to look at the whole question of occupational health and safety in the Province and as well to look at other jurisdictions to see how the situation was handled in these jurisdictions. Accordingly a working group consisting of representatives from the Workmen's Compensation Board, the Planning and Priorities Secretariat and Treasury Board was constituted to study this whole matter.

The specific terms of reference outlined for the study were, one, to undertake a comparative analysis of the current situation and to propose consolidation with respect to the administrative function. Secondly, to closely examine and make recommendations on consolidation of health and safety services with specific reference to the administrative function. Thirdly, to determine the current operational cost of these services which would be affected by a proposed reorganization. And fourthly, to determine as accurately as possible the projected cost after consolidation. In performing this task the working group conducted indebt interviews with the responsible officials of each department or agency affected by the consolidation. They also travelled, Mr. Speaker, to Alberta, Saskatchewan and Quebec to examine on a first hand basis -

MR. NEARY: Mr. Speaker, can we have a quorum.

MR. SPEAKER: A quorum call.

MR. SPEAKER: (Dr. Collins) Order, please! I would ask the Clerk to count the House.

Order, please! The Clerk informs me that a quorum is present.

The hon. the Minister of Labour and Manpower.

MR. ROUSSEAU: Mr. Speaker, you know, one of the finest moments of a member's or a minister's life is when he stands up and introduces a bill like I have introduced today. It is very near and dear to my heart and very near and dear, I am sure, to everybody's heart in this House of Assembly. I think the matter is of extreme importance. I would like to go through it. I am going to take a long time so that I give even, the hon. members information in sequence that they probably have not had before. I am reading from reports, I will read from Cabinet documents, I will read from anything else I have. I will probably give more information than has ever been had before, because I find myself in the most unenviable position of having said things about Occupational Health and Safety for about six months and it just does not seem to get across. There are always conflicting statements. I am attempting now to provide a whole scenario and background for all members of the House on this very important item, then I am prepared to take my lumps as to whether it is not enough or too much or what way I should go and so on and so forth. And I am going to attempt to give every bit of possible information I have at my disposal without withholding anything, and any other information that the hon. members of the House want they certainly can have when I stand to close the debate.

We also have, of course, the clause by clause reading in which we can go into it deeper.

MR. ROUSSEAU: Today we are talking about the principle of the bill.

And I find it very difficult, Mr. Speaker, to speak when there are other people speaking in the House and to attempt to concentrate on what I am doing.

MR. SIMMONS: Mr. Speaker.

MR. ROUSSEAU: Yes.

MR. SIMMONS: A question for the minister. He has indicated it is a fairly complicated piece of legislation. We have had it a very short time. He is obviously about to give us some information which will help us formulate our thinking on the bill. The thing is in second reading now. Perhaps as a compromise the minister and/or the acting Government House Leader would agree that once the second reading has been done that before we go into clause by clause Committee stage we have a day or so -

MR. ROUSSEAU: Oh, yes.

MR. SIMMONS: - a day or so to absorb the information which he is now going to give the House. Is that agreed?

MR. PECKFORD: We cannot give that undertaking right at the present moment. That would have to be discussed at caucus, but we will attempt to be as reasonable as possible and to give as much time as possible so that everybody has a chance to assess it. But we cannot give an overall commitment right now, or I cannot on behalf of this side of the House. I would have to wait and talk to the other people. Not only that, but



MR. PECKFORD: the debate in principle which everybody can understand regardless if you had it one hour or fifty thousand hours it is what we are now going to be debating and that will go on perhaps for the rest of today as I understood it and then that will be two days that other hon. members would have had to examine the particulars of the bill which then would be done in Committee. So it is really two days rather than one as it relates to the particulars.

MR. ROUSSEAU: The more startling problem by the way is that all my officials are out in Regina today, I think Regina or somewhere. They are gone out to look at other departments of Occupational Health and Safety and I need them back here for clause by clause, I can tell you that, because they are very detailed. So in performing this task that I suggested before the -

AN HON. MEMBER: What are you rushing it for?

MR. ROUSSEAU: I am rushing it because it happens to be a very important bill and everybody has been yelling at me for two or three months. Where are you going to get the Occupational Health and Safety Bill in the House? I said I am going to do it and I think it is important to Baie Verte, I think it is important to Labrador City and I think it is important to the workers of this Province. I am not putting out a White Paper. I am going to be shot down on that, but I want to get this through. I want to get this shell in here because I think it is important.

AN HON. MEMBER: (Inaudible).

MR. ROUSSEAU: I am going to speak in - I am going to be quite a while. It is only a few hours but if the hon. member would listen he is going to get a lot more information from what I say than what he would by reading the bill itself.

The format of the report that was done by the Committee and as a result of their visits to Saskatchewan, Alberta and Quebec consisted of first examining the existing structure within government, the Department of Health providing just a kind of

MR. ROUSSEAU: a superficial service at that time for provision of occupational health and safety followed by a comparative analysis of the future policy of alternatives identified in the Terms of reference, that is whether you retain the current situation versus the consolidation and finally consider the implementation of the selected alternatives in terms of organizational framework, staffing and physical facility requirements, funding the worker and the work site and enabling legislation. Because obviously, Mr. Speaker, there is no human being in the world can flick a finger and have an occupational health and safety division intact, legislation enabling plus the regulations and the proper people to police it in a very short period of time. That takes some amount of time.

For the purposes of the report that was given, occupational health and safety services was meant as services primarily designed for the protection of workers against health or safety hazards that may arise out of their work or the conditions under which the work is performed or, more simply, the collective social activity of work. It should be noted that this definition does not permit a strict delineation of services designed for the protection of the public at large versus the protection of the worker and a certain degree of overlap is inevitable. It is emphasized however that the major reason for providing the service must be to ensure the safety and health of the worker in or as a result of the work place, the most important principle. Within that definition the following government departments or agencies were identified as having responsibilities in the area of occupational health and safety: the Department of then Manpower and Industrial Relations, the Manpower Division; the Department of Mines and Energy; the Mines Inspection Branch; the Workman's Compensation Board, Safety Division; Newfoundland and Labrador Hydro, the Electrical Inspection Unit; the Department of Health, the Occupational Health Division; and the Department of Justice, the Fire Commissioner's Office.

Engineering and Technical Services Division of the

May 9, 1978

Tape No. 2016

JM - 3

MR. ROUSSEAU: Department of Labour and Manpower is responsible for the design approval of boiler, pressure vessels, pressure piping, high pressure welding procedures and elevating devices as well as periodic inspection of such equipment. It establishes standards to ensure the safe operation of such equipment and procedures, investigating operational failures and enforces the various standards and codes. The total staff compliment of that division is eighteen. The relevant legislation administered by that division is the Boiler and Pressure Vessels Act and Regulations - which I will be giving notice of I hope in the next few days. It will be a new act to be debated in this session of the House-and,secondly,the Elevators Act and Regulations.

The Mine Inspection Division of the Department of

MR. J. ROUSSEAU:

Mines and Energy has the dual responsibility for mine safety inspection and the engineering function of monitoring the depletion of the resource. These responsibilities are currently being performed by the same inspectors. Recently, the Division has added the responsibilities associated with the position of Industrial Hygienist and that of Mine Rescue Training Officer, two areas that have required attention in mines for some time, and the total staff complement of that division is twelve. The relevant legislation administered by the department is the Regulation of Mines Act and the related safety of workmen's regulations.

The Workmen's Compensation Board, aside from being a collection and claims administering agency, is responsible for the carrying out of an accident prevention program in industry. The Safety Division is responsible for conducting industrial safety inspections in all areas of the Province excluding mines and excluding Federal jurisdiction. The division also conducts industrial safety education programs so, really, the question of health and safety comes under the Workmen's Compensation Board, the Industry Safety Division, the Department of Mines for mining in the Province, and under the Federal Government in those areas that they are accountable for. So there are three areas really now of occupational health and safety in the Province. The total staff complement of the division of the Workmen's Compensation Board is nine.

The relevant legislation administered by the board is the Workmen's Compensation Board Act and related regulations.

Newfoundland and Labrador Hydro Corporation is responsible for all electrical inspections in the Province. While having overall responsibility for inspecting all electrical installations their prime concern is with construction and alterations to new facilities, both industrial and domestic. In addition to electrical safety and construction, the Corporation monitors hazardous electrical products from toys to generators in accordance with the CSA, the Canada

MR. J. ROUSSEAU: Standards Association, and also acts as a consultant for various other inspectorates and agencies within the Provincial Government. The total staff complement of that division is thirty-nine, and the relevant legislation administered by the Corporation is the Newfoundland and Labrador Hydro Act (1975).

Approximately two years ago the Division of Occupational Health was created in the Department of Health. It was the responsibility of the Director to organize a division and, as such, in accordance with the report on Government Inspection Services, to provide consultant services in the Occupational Health field to the respective enforcement agencies and departments. Regulatory powers are provided in the Department of Health Act, however, specific regulations have not yet been promulgated.

The Fire Commissioner's Office is administered by the Department of Justice. The Fire Commissioner is responsible for design approval of new buildings, providing professional advice and enforcement of the Fire Commissioner's Act. The staff complement of the Office numbers only three; however, the Fire Commissioner has at his disposal members of the Newfoundland Constabulary, the R.C.M.P., local fire brigades and fire departments as required. The relevant legislation administered by the Office is the Fire Prevention Act and approximately 200 codes and standards.

From what I have just said, Mr. Speaker, it is evident that a wide diversity of jurisdictions exist within the Provincial Occupational Health and Safety structure. At present there are six departments or agencies with various responsibilities for inspection, enforcement and education in the area of Occupational Health and Safety. These departments and agencies employ a total of eighty-three staff in related functions and have a total estimated expenditure for the 1976-77 year, which is the last one I have available, of \$1,750,000 with estimated revenues of a quarter of a million dollars.

MR. J. ROUSSEAU: These departments and agencies administer a total of eight acts and numerous associated regulations and codes.

It should also be noted as I mentioned previously, Mr. Speaker, that the Canada Department of Labour is responsible for Occupational Health and Safety in Federal jurisdictions and employs one inspection in Newfoundland. However, inspection of Federal installations of boilers and pressure equipment is done by the Province under an agreement between the Federal Department of Labour and the Provincial Department of Labour and Manpower.

Having detailed the existing structure, the next stage in accordance with the terms of reference for the study that we just indicated was to undertake a comparative analysis of the current situation versus consolidation.

MR. ROUSSEAU:

Prior to proceeding with that analysis the working group had to choose more accurately to find these alternatives as follows: Number one, the status quo retained basically the existing organization structure and policies with possible minor changes to facilitate the solution of particular problems or, two, consolidation; consolidate two or more of the existing industrial inspectorate and occupational health functions as defined in the existing structure. To further illustrate I have some tables that I will be able to place on the table of the House.

So we had all these things done and it was evident from the beginning of the study that there was little empirical data to permit a comprehensive analysis of the above alternatives. Even in Saskatchewan where the consolidated system had been in operation since 1972, the general consensus appeared to be that the overall consolidation and expanded occupational health and safety programme has been a good thing although some dissident factions still remain. Meanwhile, no conclusive evidence was generated as a result of that study to support either point of view.

In the absence of the specific information that we would have liked to have, the methodology used for analyzing the alternatives were general as was the data that was contained therein. In the first instance it was decided to address the broad policy issue defined by the choice between the above alternatives rather than attempt to evaluate separately the merits of consolidating the departments or agencies involved. Once the broader issue was settled the question of which department or agency to be consolidated, if any, were determined. Initially the analysis assessed the environmental trend surrounding occupational health and safety in order to demonstrate the need for some form of government action in this area. Given that need, a set of broad governing principles were formulated which the working group felt should

MR. ROUSSEAU:

apply to any government action regarding occupational health and safety.

Now there were certain things that occurred, Mr. Speaker, in that time period. Since the Workmen's Compensation Board was amended in July of 1972 providing special compensation for St. Lawrence miners, the following information on compensable claims granted under this amendment was provided by the Workmen's Compensation Board. Two hundred and seventeen were the total number of claims and 112 were the number of claimants or workmen who were dead. The board also pays out approximately \$60,000 per month in compensation to miners or dependants. Of course we have the problems with Labrador City, we have the problems with the operation at Baie Verte, the Advocate Mines. On top of that, of course, there were, as I mentioned before, the two union briefs from the United Steel Workers and the joint brief from the CNTU and St. Lawrence Protective Workers, the joint brief from these two.

Of course the other provinces in recent days have initiated new policies with respect to occupational health and safety apart from Saskatchewan, Alberta and British Columbia. British Columbia has just introduced new legislation and Quebec and Manitoba will be following suit within the very near future if it is not already on the books. Of course public awareness became much more pronounced especially in this decade although the signs and indications were there a long time before that. It is just that they were not noticed to the point that they should have been noticed.

In summary then, while the cumulative effect of these environmental trends can hardly be interpreted at this stage as a crisis situation generally, although there are specific crisis situations, it is evident that a strong demand exists for concrete government action in the field of occupational health and safety. Broadly speaking such demand can be reasonably translated



MR. ROUSSEAU:

as a general dissatisfaction with existing policies and confirms the need to critically assess the existing structure.

It was very important of course for government to reflect on this demand, and in government's mind and in the minds of everybody, of course, the demand is going to become much more prevalent in the days to come. Having identified in general terms the need for specific government action, the next step was to establish a set of principles which should be used to govern any proposed programme or programmes respecting occupational health and safety in the Province. Of course such a programme or programmes could be elaborate or simple as the principles dictate. The working group, however, attempted to portray principles which were reasonable in this period of economic restraint and yet reflect

MR. ROUSSEAU: social responsibilities facing government in these areas and the principles are as follows:

(1) faced with the emerging environmental trends, government should seize the opportunity to develop a program respecting Occupational Health and Safety which have a clear and identifiable profile,(2) Since the protection of the worker is a central theme underlying any program or programs respecting Occupational Health and Safety, the programs should be responsive to the needs of the worker and be primarily designed such that the various functional aspects of the program including inspection, enforcement, health monitoring and education should be coordinated to meet these needs. (3) It is essential that the program receive the benefit of meaningful participation input and co-operation from the main parties involved which is to say management, labour and government. (4) Occupational Health and Safety should be dealt with in a non-adversary framework and government should actively encourage the subject to be discussed outside the collective bargaining area.(5) The programs should be primarily focused on the prevention of industrial accidents and disease and to this end an educational capability must be established directed towards increasing the Occupational Health and Safety awareness of workers in the field, and (6) the enabling legislation must provide an effective framework to permit the successful implementation of the programs and above all penalties must be adequate to act as a real deterrent when necessary. That, Mr. Speaker, is a background. In continuing this, I would like to give, as a result of this study, the recommendations as given to us by this group that looked at the situation. The first one was that the responsibility for Occupational Health and Safety in the Province should be consolidated into a central body and managed accordingly. That is now in the process of being done-

MR. ROUSSEAU: I say in the process-with the bill. Number two, Occupational Health and Safety services in the Province should be centralized under the operation of the Department of Labour and Manpower and organized in a way that was indicated as would be most efficient and effective. Recommendation three, an advisory body composed of representatives from Labour and Management relating to Occupational Health and Safety. That has been done. Recommendation four, new positions of radiation inspector and industrial hygienist should be created and attached to the Occupational Health and Safety Services Unit. I have had approval of my colleagues in Cabinet and I think the positions are now being looked at as to whatever they do with them so that they can be advertised they, or are in the process of being advertised.

AN HON. MEMBER: Classified.

MR. ROUSSEAU: Classified, that is it. Recommendation five, the budget for the Occupational Health and Safety Division should be funded jointly from the payments made by employers on assessment by Workmen's Compensation Board and contributions from the general revenue fund of government with industry being responsible for the total cost associated with the Occupational Health and Safety Unit and the Educational Research Unit and government being responsible for the total cost of the general safety services unit, less revenues.

I might mention here, Mr. Speaker, that based on this formula the total assessment required from industry is \$666,441. Currently the Workmen's Compensation Board's total annual assessment on industry is approximately \$10.3 million of which \$245,000 is used for accident prevention programs of the safety division of the board. Therefore we will require an increase of assessment by \$421,000 or an increase by 4.1 per cent of the Workmen's Compensation Board assessment

MR. ROUSSEAU:

in order to share these costs.

Government contribution will be in the original instance of course \$829,428 on the total expenditure of over a million dollars. And recommendation six, which is in the bill, that joint safety and health committees consisting of representatives of management and labour should be formed at work locations designated by the minister and in accordance with prescribed terms of reference to be defined in legislation and a code of practice. That is apparent in the bill. The next one, and I think one of the most important aspects of this legislation, one of the underlying principles of this legislation, Mr. Speaker, the worker should have the right to refuse to work in his opinion in any area which endangers his health or safety without fear of reprisals or the health and safety of anybody else near him without fear of reprisals.

MR. ROUSSEAU: The definition of dangerous work would have to be clearly defined and follow-up procedures in case of disputes identified in the legislation.

Recommendation 8, which I believe is the last recommendation: The government should authorize the drafting of a single Occupational Health and Safety Act encompassing any relevant existing legislation as well as introducing the following new concepts for inclusion in the Act: the consolidation of divisions and agencies as identified in this report into a single Occupational Health and Safety Division; insure the right of the worker to refuse to work without penalty where the worker has reasonable grounds for believing the work is dangerous to health and safety; a clear definition of offences and adequate penalties to act as a real deterrent when necessary; the establishment of occupational health and safety committees at the discretion of the minister; the establishment of an advisory council consisting of representatives from Labour and Management to assist the minister upon request in related matters; and to allow for funding as specified.

Now, Mr. Speaker, that is the background. So if I may go over it for a moment, we went to Mastromateo - I think his name was? -

AN HON. MEMBER: Right.

MR. ROUSSEAU: - Dr. Mastromateo in 1972 in the Department of Health study and an occupational health and safety unit was set up in the Department of Health, to 1975 with the joint presentation between the United Steelworkers of America province-wide and a joint presentation from the CNTU and the St. Lawrence Protective Workers Union in respect to Occupational Health

MR. ROUSSEAU: and Safety in the Province. In the meantime, Mr. Speaker, and concurrent with this going on, of course, across the Province when the problems that existed in various work places in the Province - the mining industry, of course, is more clear to mind because the Steelworkers have done a good job and they must be commended on the job they have done in bringing the public awareness to the question of Occupational Health and Safety. But in the meantime, there were accidents occurring in other areas as well which did not get the sort of publicity that the problems which arose in the mines got. There was loss of life and so on and so forth on some of the construction projects and that sort of thing. And so the whole background of the time and the time frame was one that certainly prompted action to be taken.

Now, Mr. Speaker, again I go back to a question I asked a few minutes ago: Do you again click your finger and say, We are going to set up an Occupational Health and Safety Division or an Occupational Health and Safety Administration without consulting? Because one of the major planks that we had indicated was that we would consult with management and labour.

In late October, 1976, Mr. Speaker, a conference was called by the then Minister of Manpower and Industrial Relations, the present Minister of Forestry and Agriculture, to discuss the feasibility of consolidation with representatives of labour and management groups throughout the Province. Now, Mr. Speaker, from what I understand, the conference was a success. I think it was a three day conference in which all aspects of Occupational Health and Safety were discussed by both management and labour.

MR. ROUSSEAU: The general consensus, as we read it, of the conference was this - four points: All occupational health and safety services be consolidated under one authority with that authority being the Department of Manpower and Industrial Relations. That was as a result of labour and management, and I presume a lot of other people who were not directly connected with labour and management who attended that conference, being consolidated in one department, all Occupational Health and Safety; on funding there was some disagreement as to what percentages would be charged to whom and by what method - the second one; the third one - the worker should have a statutory right to withdraw his services where, in his opinion, conditions of a hazardous nature exist; number four - the establishment of joint health and safety committees in the work place should be written into the legislation.

Now, Mr. Speaker, towards the close of that conference, freely and democratically elected by the conference was an interim advisory board on Occupational Health and Safety. Mr. Speaker, we are talking now about late October, early November of 1976. The members of that committee as gazetted were Frank Carter from Wabush Mines; Don Murphy, Price (Nfld.); Dan Corbett, Erco;

MR. ROUSSEAU:

Mark King, Lundrigans Limited; George White, Booth Fisheries; and Ed Bennett, Canadian National. Those were the management representatives. The labour representatives were John Wiseman, the International Union of Operating Engineers, Local 904; Jim Ryan, Newfoundland Association of Public Employees; Art Kelly, Canadian Paper Makers Union; Mr. Gonzo Gillingham, United Brotherhood of Carpenters and Joiners; Mr. Matthew Murphy, Newfoundland Fishermen, Food and Allied Workers; and Mr. Bert Monroe, United Steelworkers of America. These people were elected at the conference. This was in late October. I believe I became Minister of Labour in November sometime of that year, and having been aware of it from the original instance, and also of course because of the district I represent and the concern for occupational health and safety, I immediately went to work and continued on with the work that my predecessor had done and appointed, with the consent of my Cabinet colleagues, Dr. Leslie Harris, Vice-President of Memorial University, as the Chairman of the Interim Advisory Council, and Dr. Patricia Bruce-Lockart from Memorial University of Newfoundland, who is some authority on the question of occupational health and safety, and appointed as Executive Secretary, John Hodder, of the Workmen's Compensation Board, who is on secondment from the Workmen's Compensation Board indeed and is working full time with this group.

Now this would have been early '77. And this group started to meet, Mr. Speaker, and they asked me to attend the first meeting, and I gave a few opening remarks at their first meeting. And I told them what trend I would like to see them go and I gave them an indication, Mr. Speaker, of what way government might be going. I believe the first set of minutes, and I have them there, asked as a result of my opening remarks, that government undertake to take no action in the area of occupational health and safety until it was referred to the Interim Advisory Board which they felt represented management and labour.



MR. ROUSSEAU: Mr. Speaker, I gave that commitment to the Interim Advisory Council on occupational health and safety. They continued to meet, I do not know if every member was at every meeting, with the thought of consolidating existing legislation, looking at the legislation from the other provinces and bringing before the minister as their advice an act encompassing occupational health and safety which I would of course refer to my colleagues in Cabinet.

A few weeks ago this was done, or in the past month or six weeks, at which time of course we had to bring it before my colleagues in Cabinet, and in all but one section of that act Cabinet concurred. The only section Cabinet changed was section 35 of the act. And if I may, because although we are talking about the principle, I am talking about a principle of the Interim Advisory Board and their advice, was that I think the Interim Advisory Board would have liked to have everybody involved under this legislation and then delete whoever you want to delete. Government felt, because of the institution of a concept such as occupational health and safety, it would be better by regulation to designate the areas that would be involved in occupational health and safety. Because if you went in and all of a sudden tomorrow, if hon. members have not read the act, but any work place consisting of ten or more people can be designated as an area of occupational health and safety concern. So we will by regulation of course, when the regulations come out, designate the individual work place or classes of work place. Now obviously mines and construction projects, the bigger ones, are not a problem; the problems are the smaller ones, the smaller offices, about eight or ten people and so on, although provision is made in the act there.

The point I am trying to make, Mr. Speaker, is that outside of that one different section, or different way of putting the section, section 35, which does not destroy the principle there that work place (a) or work place (b) or class of work (a) or (b) would or

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MR. ROUSSEAU: not be confined within the jurisdiction of this legislation. All we are saying is that we designate, instead of saying everybody and then take out the ones that will not be designated, if any, done outside of that. This act is unchanged from

MR. ROUSSEAU:

the recommendation of the Interim Advisory Council. So I say that because in the event through to clause by clause reading comes through, then I do not know, I have committed to the Interim Advisory Council that I would go back to them any changes, I think I have, because they have worked hard on that act, that I will consult with them.

Now in respect, if I may, Mr. Speaker - I might mention today, by the way, because we want to get this thing off the ground as fast as possible, my Assistant Deputy Minister of Manpower, who is the division of the department responsible for occupational health and safety, Dr. Colohan and Mr. Hodder, the executive secretary, are visiting the provinces which presently have existing divisions of occupational health and safety to determine how these operate, to determine if we can learn from the mistakes and experiences, from which mistakes invariably come, and experiences which they have had over the years to implement this concept of occupational health and safety in the division as swiftly and without any mistakes and with the experience that other provinces have had. It would be my intention, Mr. Speaker, to look closely at the question of the Occupational Health and Safety Interim Advisory Council. I am assuming now in looking at the group that they represent various segments of industry and labour. I notice that the Federation of Labour is not representative. It may be that I will ask for a representative from the Federation of Labour and possibly from the St. John's Board of Trade/ Chambers of Commerce across the Province to give them an input from the small business point of view. But the legislation provides that there will be an equal number of people on the Permanent Advisory Council on Occupational Health and Safety.

Dr. Leslie Harris, when he assumed the Chairmanship in January of 1977, indicated to me that because of his work load he would only take it for one year. I have not been told yet by him whether he intends to continue or not. I think he has done a fine job and

MR. ROUSSEAU: should be commended for it, as did all the members of the Interim Advisory Council.

Now, obviously, Mr. Speaker, it will mean that a lot of people will have to come over to the Department of Labour and Manpower from various divisions. We have set up a timetable and I would hope that at some point during the debate on principle that my colleague, the Minister of Mines and Energy will speak in respect to the regulation of mines and safety in mines. But as it stands now the timetable will be April 1, 1978 that the Department of Health, the occupational health functions will come under the aegis of the Department of Labour and Manpower, that we will consolidate all the engineering and technical people in the Department of Labour and Manpower, the responsible people for safety inspection, boilers, pressure vessels and elevators, a total of nineteen people will be included in that division. On October 1, 1978 that will give us the time to get into it - In October 1, 1978 the electrical inspection group from the Newfoundland and Labrador Hydro, a total of forty people, will be transferred to the division of occupational health and safety and also at that time the Workman's Compensation Board and the Industrial Safety and Education Division, consisting of nine people, will be transferred and sometime before April 1, 1979 the inspectorate from Mines and Energy will be transferred and we will assume responsibility for the occupational health and safety of mines.

MR. FLIGHT: That is over a year (inaudible).

MR. ROUSSEAU: The minister will explain it. He has already consulted with the Steelworkers, by the way, on new regulations in respect of mines which is still under his jurisdiction. There are a few problems. Number one is the problem that I cannot take everything in one day and all of a sudden make an effective Occupational Health and Safety Division. It has to be done in such a way that the greatest possible effect is done and it is the feeling of government that if this was done everything at one time that we would belittle it. You would even lose from some of the

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MR. ROUSSEAU: aspects, especially in the mining area if this was done. I said by April 1, 1979 and it may be a lot earlier but when we get settled away in the division so that we can do the job that we think we should do, then certainly we will move on that.

MR. ROUSSEAU:

In the meantime, I think that my colleague, the Minister of Mines and Energy, will speak on other problems we have from an aspect of delineating between the safety aspect and the inspectorate aspect when you have the same people doing it and the enabling legislation. So he will give a run down on that. So by April 1, 1979, possibly before, but by that there will be some eighty to ninety people involved in occupational health and safety in the division of Labour and Manpower, the division of manpower, the Department of Labour and Manpower.

Mr. Speaker, some of the more basic principles in the bill are some of the ones that we refer to as the establishment, of course, of a division of occupational health and safety within the Department of Labour and Manpower. That is section 18 of the act. The establishment of an occupational health and safety council with equal representation from both labour and management, which is section 12. Specific obligations, Mr. Speaker, on employers, workers and self-employed persons in order to make the work place as free from health and safety risks as possible, sections 5 through 9. The establishment of occupational health and safety committees at work places where there are ten or more employees engaged in designated occupations - Mr. Speaker, I think the hon. member for Baie Verte-White Bay (Mr. Rideout) I know is waiting, I think maybe the numbers I have given him might be one above. I think section 18 should be section 19 maybe.

MR. RIDEOUT: It makes no difference anyway. I already know.

MR. ROUSSEAU: Yes. There may be one out. For example this one here, the establishment of an occupational health and safety committee at work places where there are ten or more employees engaged in designated occupations, that is section 36. The right of a worker to refuse to do any work that he has reasonable grounds to believe is dangerous to his or any other person's health or safety, section 43. Partial funding for the cost of the occupational

MR. ROUSSEAU:

health and safety division through assessment by the Workmen's Compensation Board which is section 62. The appeal procedure, Mr. Speaker, where people have the right to appeal, the Labour Relations Board is to hear appeals under this act and the appeals are final and binding, section 31. Again the Labour Relations Board of course has an equal number of labour and management representatives.

There are of course clear definitions of offences and adequate penalties. That should be section 64. Yes, the penalties. The protection of a worker from discriminatory action which may be taken against him because the worker has reasonably refused to work, section 43 is the highlight of the bill. The establishment of occupational health services in the work place, section 51, is another highlight. And the maintenance of records, including the reporting of accidents and accessibility to medical records which I have in sections 52, 56, 60 and 23. And the registration of workers in hazardous occupations which is section 59. These are some of the highlights. I have some other specifics but probably I will wait until we get into clause by clause.

Mr. Speaker, the general concept of occupational health and safety which has up to this point in time been spread through very many divisions of various departments and various agencies will now come under one umbrella division in the Department of Labour and Manpower. I am certainly pleased with that. I say now for the record, Mr. Speaker, that I will continue to take advice on behalf of my colleagues in Cabinet from the permanent occupational health and safety council which will be set up as a result of this act.

MR. J. ROUSSEAU: But I am prepared at any time to speak to any union, any company, any group of unions, any group of companies, or any organization in this Province respecting labour or management, or anybody affected by this Bill, on the Bill itself and on any suggested changes, modifications, deletions or additions that will make this Bill and the regulations that flow thereunder, a Bill and regulations that will ensure the best possible health and safety standards for the workers of this Province.

I think it is important, Mr. Speaker, that I say this; there is always a fear with a Bill as important as this that a pendulum may overswing, that labour may expect too much and management does not want to give up anything. I say to management, Mr. Speaker, that the Bill is here, the Bill will be passed and regulations will be made, and I think that management should operate from that assumption. And management has on occasion fought the battle as unions have in respect to what is contained in that Bill. They have, as I am sure unions have, some reservations in respect to it, but again I say, I am prepared to sit down and listen to either side in respect to it. We will work from that, we will work with our regulations, we will try to ensure, as I said, Mr. Speaker, the safest possible workplace in the whole country, in this Province, for the workers of this Province. We would ask all companies to co-operate. We would ask all workers to co-operate. We have learned from experience that a worker's right to refuse work in an unsafe area has not been abused. But, Mr. Speaker, there is a section that no worker shall take advantage of his right to refuse to work without reasonable grounds. These are general assertions, the same thing for companies.

I think in this day and age, Mr. Speaker, Occupational Health and Safety is here, it is needed; governments have a responsibility to ensure to the best of its ability that the workplace is safe, surroundings and environment are healthy, but government, unfortunately, Mr. Speaker, cannot do that alone. There



MR. J. ROUSSEAU: is also an onus on labour and management to ensure that the workplace is safe so that accidents do not occur which are unnecessary.

I fully support the Bill, the Government fully supports the Bill. I do not doubt but management might think that we could have gone a little less or a little further in some areas, labour feels that we could have gone a little further or a little less in some areas. This is, I think, the result of a mutual consensus between what I call democratically and freely elected representatives of labour and management, and with that one small change or inversion of a principle in section 35 the Bill is as recommended to me accompanied by my recommendations to Cabinet a result of the deliberations for the past year of the Interim Advisory Council on Occupational Health and Safety whom I would like to thank for their dedication and their work and their research during the year. I certainly hope that - it may not be big now but some day as we learn from our mistakes and experiences that the question of Occupational Health and Safety will not be one that will be the subject of collective bargaining processes and will not fringe on the psychological feelings of people who honestly and sincerely believe that as a result of hazardous working conditions their health and their safety, or the health and safety of their family, is at stake.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER:(Dr. Collins) The hon. the member for  
Baie Verte - White Bay.

MR. RIDEOUT: Mr. Speaker, I have to say from the beginning that it is a privilege for me after almost three years to have the opportunity to stand in this House and finally take part in some meaningful way in debate on a bill that attempts - even though I have some disagreements with it, and I will get into that later - but the first attempt to enshrine into law in this Province an Act respecting Occupational Health and Safety. I know it is a proud day for the minister and I give him every credit for the work that he has put into coming up with this bill over the past number of years. The minister shares, as I do, in a very real way, some of the concerns that are so readily available to us every day because we have it in our own districts and right on our own doorsteps. As I said, Mr. Speaker, it is a very proud day for me to have the opportunity to be able to finally get up here in the Legislature and take part in debate on that type of bill.

Now, having said that, Sir, I want to make some comments on the principle of the bill. We are talking about here today, Mr. Speaker, a principle that is as sacred, I suppose, and beyond debate, as is motherhood itself. The principle of Occupational Health and Safety, the principle of the right of a worker to have the right to work in a work environment that is as free as technically possible from hazards is certainly beyond debate. That type of principle, I can say it has been too long in being accepted by this House, it is too long in being enshrined in legislation. I can say all that and I can say it without fear of contradiction. But the principle, itself, Sir, is one that nobody in his right

MR. RIDEOUT: senses can argue against, the principle of the right of workers to work in a safe working environment and safe as far as technically possible from hazards in the work place.

As I said, Mr. Speaker, we waited a long time. But what we have here, Sir, while it is a start, while it is finally the first time in our history as a Province that we have attempted to put anything down in one consolidated package, under one umbrella, while we have that, it is with some degree of cautious optimism that I speak in this debate, because the battle, Mr. Speaker, is not yet over. This bill that we are debating here today is the beginning. In fact, Sir, I would say that it is the skeleton. We have to see yet what the government is going to put on that skeleton in the form of any flesh. The bones are here in this piece of legislation. It does not go as far as I would like to see it go in some areas, and I can elaborate on that more when we are doing clause by clause study, it does not go as far as I would like to see it. But what we have here is the skeleton, the beginnings of an Occupational Health and Safety legislation. The bill in itself, Sir, only establishes the principle. And I would hope that as we go on into this debate, the Minister of Labour and Manpower and the Minister of Mines and Energy, who are the two principal ministers concerned, would be able to tell us and give us some idea of exactly what type of regulations we are going to have as a result of this bill. The nuts and bolts of this bill, Mr. Speaker, will come in the regulations, and we in this House do not get a chance before they are passed into law because the last section of the bill gives the Lieutenant-Governor in Council the authority to pass those regulations.

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MR. RIDEOUT:

We do not get a chance to  
have any input into those regulations. And that is what  
is going to be important about this

MR. T. RIDEOUT:

Bill. This Bill, and I will be the first to admit it, this Bill as any bill can only establish certain principles, can only establish certain guidelines, but the nuts and bolts of those principles in action will only come and will only be as good as the regulations that the Lieutenant Governor-in-Council, in other words, the Cabinet, draw up and append to it and therefore give it the authority and the same force as law. That is where the working or the non-working of this Bill is going to come about. That is going to be the important thing, Mr. Speaker, for the thousands of workers in this Province working in what are currently considered by many of us to be unsafe and unhealthy working conditions.

I hope that the Minister before he closes the debate will give us some idea - I know there is a clause in the Bill that outlines the Minister may make regulations for this, this, this and the other thing - but I hope the Minister will give us some idea of what type of regulations he has in mind. What type of regulations, for example, has the Minister in mind with regard to exposure of workers to asbestos dust? What type of regulations does he have in mind with regard to exposure of workers to dust in the milling operations and the iron ore operations in Labrador? What type of regulations does the Minister have in mind with regard to the Long Harbour situation?

If this Bill is going to work as I very fervently hope and pray it will, and I am sure it will, but how it works and how effective it is going to be is going to depend upon the guts that is put into the regulations that the Minister and the Cabinet are going to have to draw up after this Bill becomes law and is proclaimed some weeks I would assume from now. That is very important, Mr. Speaker, and it is very important that the Minister tell us because we are not going to see those regulations, I would not imagine, in this Session of the House of Assembly. They will not be drawn up by Cabinet and tabled in the House before this Session finishes its business so I would hope that the Minister would give us

MR. T. RIDEOUT: some idea of what he has in mind when it comes to the regulations that he is going to append to this Occupational Health and Safety Bill.

Now, Mr. Speaker, the Minister, I believe, made reference in his opening remarks to the fact that there was only one section of the Bill or the draft Bill that was changed from the draft to what it is now as we see it here today. I believe it was section 7 -

MR. J. ROUSSEAU: Section 35.

MR. T. RIDEOUT: Section 35. I want to question the Minister, and I would like for him to make a note of it so that he can tell us - it is my understanding that there has been a substantial change in section 7, in clause 7. That particular clause of the Bill at the moment relates the specific duties of the workers, saying how they shall co-operate with the employer and with his fellow workers to protect his own health and safety and the health and safety of the fellow workers and all those kind of things. It is my understanding that in the original draft of that Bill there was what I consider to be a very important principle enshrined in legislation again as far as providing the worker with the protective clothing and protective equipment and enshrining in legislation the forcing of the worker to wear them, number one; and secondly the forcing of the company to provide them; and thirdly, the forcing of the company to pay for them. To me that is very, very important, Mr. Speaker. It is useless to have regulations saying that the worker has an obligation to protect his own health and safety and the company has an obligation to protect it unless there is some enabling legislation that can empower some group, some inspection group, to enforce it.

MR. J. ROUSSEAU: The hon. member is correct but it is hard for me to explain it at this particular time.

MR. T. RIDEOUT: So it has been taken out.

MR. J. ROUSSEAU: It is a first draft really but the union apparently wanted (inaudible) regulations brought in there.

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MR. J. ROUSSEAU: I will get the fully story on it for him. So  
I did not deliberately mislead. I understand that was the only one.

MR. T. RIDEOUT: No, I am not suggesting that in the least.  
I know the Minister would not do that.

MR. RIDEOUT: to me, Sir, it is very important that that particular principle be enshrined in this legislation in some form or another. It may well be that it can be taken care of under regulations. A great multitude of sins can be covered under regulation as long as the general principle is there. So it may well be so that this particular point can and I would hope again -

MR. ROUSSEAU: Is the hon. member looking at section 63, page twenty-four, section (o)?

MR. RIDEOUT: May make regulations.

MR. ROUSSEAU: Yes, but section (o), is that the one the hon. member is referring to?

MR. RIDEOUT: Requiring the use of certain clothing and personal protection and equipment by work as a class of orders. Well I would assume that that is what will happen. It is my understanding that in the original draft of the bill that was included in the legislation in section 7.

MR. ROUSSEAU: Then I will find out why it has been changed.

MR. RIDEOUT: And it may well be as the minister has indicated that some group or other has requested that this be dealt with under regulation rather than make it a specific clause in the bill. But I think it is a very important principle, Mr. Speaker, and I would hope that it would be adequately taken care of.

Now, Mr. Speaker, the minister made - and he has to there is no doubt about that - the minister made a number of references in his opening remarks to the Workman's Compensation Board and there is, as I understand it, a certain section of the Workman's Compensation Board, the Industrial Investigations Branch, was it? Is that what you call it?

MR. ROUSSEAU: Safety Branch.

MR. RIDEOUT: Safety Branch that will come under the minister's new Occupational Health and Safety Division. But the minister made a number of references, Mr. Speaker, to the Workman's Compensation Board and as I said rightly so because the Workman's Compensation Board is a very important group in effecting this legislation and ensuring that it works.



MR. ROUSSEAU: You do not just (inaudible).

MR. RIDEOUT: Yes. Okay. Well what I want to get at here, Mr. Speaker, and I want the minister to further inform us of what is happening is it is my understanding that Workman's Compensation Board legislation has to by statute be reviewed every five years and it is my further understanding that the last review was commissioned in 1975 and that last June the report was finally made on that study. Now I am bringing this up here, Mr. Speaker, because as far as I am concerned it is very important to the principle of this bill. That report I know made numerous recommendations. That report to my knowledge has yet to be dealt with.

AN HON. MEMBER: It has not been made public as yet.

MR. RIDEOUT: It has not been made public. The people who served on it do not know what has happened to the recommendations, or so I have been told. We have questioned it in the House of Assembly on a number of occasions and I remember doing so myself on a couple of occasions and at that time we were told that the Chairman of the Board, Mr. May, I believe it was, had unfortunately become ill and the recommendations could not be dealt with until he had recovered. It is my understanding that two weeks before Mr. May had even become ill that he had reviewed the recommendations of that committee and had given his thoughts on them to the government. Mr. Speaker, this was in June of 1977, almost a year ago and two years after the Committee began its work only another year to go before we get into the next review. It has to be reviewed every five years, I believe, and while there may have been action taken on recommendations there has certainly been no evidence of it provided to us. There has been no evidence of it provided to this House. And I know that many of the recommendations in the Workman's Compensation review have to do, Mr. Speaker, with the very important issue of occupational health and safety.

For example, the minister made some reference to it in his opening remarks, compensable diseases. I know the Workman's Compensation Board Review Committee have made some very important

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MR. RIDEOUT: recommendations with regard to issues related to industrial disease and occupational health and safety. And unless we can get our teeth into those recommendations, Mr. Speaker, I would suggest that it has been less than candid with us if we are not allowed to do that because the whole purpose behind this occupational health and safety consolidation is to ensure that we, as the minister

MR. RIDEOUT:

said in his closing remarks, that we have the best Occupational Health and Safety legislation in Canada. Now if we are going to do that then we have got to consider the recommendations of the Workmen's Compensation Board in the the light of what it has to say about Occupational Health and Safety, and what it has to say about compensable diseases and what it has to say about a whole host of other things, Mr. Speaker, that are there on this very important subject. So I hope that the minister will tell us what has happened to the Workmen's Compensation Board Review Committee report. Why is it that we do not have it here so that we can debate it in the light of this bill? Because it is my understanding from my sources that it has every bearing on this bill, that this bill is meant to clear up some of the problems facing people dealing with the Workmen's Compensation Board right now. In other words, what I am saying is we cannot do justice to the piece of legislation that we are at now unless we have the whole thing laid out before us and can consider it altogether.

Now, Mr. Speaker, I would assume that the minister and his officials looked at other legislation across the country before they drew up this particular Occupational Health and Safety bill.

I have had an opportunity to do some research into it. I do not have the department or officials at my fingertips to do it, but on my own I have been able to do some, and there are certain areas that I am disappointed in. There are areas where I feel this legislation could have been more comprehensive than it is. There are areas where I feel the legislation could have

MR. RIDEOUT:

gone further than it does.

Of course, the companies may not be satisfied, that is to be expected; and no matter what you bring in, all the unions are not going to be satisfied, that is to be expected, but I would assume that the minister and his officials did a very comprehensive study of existing legislation across this country before they drafted this particular Occupational Health and Safety bill that we have.

The minister is correct when he says it is new legislation - of course it is. I think it is on the statute books now in Ontario, Saskatchewan and Alberta, and there are moves, I believe, in British Columbia and Manitoba. But we can only judge by what is on the books already.

Now this particular bill that we have here, Mr. Speaker, corresponds almost word for word in many cases with the Alberta Act. And I am very disappointed in some of the language - and language is important in any piece of legislation - I am not a lawyer but I know it has to be interpreted by somebody, so I am very concerned about some of the language that I see in our bill that is exactly the same as language I see in the Alberta Act that is now law.

I am more inclined to be favourable towards the Saskatchewan piece of legislation, for example, which again, I have no doubt, we looked at and which is reflected somewhat in our legislation, but which is strikingly obvious once you look at it, it is not the same in language at all.

And I am very impressed with the piece of legislation that was passed in Ontario this year, in, I believe, February, 1978.

MR. RIDEOUT: For example, a worker - it must be as fundamental as breathing air itself, Mr. Speaker, that a worker should have the right to refuse to work in an unsafe work place. And we have attempted to enshrine that in legislation, but we have done it with some different language than they have done it in other parts of this country. Our section says, "No worker shall carry out any work where there exists an imminent danger to his or another worker's health or safety or the health or safety of any other person." Now the legislation that I have had a chance to look at, with the exception of Alberta - and this is why I pointed that out in the beginning of what I had to say about this piece - with the exception of Alberta, this is the only other province that is using the word 'imminent'. And Alberta does something else - and I have to remind the minister of this too; the minister was saying in talking about changes - Alberta has done something else in their legislation that was attempted to be done in the original draft of this bill - they defined 'imminent danger'.

MR. RIDEOUT:

And that was done in this bill first when it was drafted but that, of course, has been taken out now and I think rightly so. The Alberta piece of legislation I do not think is good in that respect.

The Ontario legislation, for example, and the Manitoba regulation uses where there are reasonable grounds to believe. Now, I would submit, Mr. Chairman, that that is much different than imminent.

AN HON. MEMBER: Section 43 also -

MR. RIDEOUT: Yes, I know. I am going to get to that one in a second. Where there are reasonable grounds to believe that his health or safety may be in danger, that is much different, Mr. Speaker, than the legislation that we have.

AN HON. MEMBER: In danger?

MR. RIDEOUT: In danger, yes. That is the same one I am quoting from. As I said, Mr. Speaker, the only other piece of legislation in the country that is using those particular words imminent danger, today is the Alberta piece of legislation. And I believe therefore that, you know, the government has chosen to copy that particular piece and I wonder why. Why could we not - we looked obviously, I hope we had the good sense and I know we did to look at it all, to look at the Saskatchewan legislation and to look at the Ontario legislation and why did we settle on imminent danger. It seems to me that it would have been preferable to settle on reasonable grounds, where a worker has reasonable grounds.

Now I believe section 46 attempts to do something like that if I can just find section 46 - no, 43 is it? Yes. Now, Mr. Speaker -

MR. WELLS: What immediate section -

MR. RIDEOUT: That is section 8 now on page 7 of the bill, "No worker shall carry out any work where there exists an imminent danger."

MR. RIDEOUT:

Then we have section 43 which enshrines in legislation the right of the worker to refuse to work and says a worker may refuse to do any work that he has reasonable grounds to believe is dangerous to his health or safety. Now, you know, section 8 and section 43 to me do not jibe. There is certainly some sort of contradiction. There is a difference of interpretation between imminent danger and I would suggest then - you know, we may take some remedies on this later on - that section 8 should be brought in line with section 43. And the minister appears to be nodding in agreement and hopefully will do that.

The other thing that bothers me, Mr. Speaker, when I look at section 8, no worker shall carry out any work where there exists imminent danger is section 46, no worker shall take advantage of his right to refuse to work under section 43 without reasonable ground. Now, who is determining that? That is the key, Mr. Speaker, to whether this legislation is going to work or not, one of the keys. We enshrine the right and rightly so, the right of a worker to refuse to work in an unsafe working condition, in an unsafe work place. And rightly so we must make some provision to ensure that that right is not abused. As the minister indicated there has never been any problem with it across the country in other jurisdictions as far as I know. But we must protect against that. We cannot have that right abused because it is too sacred a right to be abused.

But then we put in section 46 which is very wide open saying that no worker shall take advantage. And we do not define who is going to determine whether he is taking advantage or not. We do not say it will depend on the recommendation of the safety and health committees. We do not say whether it will depend on a report of the director or the other officers that are mentioned in this particular act. Section 46, Mr. Speaker, has the capability of destroying the good intentions that are in this bill. And I hope that the minister is going to be able to say something convincing to us when he next speaks as to why it should remain that way.

MR. ROUSSEAU: Oh, yes! If it is as the hon. member reads it it will be rectified. That is not intended to take away a right that was given by any stretch of the imagination.

MR. RIDEOUT: That may not be and of course that is the purpose of debate, is it not? But I am very vary of that particular section. Unless we beef it up, Mr. Speaker, unless we put some restrains in there, unless we put some definitions in there and do a number of other things of that nature.

Now there are dozens of other points I want to get into - pardon?

AN HON. MEMBER: Call it six o'clock.

MR. RIDEOUT: Okay. Mr. Speaker, I call it six o'clock.

MR. SPEAKER: The hon. member has adjourned the debate and, pursuant to Standing Order No. 7, I will now leave the Chair until 8:00 P.M.



VOL. 3

NO. 55

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD  
8:00 P.M. to 11:00 P.M.  
TUESDAY May, 9, 1978

The House resumed at 8:00 P.M.

Mr. Speaker in the Chair.

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

Members of the Committee will, I am sure, be glad to recognize and welcome in the galleries seventeen Scouts and Cubs from the 1st St. John's Scout Troop and the teachers in charge, Joe Lake and Robert Thompson.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the member for Baie Verte - White Bay.

MR. RIDEOUT: Thank you, Mr. Speaker.

Mr. Speaker, when we adjourned this evening, I was making a few remarks on this Occupational Health and Safety Bill and if I have a few minutes I would like to clue up what I was saying in the debate on the principle of the bill. I do not see the minister here but he is probably listening and taking some notes.

I was pointing out, Mr. Speaker, when we adjourned this evening, some of the deficiencies that I saw in the bill, and I went through a number of clauses pointing out areas where I think the bill is very deficient, and unless it is backed up by very rigorous regulations then the principle and the spirit of the bill is certainly not going to be attained in the work place.

Now I want to continue on with that and mention another couple of areas that I am very concerned about, in areas where I think the legislation is very weak and where I would hope that the minister either in Committee will beef it up, or show us before we finish with this bill how he is going to beef it up with regard to regulations.

I want to refer the minister to Clause 34 which talks about codes of practice, and that clause, Mr. Speaker, says that "the Minister may, in writing, require an employer or principal contractor to establish a code of practice, or adopt a code of practice specified by the Minister." Now, Mr. Speaker, that is, in my opinion, very general

MR. RIDEOUT: and very weak legislation. If we are going to have Occupational Health and Safety laws in this country that mean anything then it is my opinion that employers are going to have to set out very straightforwardly so that it can be easily understood and easily followed, well-thought-out codes of practice. One of the problems we have had in this Province, Mr. Speaker, is that we have been leaving this type of thing up to the good will and the voluntary compliance of the employer. And I would say to the minister that when it comes to codes of practice we should not attempt to leave that up to the discretion of the employer. All the Act says is that the minister 'may'; the Act does not say that the minister 'shall' or the minister 'will' or that the minister will direct them to do this, it says that the minister 'may', and unless we have a well-thought-out code of practice for operations in this Province then I would suggest to the minister that this is another weak area in the Act, another area where the Act is not going to do the things that it ought to do when it comes to industrial health and occupational health and safety in this Province. There should be, Mr. Speaker, spelled out very clearly in this bill and defined very clearly, the statutory authority to prepare and keep updated a scheme of practice for implementing codes of practice relating to at least two items, one, the prevention and confinement of dust at each distinctive class of work place. It is all very well for the bill to say, Mr. Speaker, that the minister may direct a company to draw up a code of practice, but unless we have enshrined in legislation, unless we have written down in black and white in the law, or unless there is some provision in the regulations - which I do not know whether it is going to be there or not, the minister did not say in his introductory remarks - unless that is there then the whole point of the Act, or the large degree of the point of the Act becomes useless.

Number one, there should be written in it that a code of practice will be drawn up regulating the prevention and confinement of dust at each distinctive class of work place. That is very important to the Baie Verte operation. It is very important,

MR. RIDEOUT:

I would submit to the minister, to the two operations in Labrador, at Wabush and in Labrador City in his own district. It is very important that that be done. And secondly, it is important that the provision of ventilation in the breathing zone of workers that is effective for the purpose of protecting health at each distinctive work place be enshrined in the legislation. Again, it can be done in one of two ways; it can be done by saying the codes will require this, this and this. But Section 34 says nothing about that, Mr. Speaker,

MR. RIDEOUT: All it says is that the code of practice 'may' be directed to be drawn up by the minister, then it says that it would be revised or required to be revised from time to time by the minister, and then it says it would be posted. It does not give any guidelines whatsoever with regard to the drawing up of a code of practice, and I am very concerned about that. I think we should give some guidelines, we should give some statutory guidelines in this legislation as to what we expect the minimum codes of practice to be at operations in this Province like I referred to here. So the codes of practice, I think, are important. I think they are too important to be glossed over in very general language by saying that the minister may direct it and that the minister may direct it to be revised and that it must be posted. That is all the legislation says about codes of practice, and I feel that codes of practice are more important than just having it glossed over in very general terms, in generalities really, by the legislation that we have here before us today.

And I would hope that the minister would tell us whether there are going to be specific regulations, and tell us for goodness sake what the regulations are going to be. Do not have us passing this legislation and moving off out of here for another six or seven months without knowing what the minister intends to have in those regulations, because as I said this afternoon, Mr. Speaker, the Act itself is useless. It is only the skeleton unless the regulations have the teeth that the intention of the Act desires.

So the codes of practice are very important. I am concerned about the generality of the language, and I would hope the minister would address himself to it.

Now I am also concerned about the generality or some of the implications of Clause 56, and I am bringing this up now so that if the minister wants to consider it and do some changing he can have a chance to do so before we get into the Committee stage.

Section 56, Mr. Speaker, deals with medical examinations, and it says that "The Chief Occupational Health and Safety

MR. RIDEOUT: Officer may arrange for the workers, with the worker's consent, to have the worker medically examined by a physician authorized by the Health and Safety Officer to carry out the medical examination or to determine two things, a) the extent of an injury suffered by a worker in the course of his occupation, or b) whether a worker is suffering from an occupational disease that is related to the worker's occupation.'

Now, Mr. Speaker, a) is very straightforward and I have no quarrel with it, but I am very much concerned about b). There are provisions in this bill which say that people must have a medical if they are involved in any sort of industrial occupation in this Province. Now I would say to the minister and to the House that if a person has a medical today and he is proven medically fit for employment, then that should be the clean bill of health for that worker. That worker, obviously, if he contracts some disease related to an occupation will have to have that confirmed by doctors, but where should the onus of proof be, Mr. Speaker? That is the very important question that comes out of Section 56. It is my contention that the onus of proof should be on the employer, not on the employee. There is one way to have conclusive proof and it seems to me from my experience that it is the only way accepted by the Workmen's Compensation Board doctors in this Province today, and that is for a worker to submit to a biopsy. And, Mr. Speaker, there are hundreds of workers in this Province who because of what they have seen in the St. Lawrence situation and because of what they know from their experience through their fellow workers across this country will not submit to a biopsy. And I cannot say that I very much blame them, because they believe, and probably rightly so, that once they submit themselves to a biopsy then their days, if they are suffering from an occupational disease such as asbestosis or silicosis or some other industrially induced disease - if they are suffering from that then once they submit themselves to a biopsy then their days around here are indeed numbered.

So I am very concerned about Section 56. Section 56 puts no onus of proof on the employer. It says that the

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Tape 2031 (night)

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MR. RIDEOUT:                    employee shall submit himself to a  
medical - and that is all fine and dandy, I am not concerned about that  
- but will he be forced to submit himself to a biopsy in order to prove  
that he has a compensable disease

Mr. Rideout: under the meaning of this Act and the meaning of The Workmen's Compensation Board Act? Mr. Speaker, I would submit that it is one of the greatest principles that must be cleared up before we can give final approval to this bill, and it has to be spelled out beyond doubt that the onus of proof has to be on the employer, not on the employee. It is a very important principle, one that I would hope that the minister will address himself to, because, Mr. Speaker, as I said in the beginning, if a person passes a medical and goes to work in an industry and then five, or ten, or fifteen years - and at the beginning everything is okay - but five or ten or fifteen years down the road it is found that the pulmonary function tests are not the way they should be, or not the way they were when he passed the test originally, then should not the onus of proof to prove that that came about because of industrially induced disease, came about because of the workplace? Should the worker have to submit himself to a biopsy to prove his point that he does indeed have an industrially induced disease? It is a very important point, Mr. Speaker, and I hope that the minister will take it under consideration. And where there is any doubt at all, it should always be, in my opinion, in favour of the worker not the other way around.

SOME HON. MEMBERS: Hear, hear!

Mr. Rideout: Also, Mr. Speaker, there are provisions in this bill with regard to funding, The Workmen's Compensation Board collecting funds and so on. And I had hoped that the bill itself would be again broader in that particular area than it is. For example, St. Lawrence; Alcan was allowed to close down its operations at St. Lawrence, and it is my opinion that Alcan should have been required by the government - if it did not have the authority to do so then it could have brought in the necessary piece of legislation even before this bill came before the House - Alcan should have been required to post some sort of a bond. But what is happening now, Mr. Speaker, is that Alcan has pulled up roots and gone out of this Province, yet there may very well be this year, next year, and many years from now people who have worked at the Alcan operation come down with an industrially



Mr. Rideout: induced disease.

MR. NEARY: We have them on Bell Island.

MR. RIDEOUT: I have a dossier here on Dosco. You know that may very well be and we have every reason to believe that it will be. Now who is going to pay for it? It will be the government, it will be the mining operations that are continuing to operate in this Province now, and what will happen? Alcan will have been allowed to get off scott free and go out and have to pay nothing towards whatever dollars may have to be paid those people ten or fifteen or twenty years down the road. I believe the government ought to have had the foresight to force Alcan to post some sort of bond with the Province, especially since it was pulling up stakes and moving out. And could not the same argument be applied to ASARCO in Buchans, for example? I understand they will be moving or closing down in a year or eighteen months. What is going to happen? There are cases of silicosis in Buchans right now, and while that operation is still operating then of course they are being assessed by The Workman's Compensation Board and they are paying their share, whatever that share ought to be. But if they close down next month and ten years down the road or five years down the road, whatever the case might be, there are fifteen or twenty or more cases of silicosis in Buchans, who pays the tab? The government and the companies that are operating in the Province now, Yet that company is allowed to go off scott free with regards to paying its share of the assessment.

So again I hope that the minister has a look at this funding arrangement that he is talking about, and will do something about it. Now it is my understanding that this business of posting bonds and so on is not a new one. I believe that DOSCO entered into some sort of arrangement when they left the Province a number of years ago so therefore the bond thing is not a new idea and it could very well be explored, I would hope, and probably something along those lines implemented before they get out of our clutches, Mr. Speaker, before they get out of our jurisdiction; I think it is important that we do that type

Mr. Rideout: of thing and make them live up to their responsibilities, to their workers and to the Province and to the community.

There are a number of other issues that come to mind that I feel lacking in this bill. Again, the minister may very well say that it will be dealt with under regulation. But

MR. T. RIDEOUT: again my plea is to give us some idea what is going to be dealt with under legislation because we have the skeleton but we do not have any flesh on it yet. For example, mine rescue squads: I believe there is provision in regulations and legislation now where you have this in underground mining operations, but as far as I know there is nothing that makes it apply to open pit operations. And that again would apply to Advocate Mines in Baie Verte and the two mines in the minister's own district in Menihek. So what are we doing about that? Is there going to be some provision in the regulations that will have mine rescue teams trained, fully trained, fully equipped to operate? You can have a disaster, as any knowledgeable people will tell you, Mr. Speaker, in an open pit or you can have an emergency situation in an open pit mining operation just as well as you can have it underground. First aid and ambulance service, for example, a very important point: I see no mention of it whatsoever in the legislation. Again the defence may be it will be in the regulations, but if it is going to be there let us know and let us know to what extent it is going to be defined. I would submit that first aid and ambulance services would be very important in Long Harbour, for example, because if a person suffers burns from phosphorus then it is not much consolation to him to know that the nurse down there went off work at four o'clock in the evening and he suffered the injury at seven o'clock in the evening. And it is my understanding that that type of injury has to be treated immediately. Now the company will say that their security officers are trained, maybe they are but it ought to be the responsibility of this particular division to insure that in first aid and ambulance services properly trained people are on staff and available at all times in those operations that have attached to them by the very nature of the operations hazards such as the phosphorus burns that could easily come about in Long Harbour.

What about the opening up of new operations that could very well deal or have a bearing on Occupational Health and Safety? What about the uranium proposals, for example, down off the Meekovik? Will those people be required to lay down the ground work

MR. T. RIDEOUT: and their plans in this Province before they go into operation? Will that by this legislation have to be approved by this Occupational Health and Safety Division? Very important questions, Mr. Speaker, and I would hope that the minister will take some time to deal with them before he closes the debate.

Now, Mr. Speaker, the minister closed off his remarks by suggesting that there is a fear - because everybody has been concerned or appears to have been concerned about Occupational Health and Safety in this Province - the minister fears the swing of the pendulum, I believe is the way he put it. And I say to the minister what I said a few moments before, that if there is any doubt than that doubt must always be to the advantage of the worker. The companies, Mr. Speaker -

MR. J. ROUSSEAU: Would the hon. gentleman just yield for a moment so that I may just put that into context? What I was saying was that I said to the companies, if the hon. member recalls, that, you know, companies might want to dig their heels in on this and not do things and I said forget that it is here and to do it. Not to let the pendulum swing towards Health and Safety and for them to fight it. It is here, it is a matter of fact. I am not suggesting that we should not do as much as we should do but that either side may fight for more or less which is not going to be accepted by the middle party which is the government. Just to put it in context.

MR. T. RIDEOUT: Yes, Mr. Speaker, I appreciate what the minister had to say and that is true. I certainly agree with him on that point. But if there is any fear among any groups in this Province about the swing of the pendulum than I think we should say to them quite categorically that where any doubt exists, where any doubt might exist, then we are prepared to give any doubt that does exist to the advantage of the worker. I think that has to be said to them quite clearly because you will find, no doubt, and it is unfortunate, but you will find some people who will fight against the most elementary and most fundamental of



MR. RIDEOUT:

I want the minister to give us some indication what tolerance levels, for example, will be brought in as part of the regulations to this bill, legislating, by the effect of regulation, dust levels at, say, Advocate Mines in Baie Verte, or, just as importantly, the Labrador operations. It is all very fine, Mr. Speaker, for company representatives, or government representatives for that matter, to say that the Mainland level is two fibres per c.c. and that the average level of Advocate Mines is 2.4. It is all very fine for anybody to say that. Of course that depends on where the monitoring stations are set up; of course it depends on whether or not you get two or three stations reporting a zero or .2 or .3 and others reporting eight, nine, ten and up as high as 19.5. If you have those kinds of readings, Mr. Speaker, it is very easy to have your average down to 2.4. And I would hope that the minister will not bring in any regulations appended to this Act saying that the average reading must be two fibres per c.c. If we have to depend on the average reading, Mr. Speaker, then we are going to be surprised with regard to what the actual readings are in the high dust areas, in the crusher areas, in the milling areas and in certain areas of the pit, in the tailing areas, for example. So if we have to depend on those average readings then again this legislation, which may have every intention of being so good, will have been destroyed by the regulations that may very well be brought in and appended to it. So it is very important that the regulations spell out the right thing. As I said in debate in this House only a few nights ago, Mr. Speaker, it is very important that that be done.

So I will close by saying that I see a lot wrong with the legislation, but I am delighted that it is here. I can see where it can be improved, and as we go through the clause by clause study I am not going to be bashful in moving amendments to the bill if I think it ought to be done, and I do not care how long it takes to debate it. I would hope that when it finally goes into the statute books of this Province it will be one of the best pieces of legislation ever passed through this House. It is a step in the right direction,

MR. RIDEOUT: Mr. Speaker, No doubt about it, it is a small step and the regulations are going to be -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: (Dr. Collins) Order, please! I believe the hon. member has difficulty making his remarks.

The hon. member.

MR. RIDEOUT: Mr. Speaker, as I was saying, this bill is a step in the right direction. I admitted that freely and frankly when I got up to address myself to it this evening and I have no hesitation in doing so, but the regulations that are going to be appended to this bill are going to determine whether or not it achieves the objectives that it set out to do. I see some gross deficiencies in the bill and I will try to correct these when I debate the bill clause by clause. But it is a step in the right direction. The principle of the bill is one that I certainly wholeheartedly endorse. I wish it had gone further in some areas, and I wish the minister would, even if he brought in a draft copy of the regulations, at least put our minds at ease before we leave here because there are going to be no regulations attached to this before this House recesses for the Summer, Mr. Speaker. It has to be passed, it has to be proclaimed and then the Cabinet has to draw up the regulations and they have to be gazetted and so on, so that is not going to happen before we move out of here for the Summer recess. So I would hope the minister would give us in detail some idea of what the regulations are going to be, because people are saying to me, for example, 'What is this bill going to mean to the strike at Advocate Mines?' The bill itself is going to mean very little. It will mean that they will have the right to refuse to work in an unsafe work place; it will mean that there will be health and safety committees in place; it will mean that they cannot be discriminated against because they refuse to work in an unsafe work place - it will mean all that. But whether the dust levels are controlled at Advocate Mines, whether the proper environmental standards are improved and implemented, whether all this happens depends on the guts that the minister puts into the regulations. So I would like

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Tape 2034 (sigat)

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MR. RIDEOUT: to see those before I can say 'Yahoo!'  
and pat the minister on the back on his piece of legislation.

SOME HON. MEMBERS: Hear, hear!



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

MR. W. PATTERSON: Mr. Speaker, I would like to make a few comments on this legislation. I would like to congratulate the minister for bringing in this legislation. It is something that is long overdue, while it does not contain all that one would like it to contain. It is virtually impossible I suppose to legislate safety. We may talk a lot about it and enforce regulations, but unless the workers themselves are prepared to abide by these regulations it is all to no avail.

Section 34 of this Act states here that the minister has the authority to establish committees. Well I do not care too much for committees set up of workers because the worker is always under the thumb of the employer, and therefore he does not feel free to make the necessary recommendations lest there will be reprisals taken against him. We have had civilian advisory councils on jobs here in Newfoundland and they are really not worth a tinker's damn. The shop steward is elected from the group and he has no authority whatsoever; the least whimper out of him and it is down the road. I suffered that fate myself from a large employer. So I think that this here should be changed to read that the minister should set up these advisory councils, and this would make the representative or the shop steward more independent of his employer.

I think we should also take a look at company doctors. Sometimes these company doctors have a tendency to confide with their employer, and that is only natural. You know, it is nice to be in with the fellow who signs the pay cheque.

MR. ROUSSEAU: That was the point the member was making where you can get another one without (inaudible) on his own. They have their own independence.

MR. PATTERSON: And the union I suppose would -

MR. ROUSSEAU: Each individual can have his own independence.

MR. PATTERSON: Yes. In the case of ERCO industries, I think the doctor there is paid by the company. And I would certainly like to hear from Dr. Windsor, if he is in the House, who is a dentist as to why

Mr. Patterson: there are such strict emphasis laid on a person's teeth if you go to work there.

MR. NEARY: You should never call the hon. gentleman by his first or last name; it is always the hon. member.

MR. PATTERSON: Yes, okay. Thank you. Thank you very kindly. I will probably get your name eventually.

MR. NEARY: Glad to help out.

MR. PATTERSON: In the case of ERCO there they are very strict on tooth decay, and if you were to go to work there the first thing they would check is your teeth, and if there are any signs of cavities then you would be referred to a dentist before you could go to work there. I would like to know why they are so strict on that? If what I am told is true it is very, very serious. But again I would like to congratulate the minister on this. And later on I will have a few words to say on pressure vessels and other things which I know are covered by this bill.

MR. SPEAKER (DR. COLLINS): The hon. Minister of Mines and Energy.

MR. PECKFORD: Mr. Speaker, I would like to have a few words to say on this important piece of legislation. Perhaps, Mr. Speaker, this is one of the more important pieces of legislation to go through this House in the last several years. I suppose the first point that should be made— it has been made, I think, before already — is that we are now enshrining in legislation some very important principles which will govern occupational health and safety in this Province for the first time, as some hon. members have mentioned already certain basic principles as to the right to refuse work and other principles that we will come to when we get into Committee.

So I think the first point to be remembered or to be recognized is that we are enshrining in legislation, in one piece of legislation, not regulation, in the legislation, An Act Respecting Occupational Health And Safety In The Province. And that is very, very important and long overdue, very long overdue. And I compliment the Minister of Labour and Manpower and his people who have worked pretty hard with all factions of the management, the employer, the unions, and so on in putting this important bill together.

MR. PECKFORD:

It is important not only because of having it all in one bill but, secondly, it is very important because it does set-up for the first time one particular agency whose sole purpose for existence is occupational health and safety. As most hon. members know now to their confusion the whole occupational health and safety area as it relates to the provincial government covers three or four departments, Labour and Manpower Department, Department of Health and to a lesser extent the Department of the Environment and the Department of Mines and Energy. This is extremely confusing to the average citizen of the Province, confusing to the employers, confusing to the employees and this bill sets out once and for all the mechanism whereby a particular division is set up and over a period of time all matters relating to occupational health and safety are covered and the jurisdiction will rest solely with that particular division.

Thirdly, from a principle point of view it is extremely important legislation because it also enshrines in the act the whole business of an advisory council, an advisory council whose purpose by its very name is to advise the minister and the department concerned, in this case the Labour and Manpower Department, on procedures followed in the act to advise on changes from time to time that might be required as the act gets into operation. This is extremely important because things will change, standards will change, new methods will come in and it will be important for a group of people representing both management and labour, sitting down together to advise on changes to the government that should be made as we move on into having the act implemented and the regulations implemented. So it is important to see that not only in the birth of this new legislation do we have an Advisory Council, but as that act grows that we also have that Advisory Council as a part of the whole process. Many times we tend to look upon these kinds of bodies as giving government valuable information and advice in formulating a particular policy or act of legislation or regulation and then afterwards, for some strange reason, not keeping that kind of advisory committee or council around to advise the government after it is implemented, because it will not be perfect and it will need

MR. PECKFORD: changes from time to time. This kind of vehicle to still be a permanent part of the whole process is very, very important and one that from time to time we have lost as governments from having around with us after we get into having the legislation become law and implementing it.

Number four, another important principle contained in this act, which is extremely important and which without this kind of principle the act would lose a lot of its strength and significance, is the incorporating into legislation the whole business of health and safety committees made up of workers and representatives of management on site in the particular operation concerned, in the particular industry. Although there has been from time to time some opposition from employers and management against this provision, I think it is extremely valuable and absolutely necessary. And of course in the whole process that will come from this act now, where you have the right to refuse and so on, these health and safety committees are one of the steps that are part of the process when somebody refuses to work. So that is extremely important, that you have a continuation of the Advisory Council on another level: You have the workers on site in the industry, the management on site in the industry, together in a health and safety committee to together try to decide whether in fact a particular area of the industry is unsafe or unhealthy on a particular day or something has gone wrong there so that the worker who refuses to work has a recourse immediately to the Health and Safety Committee

MR. PECKFORD: who then evaluates the condition, health or safety wise that the worker has just refused to work in, and then if that is not, of course, acceptable, on to the management area and on to the government, that process that is a part of the legislation.

And then, number five, Mr. Speaker, which

I have already alluded to on a number of occasions already, a very, very important principle that has to be established in legislation first of all, or in regulation, but has to be law in any jurisdiction where there is any industry in the future, and that is the right to refuse to work if the worker thinks that the reasonable precautions, reasonable standards are no longer available to him in that particular part of the physical plant or in the area of that industry - that that right to refuse, although once again even more strongly sometimes being objected to by employers - has to be in this day and age, in the 1970s, a principle which has to be admitted and accepted by companies if they wish to do work in whatever industry it is, mining industry or any other industrial enterprise. It has to be written there. You know, one could go back and give a long dissertation on the great movements that were made back in the early days of the industrial revolution in England when slave labour was the order of the day, when there were no unions, when the employers really had it all their own way, when William Blake, the great English poet, could write "those dark satanic mills" and just about in every field at that time the great cry by liberal thinkers of the day was the question of proper -

AN HON. MEMBER: How do you spell 'liberal'?

MR. PECKFORD: With a small 'l'. There is a big difference, both do not come across the same way - of the day that something had to be done, that on the one hand employment and jobs were extremely important and that this was expanding in London or in Southampton, wherever it happened to be, or in Glasgow, but by the same token there had to be built into the system some better way for working conditions, that this business of having thirteen-year-olds work for eighteen hours a day, seven days a week was just out of the question. And here we are, not in the 1790s or in the 1820s but in the 1970s and we are only now getting around to putting

MR. PECKFORD: into legislation the whole question of the right to refuse work under reasonable grounds when a worker sees that it is unsafe or unhealthy to continue to work there. And as I understand it, and I think I can say it without fear of contradiction, in areas of the world where this kind of legislation or law exists, it has not been -

MR. ROUSSEAU: Progressive legislation.

MR. PECKFORD: - very progressive legislation, it has not been abused by the unions or the workers. The workers have been very responsible in how they have approached this kind of freedom, or whatever you want to call it, that they have, that they should have, and which they have in those jurisdictions. They have not abused it; it has been used very responsibly, and in cases where workers have refused to work they have had pretty legitimate grounds for so doing and the matter has been cleared up through the processes mentioned.

So those are five very important points, Mr. Speaker; one, the whole principle of having in one Act and in legislation rather than any other form this kind of topic, subject of health and safety; number two, the whole question of having one division under that Act to be the umbrella - not only the umbrella, but be the division under which all health and safety matters will eventually rest within the next year; thirdly, the whole question of having an ongoing advisory council built into the legislation where management and labour continue to have some ongoing input into changes that inevitably will have to occur to this legislation as all other legislation - the principle of health and safety committees made up of management and unions again on site in the particular industries concerned and the whole principle of the right to refuse work when

MR. PECKFORD: a worker feels that he has reasonable grounds so to do.

Mr. Speaker, beyond that what has to be addressed and what has to be understood from now, especially as it relates to the hon. member for Baie Verte-White Bay (Mr. Rideout), relates to the hon. member for Windsor-Buchans (Mr. Flight) and other hon. gentlemen in the House - the minister himself who is introducing the bill, of course - and other members who are directly concerned with health and safety matters as it relates to their own constituencies and industries in their constituencies, especially where there are mines, is that this act in the first instance will not apply to mining operations. What is intended and what the Department of Mines and Energy are doing simultaneously with this legislation coming into effect is amending the regulations under the Department of Mines and Energy to bring in the same kinds of principles that are here in this act and which over the next year will be incorporated under this act, but in the first instance they are not. And there is a very, very good reason for it which the unions representing the workers agree with us on and it is this, that we do not want, the mining industry does not want, especially the unions and the Department of Mines and Energy to dilute the functions and duties that have been so hard to come by over the last few years as it relates to our mining inspectorate, dilute those into a division of occupational health and safety so that they take unto themselves not only the functions, because they are already there, remembering, Mr. Speaker, that we have a real problem here because many other people are going to have to be brought on staff to handle other industries that are not mining industries and particular inspectors, or whatever you want to call them, or technicians are going to come on staff to be specifically and solely responsible for different kinds of industries because they are not all the same, they do not all have the same problems. There are particular problems now in the mining industry and the amendments to the mining regulations that we will be bringing in over the next week and a half or two weeks to be simultaneous with what is in here, the principle is the same.

MR. ROUSSEAU: And it is done in consultation with the unions?

MR. PECKFORD: It is done in total consultation with the unions. And the unions insisted, there about three or four weeks ago when we gave them our amendments again, that before we came in with them <sup>as</sup> law they want to see them another time, the final draft that we have. And we have committed ourselves to do that and it will be done in the next week or so.

But what I want to impress upon hon. members very, very strongly, and the unions really understand this because they are so close to it, is that when this mining inspectorate is transferred to the Occupational Health Division, which it has to be it must only, be transferred on the understanding - the Cabinet agrees on this and everybody on this side agrees - that their functions as Chief Inspector of Mines, as inspectors, as technicians and so on will continue to be in the mining area and that suddenly the Chief Inspector of Mines when he is transferred to that division does not take unto himself necessarily other matters dealing with other industries. That the safety problems, the technology in the Labrador City or Wabush area, the technology for safety, like just the air braking thing alone in the Labrador City situation on the trucks now to anybody who is familiar with it is such a complex one that you need individuals who are trained specifically for that and do nothing but make sure that that kind of regulation, those new regulations that we are bringing in on that which will be a part of the amendments, are carried out by the company. So therefore the reason for the delay in moving the Inspectorate of Mines into the new Occupational Health and Safety Division is just to insure that we do not - which we could be accused of if we were not careful - dilute the effort now being put into having decent, very reasonable health and safety provisions carried out in the mining situation. So we contend, the Department of Mines contends that you need a



Mr. Peckford: year in order to fully go through to ensure that when they are transferred you will even have a larger staff that has nothing to do only deal with mining operations, and those individuals who are now identified in the different areas to handle the mining operation and the technology that is part of the mining operation, which is so much different from the technology that one uses now in a small industry of over ten people that is covered under this Act, that they do not have to cover that too. It is a very, very particular area, an area of expertise that cries out for even more people or more regulations. So what we are doing under our mining regulations in the first instance is putting in clauses the right to refuse. The Health and Safety Committees must be, in the Baie Verte situation, for example, where there is no health - I do not think there any Health and Safety Committees there at all worth talking about.

AN HON. MEMBER: One for the whole plant.

MR. PECKFORD: Yes. Right. One for the whole plant, but not in the same way as they are in Labrador City-Wabush at all which Labrador City-Wabush have had for some time, in which they are being improved all of the time. So all of those things that are incorporated here that have any applicability to mining operations are in the mining regulation amendments plus more that apply strictly to mining operations. And then that will be transferred in a gradual way as we identify that all of these people that are now in the mining inspectorate move over into the Occupational Health and Safety Division and are still in the mining part of the Occupational Health Division.

And suddenly you do not have, for example - I think the hon. member for Baie Verte (Mr. Rideout) will really appreciate this - you do not have the inspector now, say, who is spending his time working on the Baie Verte situation, in particular, suddenly does not have thrust on his shoulders some guy who has a quarry operation and got twenty guys employed in the Springdale area, say, or in the Grand Falls area, or Badger somewhere, right? And so that now not

Mr. Peckford: only does he have to try and look after Baie Verte, which in itself is as much as he can handle and which has its particular problem, and that he is trained for those, but now he has to take on himself other things which are not necessarily the same expertise as the mining thing. And even though everybody agreed in the Advisory Committee earlier that everything must go under this new Occupational Health and Safety Division, it was always agreed by those present, they always qualified it by saying, Yes, we agree as long as there is no downgrading of the inspection services and the number of personnel and so on as it relates to mining operations.

So I will be very pleased in the next -

MR. RIDEOUT: Mr. Speaker, would the hon. minister permit?

MR. PECKFORD: Yes, sure. Go ahead.

MR. RIDEOUT: I understand that those mine inspectors are now paid out of the consolidated revenue fund of the Province, but there is provision for the Workman's Compensation Board and so on to assess the pay under this new Act. What will happen when that transfer occurs to this?

MR. PECKFORD: As far as payment goes, you mean, to those people?

MR. RIDEOUT: Yes.

MR. PECKFORD: I do not know.

MR. RIDEOUT: It has not been looked at, has it?

MR. PECKFORD: Well, the Minister of Labour might know when it goes over into his bailiwick.

MR. ROUSSEAU: (Inaudible) per cent,

MR. RIDEOUT: Well, okay. I will ask the minister to the same question.

MR. PECKFORD: Yes, because I just do not know what happens when it goes over. How the payment comes out of it I do not know.

So I think it is important for us to recognize that. Not only that, as has been pointed out by the union on many occasions and perhaps by some hon. members opposite, we are trying to ensure that regulations we bring in fully cover the open pit situation,

Mr. Peckford: that there has been a fair amount of argument about most of our regulations deal with underground mines and not too many of our regulations deal with open pit, on top of the ground, situations. So we will also address ourselves in a detailed way and in a positive way towards ensuring that those kinds of operations are fully dealt with as well. And these regulations will be out as soon as we can have our final meeting now with the unions because we committed ourselves here about a month ago when I had a meeting with them for four or five hours going over those regulations again and listening to their input and every mining operation in the Province had somebody in attendance—at least one, most of them two, and some of them five and six from Labrador City and Wabush, from Baie Verte, and from Buchans and so on.

MR. PECKFORD: So we go back to them again with it to give them a last chance to do it but hopefully that can be all resolved within the next couple of weeks, at least I am going to put a major push on it to make sure it is. It will not go on very much longer, I can assure the hon. House of that. And that I will bring them in and the hon. member then can have a look at those and assess what he thinks but all the principles contained in here will be covered, like the right to refuse, and Health and Safety Committees and those kinds of things. Now on the whole question of levels, you know, TLV's and so on as it relates to Baie Verte and Labrador City and so on, we follow the American conference group on that and have been for some time. And they are considered to be the reputable group in the world on setting levels for asbestos mines and for iron ore mines and so on. And they are reviewing now their present levels, how they assess them, whether they should be done by average or whether it should not and so on. I am fairly familiar with that whole area and we will be addressing ourselves to that as well.

On the question of uranium, as the member for Baie Verte - White Bay mentioned it briefly in his opening remarks, this is a very, very complex area because you have overlapping jurisdictions, almost like you do in the fisheries. It almost comes out almost more on the side of the feds than on the side of the Province. You have the Atomic Energy Control Act, whatever it is, in there in a big, big way. You have a new environmental act that is now before the House of Commons. I do not where it is right now, I do not know if it is going to lay off until Mr. Trudeau decides when he is going to call an election or whether it is going to go through, there has been conflicting reports of what is going to happen to it. And then you have the Province's involvement as well. I think it is sufficient enough to say here simply that this act covers all and will, when the mining aspect comes over, will cover the uranium operations, all mining operations, all industrial enterprises in the Province and so that wherever our jurisdiction, however great our jurisdiction is, it will come under this Occupational Health and Safety

MR. PECKFORD: Division. That is one thing for sure, but to delineate in any specific way just exactly how much jurisdiction we have on the uranium side is very difficult to do in a few minutes; one would have to go through the acts. We are now trying to establish a certain procedure, environmental procedure with the hon. Minister for Consumer Affairs and Environment, very much involved in that right now, in public meetings that must be held, this kind of thing, in the area affected - not just have the public meeting in St. John's; that it must be done in an almost a semi-judicial way to insure that full - so that it is open and that every side gets a chance to submit briefs to it and so on, that this whole environmental process is being gone through and that is very important as it relates to uranium of course, extremely important, you know. Witness what is happening now in Northern Ontario where a lot of the people in the Thunder Bay area where some of the waste material from the nuclear reactors is going to be stored, that they are objecting to it being stored in their area in that this nuclear waste has a life of something like 200,000 or 300,000 years and therefore can be extremely dangerous unless properly followed. So, you know, that is a whole big area that has to be addressed and looked at very carefully. But as far as uranium goes, any uranium mine will come necessarily under the new Occupational Health and Safety Division and will be very important to set up proper processes for that to go through.

So, Mr. Speaker, in summing up, this is a very, very important piece of legislation. It sets down the framework, and not only sets down the framework I would like to go a tiny bit further than the hon. member for Baie Verte - White Bay (Mr. Rideout). It is not only the skeleton but there are some very important principles that are actually written into law which need very little elaboration. There are others that have to be subject to additional regulations, and I am sure the hon. Minister for Labour and Manpower will endeavour in the next couple of days to give some indication of the kind of regulations

MR. PECKFORD: that we will be bringing in under the act because as the hon. member says, and he is right in saying it, the act will only be as good as the regulations that come after it that fill in the gaps and that give some teeth and guts to the legislation. But it is a major step forward on Occupational Health and Safety, it is a major improvement and I commend the minister on bringing it in and can assure hon. gentlemen opposite, as it relates to the mining activities for the next year, we are now in the process of amending our regulations to adhere to the principles so well established in this new piece of legislation so that in the smooth transfer of the inspectorate of the mines division can be accommodated in the new division to allow for no reduction but rather an increase amount of attention being paid to the mining operations of the Province.

MR. SPEAKER: The hon. Leader of the Opposition, Before recognizing him I would -

MR. W. ROWE: I move the adjournment of the debate, Mr. Speaker.

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

Hon. members will recall that this afternoon submission was made with respect to privilege on which I stated at the time that I would reserve my decision on it until I had an opportunity to review the relevant authorities and to give the matter the serious consideration it required.

First I would like to point out to hon. members what specifically is the obligation of the Chair in this instance, and this is indicated in May, page 346: "As a motion taken at the time for matters of privilege is thereby given precedence over the prearranged programme of public business, the Speaker requires to be satisfied both that privilege appears to be sufficiently involved to justify him in giving such precedence and also that the matter is being raised at the earliest opportunity." With respect to the earliest opportunity, I think it is evident to all hon. members that that was the case.

During the arguments and submissions this afternoon, there were certain statements made by hon. gentlemen on both sides with respect to the documentation tabled in the House. It was alleged that the documentation was legally binding and equally alleged that the documentation or the substance thereof would have no binding effect in law. This is not a matter on which the Chair decides.

It was equally alleged that documentation would have a monetary value and alleged that it would be valueless; similarly the Chair is not in the position to make any decision on those matters whether any of the documentation would be operative or inoperative, whether Orders-in-Council or Cabinet Directives, and copies thereof tabled, constitute a commitment or not, is not within the authority

MR. SPEAKER: of the Chair; whether any documents tabled, whatever effect they could have, whether same have been rescinded or not, are not matters on which the Chair makes any decision, because the Chair is not in the position of a court to determine the legal effect or lack thereof of any documents, copies of which were tabled today. In other words, the Chair does not review from the point of view of making a substantive judgement on whether privilege has been broken or not, only the House itself does that.

My duty therefore is to determine what in shorthand is referred to as prima facie, and what May defines as whether privilege appears to be sufficiently involved to justify me in giving the matter precedence, that is precedence over the other Standing Orders.

I refer to two cases in the House of Commons. I have reviewed a number of others in the House of Commons, Ottawa and Westminster. It is these two which I will draw to the attention of hon. members.

The first, for the purpose of distinguishing, the source of the first, Hansard, House of Commons, October 22nd., 1963,



MR. SPEAKER:

and Mr. Speaker Michener. I do not think it is necessary to give the background because I think the quotation from the speaker elucidates the conditions sufficiently:

"The second point raised by the hon. member for Grey-Bruce is that the hon. Postmaster General as well as the Secretary of State misled the House when they stated that such a document did not exist. I must say that after looking over the record the difficulty would appear to be a difference of opinion. On the one hand it is asserted that no such document had been prepared and does not exist while on the other hand the hon. member for Grey-Bruce has a document which he contends is a copy thereof. In other words, there is a dispute as to facts. In this regard I would like to refer to citation 113, Beauchesne, "A dispute arising between two members as to allegations of facts does not fulfill the conditions of parliamentary privilege." Therefore in my opinion a prima facie breach of privilege does not arise in this instance." That is the decision of the Speaker with reference to that particular submission which was based on the existence or non-existence of a document.

I refer now to the second case and the reference here, House of Commons Hansard, April 9, 1962. And also April 5, 1962. The matter first came up on April 5, 1962 when an hon. member submitted that there had been a breach of privilege and the essence of his submission was as follows. "I have here documents which prove that the answer given concerning a parcel of land acquired for the construction of a post office in Boisville does not agree with the facts." That is the allegation. The matter was postponed for final consideration because the minister toward whom the allegation had been made was not in the House and the decision was given April 9, 1962 and the Speaker says as follows:

"On the last occasion the question was raised I indicated to the hon. member that I did not think a matter of privilege would arise unless he were prepared to assert on his own responsibility that the House had been deliberately misinformed by the minister, thereby imputing some impropriety or improper conduct

MR. SPEAKER:

to the minister which would raise a question of the privileges of the House. As he has not asserted this I do not find that there is a question of privilege involved."

I come back to his statement and his reasoning there. "I indicated that I did not think a matter of privilege would arise unless he were prepared to assert on his own responsibility that the House had been deliberately misinformed by the minister thereby imputing some impropriety or improper conduct to the minister which would raise a question of the privileges of the House." I have to apply that reasoning to the present situation. And in so doing I have relied not on my memory but on the transcript of the submission this afternoon by the hon. Leader of the Opposition (Mr. W. Rowe) and indeed his allegation does fulfill the requirement for privilege that the Speaker identified in the decision I have just read.

In today's Hansard, "My point of privilege, Sir, is that the Premier of this Province, aided and abetted by a minister or by ministers, has deliberately misled this hon. House." And further on, "Mr. Speaker, I submit humbly to Your Honour it is clear from these two documents that the Premier and at least one minister, maybe more, have deliberately misled this hon. House on this very serious matter." In my opinion therefore following the

MR. SPEAKER: jurisprudence, for lack of a more applicable term coming immediately to mind, the submission made and allegations made do come within the orbit of privilege as defined by the Speaker in the House of Commons in the case immediately quoted.

To finalize, therefore, again referring to May, page 347, it has been laid down that the Speaker's function in a ruling on a claim of breach of privilege is limited to deciding the formal question whether the case conforms with the conditions which alone entitle it to take precedence of the Notices of Motions and Orders of the Day on the Order Paper.

I do find in exercising my judgment and in turning my mind to the formal question that this case conforms with the conditions which entitle it to precedence.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Hon. Leader of the Opposition.

MR. W.N. ROWE: Mr. Speaker, Your Honour having granted precedence -

MR. W. MARSHALL: On a point of order, if I may just speak on a point of order.

MR. SPEAKER: There is a point of order that I think I have to hear.

MR. W. MARSHALL: I just wonder - I know that the point of privilege obviously takes precedence and I know that the hon. Leader of the Opposition in making out his prima facie case today tabled a lot of documents, there were documents tabled by the hon. Leader of the Opposition and also by the Hon. the Premier. Now, as I say, I know that privilege has to be taken up immediately but it leaves those of us who are interested in this matter and would like to take part in the debate at a certain disadvantage, not having had the opportunity to read the Order-in-Council, the alleged agreement, and the items tabled by the Premier. I wonder, therefore, whether there

MR. W. MARSHALL: could be any agreement of the House as to the possibility of postponing the debate of this either by the adjournment of the House now, if this is the wish of the House, so that members of the House can have an opportunity to read the documentation that has been tabled, this documentation after all being the documentation upon which the privilege is really grounded, as otherwise it is very difficult, I say, for persons who are not familiar with what has been tabled to make any intelligent observations one way or the other on it.

MR. SPEAKER: Hon. Leader of the Opposition.

MR. W.N. ROWE: The point made by my hon. friend appears to me to be sincerely meant. I can only assume, Sir, that I cannot impute any motives to him. It seems to be sincerely meant, a genuine desire for study and knowledge on his part, and so on. What I would undertake to do is, since this question of privilege does take some precedence - what I would undertake to do, Sir, is to move my motion now which I have prepared, Sir, in anticipation, I am glad my handiwork has not gone in vain, in anticipation of a ruling going either way by Your Honour, I will move my motion now and I will adjourn if that is acceptable, adjourn the debate with the understanding in this hon. House that at two o'clock - well tomorrow is Private Member's day -

AN HON. MEMBER: Adjourn it until three o'clock.

MR. W.N. ROWE: - adjourn it until three o'clock tomorrow.

We can debate this, consider it to be a Government day tomorrow and a Private Member's day on Thursday if that is acceptable to the House, until two o'clock tomorrow for that matter.

AN HON. MEMBER: Switch days.

MR. W.N. ROWE: Switch days from Thursday to Wednesday.

The undertaking by every member of the House is that this matter will be called two o'clock tomorrow afternoon and we will debate it.

AN HON. MEMBER: Will we go tomorrow night?

MR. SPEAKER: Hon. Minister.

MR. B. PECKFORD: Mr. Speaker, on behalf of the members on this side of the House, if I understand the Leader of the Opposition properly and if we can get an agreement here, what he is saying is that we will consider tomorrow Thursday, and Thursday, Wednesday. In other words we shall meet tomorrow at two until six and eight until eleven, and on Thursday from three to six, and that the first item of business to be called on tomorrow will be the question now before, and it is automatic in any case and -

MR. W.N. ROWE: Well the motion that I move now.

MR. B. PECKFORD: Yes.

MR. SPEAKER: Just to be clear so that I will know and hon. members will know, what I understand is there is unanimous consent to regarding tomorrow as Thursday, whereby we will meet from two to six and eight to eleven, regarding the following day as a Wednesday in which case we meet from three to six, and that tomorrow the first item when we meet at two o'clock will be the motion that the hon. member presumably is going to move now and adjourn the debate.

MR. W.N. ROWE: Thank you, Sir. My motion is moved by myself, seconded by my hon. colleague, the member for LaPoile District (Mr. S. Neary), to move that this hon. House resolve itself into a Committee of the Whole House to consider certain matters concerning the privileges of the House raised by the hon. Leader of the Opposition, namely, that the Hon. the Premier speaking from his place in the House deliberately misled the House in answer to questions asked in the House by hon. members regarding the existence of an agreement or an arrangement between the Government

Mr. W. N. Rowe: and a third party to build an office building for the government; that the said Committee of the Whole be empowered to call and examine witnesses before it; that the said Committee be empowered to have relevant documents brought before it for examination and that upon completion of the hearings - there is a typographical error here, Sir, which I will remedy - upon completion of the hearings the said Committee report to the hon. House with recommendations to the hon. House of Assembly. If the page would wait for one second I will rectify that.

On the conditions which we have laid down concerning this matter, Sir, I hereby move the adjournment of the debate on this matter.

MR. SPEAKER: The hon. the Leader of the Opposition moves the adjournment of the debate on the motion in question.

The hon. the Minister of Mines and Energy.

MR. PECKFORD: Mr. Speaker, the question is now whether in fact we want to continue with the ongoing until 11:00 o'clock. I did not get that clear whether -

MR. W. N. ROWE: Sure. Yes.

MR. PECKFORD: - the other business can go ahead until 11:00 or whether the House wants to adjourn now?

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

MR. W. N. ROWE: Sir, this is purely out of deference to the hon. member for St. John's East (Mr. Marshall). We can continue on with business of the House until 11:00 o'clock.

MR. F. WHITE: This business is not going to be disposed of?

SOME HON. MEMBERS: No.

MR. W. N. ROWE: We will just call it tomorrow presumably.

MR. PECKFORD: Yes. Right.

So as I understand it then, Mr. Speaker, we will continue now with the second reading of the Bill On Occupational Health and Safety In The Province, which the hon. the Leader of the

Mr. Peckford: Opposition adjourned before the Speaker wished to give a ruling on his point of privilege.

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

MR. W. N. ROWE: Mr. Speaker, it is with pleasure that I rise to support this bill. The bill is not perfect by a long shot. Hopefully it will reach further towards perfection as time progresses, time goes on.

Mr. Speaker, most of what or has been said on this side of the House concerning this matter has been said by my hon. colleague the member for Baie Verte-White Bay (Mr. Rideout). Sir, he showed himself to be in the debate this afternoon and tonight, he showed himself, Sir, to be a walking encyclopedia on the whole matter of occupational health and safety in this Province and throughout Canada. A young public figure, Sir, elected politician who I and every member of this House, and I would say, Sir, every member on this side of the House and every member of the House itself ought to be proud to include among its ranks a gentleman, Sir, who has shown tremendous interest in this whole area. A man, Sir, who we are lucky to have living I would submit, Sir, in the particular area of the Province where the whole idea of occupational health and safety in the mining industry, the asbestos mines, Sir, is of grave concern as can be evidenced by the fact that not only our miners, but their wives and children are out picketing, at this very moment I suppose, to get rights respecting occupational health and safety, Sir, which they should not have to disturb themselves for one moment to obtain.

These rights, Sir, or the vast majority of them that they are picketing for and striking for should be a matter of right enshrined in the legislation of Newfoundland and of Canada. And we have made that position clear, Sir, publicly to the striking miners and their families in this House and outside, particularly as represented by the hon. member for Baie Verte-White Bay. A gentleman, Sir, who has shown himself to be completely concerned even consumed with

Mr. W. N. Rowe: a desire to get this legislation and even better legislation enshrined into the laws of this Province.

It is only unfortunate, Mr. Speaker, it is only unfortunate that the hon. the Acting House Leader or the hon. minister concerned saw fit to call this piece of legislation today when it runs the grave risk of being drowned out completely, as far as the media is concerned, by a matter also of great importance



MR. W. ROWE: which has taken up considerable time in the House already earlier this afternoon and took up some time tonight concerning allegations of the House being misled. It is too bad that this perhaps single most important piece of legislation to come before the House must come before in that kind of an atmosphere, that kind of a milieu. I am sorry that the hon. Acting House Leader did not show better judgement in bringing this forward because this is something, Sir, which should not be surrounded by other matters at all with attention distracted from this very important matter. It is something, Sir, which should occupy the front pages of newspapers and be the lead story in every electronic medium in the Province for a day.

AN HON. MEMBER: There is no (inaudible)

MR. W. ROWE: Mr. Speaker, the afternoon, Sir, was well underway and we knew what was going on when the hon. House Leader - Acting House Leader called this piece of legislation. He could have called anything, Sir. As a matter of fact, I fully understood that we were going to get into the Budget Debate; my full understanding and the House Leader on this side, Sir, had that full understanding as well. Now I am not saying that anybody broke agreements or anything deliberately or otherwise. What I am saying, Sir, is that we should perhaps have saved this piece of legislation, which is at least a semiprecious jewel in the tattered crown of this administration, we should have saved it for a better time. It is not perfect by a long shot but it is, as I say, at least a semiprecious stone in the tattered crown of this administration. It is something which should invoke and evoke the interest and concern of citizens everywhere in the Province. Unfortunately it will go abroad that the House of Assembly does not seem to be interested in important positive measures being brought before it, which is an untruth. Every member of this House, Sir, on both sides is vitally interested and has spent eighty per cent of its time - I think the Acting House Leader will agree - has spent eighty per cent of its time dealing with positive measures on both sides, started on both sides, some measures from that side and some measures from this side, both in questions and in debate,

MR. W. ROWE:

Mr. Speaker, and it is too bad that this hon. House has the reputation, undeserved, that it has gotten through recent months. And of course here is another piece of legislation, and I am sure the minister agrees with me because I am sure he would like to have had his name out front with regard to this semiprecious stone in the tattered crown.

Mr. Speaker, the hon. minister mentioned, I believe, that the unions and management had been consulted by way of the Interim Advisory Committee and so on but that neither side was perhaps completely satisfied with this piece of legislation. Now I can well understand that particularly from the labour side, Sir, from the union side. There are a number of things in this which I personally find personally a bit offensive and I believe should be removed in committee if the minister or one of his colleagues will move the necessary amendment. For example, Section 4 or Clause 4 of the bill states that "every employer shall ensure, so far as it is reasonably practicable, the health, safety and welfare of his workers." So the use of these words which I understand from my hon. friend, the member for Baie Verte-White Bay (Mr. Rideout), the use of these words 'reasonably practicable' appear I believe only in one other document, one other bill and that is in Alberta which of course is a bustling, booming province

MR. W. ROWE: where economic buoyancy is there and everybody is, I would suggest, a little bit right of center, perhaps, in some of its legislation regarding industrialization and so on, because the need, perhaps, has not seized a hold as it has here particularly with our mining and mining industries in other parts of Canada.

But, Sir, the use of the words 'reasonably practicable' - 'every employer shall insure insofar as is reasonably practicable, the health, safety and welfare of his workers.' Sir, that should be struck out. Employers in this Province should not only have to prove when they go to a court, for example, in this Province charged with an offence or charged with neglect or negligence or charged under the civil law with negligence, a claim for damages, they should not be able to get off the hook if they showed that they took whatever measures were 'reasonably practicable' in the circumstances. They should not, Mr. Speaker! It should be the bounden duty, almost amounting to a guarantee, almost amounting to strict liability - I am not saying, Sir, that they have to insure workers against earthquakes occurring or the sky falling or a flood washing away the Avalon Peninsula. I am not saying that. What I am saying is that no employer in a mine, for example, in this Province or on a construction site or in any other dangerous occupation, risky occupation, should be able to get off the hook, or even more important, should, before the event, feel that everything will be alright if anything happens in the mine or on the site because we have done everything which is 'reasonably practicable.' They should not be able to feel that, Sir. An employer making a profit from a mining operation, making a profit from a construction operation, making a profit off the labour of workers, some of whom we have seen, Sir, have not been treated too well, in St. Lawrence, for example, over the last fifty years, and I would submit, Sir, are not being treated all that well now in the Baie Verte situation at Advocate Mines - an employer, Sir, should not be able to foresee, should not be able to say to himself, I did everything which was 'reasonably practicable.' That employer making these profits, using the

MR. W. ROWE: labour, exploiting men - reasonably it may be and with the consent of a united organization of labourers - that employer every day when he wakes up in the morning should feel that 'We have to look to the safety of these workers,' and he should be able to go into a court, if something happens that injures or damages or hurts or kills a worker, and show not that he insured as far as it was 'reasonably practical,' but that he took every possible step open to a human being in the light of all medical knowledge and in the light of all engineering expertise to insure the safety and the health of his employees, the workers on that site. That is what the burden of proof should be, not 'reasonably practicable', not some idea, some notion in a judge's mind sitting on a comfortable bench down in the Supreme Court, some notion that, well, this employer was not really negligent, I mean, he did what any normal human being would do in the circumstances. The fact that the construction site caved in and killed three men and injured thirty others, well, you know, he could not foresee that perhaps and therefore we will not hold him negligent, we will not hold him criminally responsible for the injuries or death

Mr. W. N. Rowe: because he took all of the reasonable measures, he did everything that was 'reasonably practicable', you know, from the point of view of a reasonable, ordinary, normal man. You see, Sir, this idea of a 'reasonably practicable' is something which is derived from the concept of negligence in the civil law. If you and I are involved in - if I injure you and you sue me and you show that I was negligent, if you show that I did not take the reasonable precautions or show the reasonable foresight of a reasonable man in these particular circumstances, then I am negligent, something which you can prove on, say, a balance of probabilities one way or the other. That, Sir, I would submit, is too light a burden of proof. I would submit, Sir, that that is a burden which is too easy on employers and owners of mining operations, of construction sites, of other dangerous and risky occupations. I would submit, Sir, we need to get a little closer to the position of strict liability. We need to come closer to the position where an employer will be held liable if he did not do everything, everything within his power based upon all the expertise available to him, based on the best medical knowledge available to him, based upon not reasonable foresight but expert foresight, Mr. Speaker, based on a firm, expert knowledge of all the things that can go wrong in a mine or in a construction site or in some other workplace as defined in this Act.

And, Sir, I do hope that the minister or one of his colleagues can move an amendment in Committee and come up with some better words to protect the workers in the workplaces in this Province. I do not know if my hon. friend can help; I defer in all matters respecting occupational health and safety to my hon. friend, the member for Baie Verte-White Bay (Mr. Rideout). Perhaps he can help because he studied all of the acts across Canada, or most of them, and maybe other acts can help him. I confess, Sir, I have not had an opportunity to look at all of the other acts except important points pointed out to me by my hon. friend who is our spokesman on these matters in the House of Assembly and outside.

MR. ROUSSEAU: Which clause is the hon. member referring to?

Mr. W. N. Rowe: I am referring to Section 4, 'Every employer shall ensure, insofar as it reasonably practicable the health, safety and welfare of his workers.' But I am also referring to Section 5, which says, "Without limiting the generality of Section 4, every employer (a) Shall, so far as it is reasonably practicable provide and maintain a workplace and the necessary equipment, systems and tools that are safe and without risk to the health of his workers;" Again, reasonably practicable."

I would submit, Sir, that the hon. minister seek some legal advice on it, see what these words mean, how they have been interpreted by the courts, say, in Alberta - I do not know if my hon. friend has anything on that - and see how other words have been used in other acts and interpreted by the courts in other jurisdictions. I would say there are some jurisdictions in the United States which probably have very progressive legislation along these lines; perhaps the federal laws in the United States may be helpful as well.

But, Sir, also in Clause 5 of the Bill, Subclause (d) "The employer shall, so far as it is reasonably practicable, conduct his undertaking so that persons not in his employ are not exposed to health or safety hazards as a result of the undertaking." Well, Sir, again the use of the words "reasonably practicable." You know, what does that mean? If somebody is walking down Water Street and there is a building being erected, and some innocent person is walking down Water Street and something injures or hurts or kills that person, what is the burden of proof under this law? Is the burden on the employer on the person supposedly running that workplace and that site? Is it simple negligence under this? I would submit, Sir, it should not be simple negligence, I would submit, Sir, that, again, we should be getting closer to a strict burden of proof, a strict liability rather, a strict liability on the employer who, by the way, Mr. Speaker, is quite able to ensure his risk through the various insurance houses around. The point I am making is this, is that anybody who is involved in occupations which threaten

Mr. W. N. Rowe: the health and safety particularly of people outside the work sites, since we are talking about this particular matter now, it is more reasonable to assume that employer, that person who is conducting the job is going to have third party liability insurance, than that the person walking along, Sir, is going to have insurance against himself or herself being injured or killed in the case they have a large family who has to be provided for and so on. So the burden, the strict liability, if there should be a strict liability, should be on the person who is undertaking the risky or hazardous occupation. That is

MR. W. ROWE: with regard to third parties now, Mr. Speaker, not necessarily about employees, but the matter is raised here and we should deal with that as well. And some such strict liability as well should apply with regard to the workers and not just the burden of proof regarding simple negligence and not just sort of the reasonable foresight or the reasonable practicality.

MR. ROUSSEAU: That is in Section 49.

MR. W. ROWE: Section 49. That is right.

I was coming to that. The burden of proof in Clause 48 of the bill states, "Where disciplinary action is taken against a worker or he is dismissed following an act by him under Section 47 there is a presumption that the disciplinary action or dismissal was discriminatory and the onus is on the employer or union, as the case may be, to show otherwise." That is a burden of proof which is switched around, put on the other party from what it would normally be. Normally, Sir, if I make a claim, the burden of proof is on me on the balance of probabilities to show that my claim is well founded. In this particular case, Sir, if a claim is made by a worker that he was unjustly dismissed, then the burden of proof is on the employer or the union to show that he was not unjustly dismissed.

And, Sir, the same sort of burden of proof which raised this point in my mind to begin with - I am glad the member mentioned that Section - the same sort of burden of proof should be on the employer where I believe, Sir, say an employee is injured or hurt, damaged in some way, there should be some burden of proof, Sir, not just to show that it was reasonably practicable to take the measures that the employer did, but there should be a stricter burden of proof on that employer, Sir, in these hazardous occupations like mining and construction and so on.

Working through the bill here, Mr. Speaker, and just looking at the matters as they arise, I would like to make mention of a matter raised by the fact that in Section 14



MR. W. ROWE: they talk about the members of the council to be set up, the Advisory Council, and then they said, "The Director, and Chairman of the Workmen's Compensation Board, or their designates, are to be ex officio members of the Council." Now, Sir, that statement brings me to another point concerning the Workmen's Compensation Board and other matters in this bill as well.

Traditionally, Sir, a great deal of hardship, financial and otherwise, has been caused by the fact that when it came to lung diseases of industrial workers in St. Lawrence, for example, or in Baie Verte now or up in the pelletizing plant in Labrador City, when it came to lung diseases contracted by workers - silicosis, asbestosis, other diseases like that, Sir the burden of proof was on the employee to show before he could obtain any workmen's compensation that his lung disease was caused by the industry in which he was working, the mining and the asbestos in the air, the radiation, the radon gas down in St. Lawrence, the, I suppose, ionized iron floating around in the air and the dust particles in the air in Labrador City and so on and so forth, Sir, in these kinds of occupations. The burden of proof was on the employee, and as my non. friend has said, this often meant subjecting oneself to a biopsy, and, Sir, of course we know from experience in St. Lawrence that everybody in St. Lawrence, man, woman and child alike, knew or felt they knew, which is basically the same thing, that once a man subjected himself to the biopsy his days were numbered from that day forward. And therefore a great number of them simply would not, through ignorance or otherwise, submit themselves to the biopsy, and perhaps some of them even died, Sir,

MR. W. POWE: as a result of not having done that and certainly they would not then be able to claim, or their families would not be able to claim from Workman's Compensation because no proof existed of the fact that their disease was caused by the cancer or whatever other disease they might have had, was caused by the conditions in the mine.

MR. ROUSSEAU: (Inaudible) by the Advisory Council.

It says here 14(a) the Chairman of the Workman's Compensation Board is an ex-official member.

MR. W. ROWE: Right.

MR. ROUSSEAU: I was asked to do that as a change to the drafting .

MR. W. ROWE: I am glad that it is in there. I am not disputing that, I think it is a good idea. What this has lead me to say now, the fact that the Workman's Compensations Board has been brought into this board, this Advisory Board and into the operation of this bill prompts me to say that aside from getting your skull bashed in, which is easlily provable, or a pot dropping on your foot or breaking a leg or falling off a scaffolding that was unsafe, there is also this whole question of lung disease. And as I understand it - I do not know if I heard this through the grapevine or whether my hon. friend mentioned it to me because he is so knowledgeable in this area - as I understand it perhaps the report being submitted by a former member of this House who is the chairman of it, Mr. Val Earle , did he not make mention of the fact that the burden of proof should be released, it should be reversed? Has this been made public yet?

MR. NEARY: No, it has not been made public.

MR. W. ROWE: No, it has not been made public so maybe I am speaking a little out of turn, maybe I am getting knowledge -

MR. NEARY: What you are saying is right.

MR. W. ROWE: But what I am saying, Sir, is that I understand that this gentleman has acceded to the fact or to the suggestion-which I

MR. W. ROWE: share , which my hon. friend shares, which we all share here, which every member of this House should share, which every member of the public should share - namely, that if a man or woman contracts a disease of the lungs in a mining industry or in an industry in which there is any reasonable apprehension of silicosis or asbestosis or some other disease involving dust particles or radiation or anything, if anybody contracts a lung disease of any description working within that environment, then the burden of proof should not be on him, Mr. Speaker, to prove that he contracted that disease as a result of the environment or the industry that he is working in, his disease should be recognized as being compensatable, compensable by the Workeman's Compensation Board unless it is proved by the industry or some one else that in fact his lung disease was not caused by that environment. In other words, Sir, shift the burden of proof from the shoulders and the back of the employee, who is in no position to make these claims or these proofs, shift the burden of proof from the employee onto the industry itself. And I think, Sir, -

AN. HON. MEMBER: It is absolutely essential.

MR. W. ROWE: That is absolutely essential, I agree with my hon. friend.

MR. ROUSSEAU:

Let me just give you an example. If somebody at Baie Verte - let us say and give a wild example; it will never happen, I hope. Sir, Baie Verte was closed down and let us say that a lot of the miners at Baie Verte wanted to go to Labrador City. Okay? That creates a problem that is not in the report or not in the Advisory Councils. Now, I am just surmising, philosophizing or whatever you call it on this, that the people at Labrador City, for example, the Iron Ore Company of Canada will say, I cannot take that person because that person may have contracted a disease at Baie Verte so, why should we be responsible for it? - or vice versa. You know, there is that problem involved as well.

MR. W. ROWE: I am not talking about the industry itself paying it, I am talking about the Workeman's Compensation Board, to whom all industries contribute and all employees. The Workeman's Compensation

May 2, 1978

Tape No. 2049 (Night)

AH-3

MP. W. ROWE: Board in its deliberations - if I go to the Workman's Compensation Board and say, Look, I spent five years with Advocate Mines, five years on Bell Island, five years down in St. Lawrence and seven years in the Iron Ore Company of Canada and the doctors now tell me that I have cancer of the lung, or the doctors now tell me that I have silicosis or some such disease, some lung disease like that; what I am saying is that when that man goes before the Workman's Compensation Board the burden of proving that his condition was not caused by his work environment should be on the industry or on somebody who disputes it

Mr. W. N. Rowe: and the burden of proving that this disease was caused by either one of those factors should not be on the poor employee.

MR. RIDEOUT: The Workman's Compensation report doctor should not want a piece of his lung before he gets some money.

MR. W. N. ROWE: That is right. That is the other point, that he should not have to have his lungs cut open and a piece torn out of it and looked at under a microscope.

MR. MURPHY: Is there any other way to prove that, you know, besides this?

MR. FLIGHT: A man cannot breath, he cannot walk.

MR. MURPHY: I am sorry. But what did you call it today, 'Tom'?

MR. NEARY: They have x-rays, you know.

MR. MURPHY: No. But I do not think the x-rays can detect it, eh? I am sorry, I did not mean to interrupt.

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

I understand the hon. member was asking the Leader of the Opposition a question.

MR. W. N. ROWE: Yes, Sir.

MR. MURPHY: Will an x-ray detect the actual cancered lung? Or is that the reason the hon. member for Baie Verte-White Bay (Mr. Rideout) says that -

MR. W. N. ROWE: As I understand it, the biopsy is necessary in order to prove conclusively what it is: is it silicosis, is it asbestosis? The x-ray will show shadows and and so on. For example, there are shadows on lungs in Baie Verte now. Some doctors will say, well, this is because some of these men may be smoking like tilts.

MR. MURPHY: Yes.

MR. W. N. ROWE: Some of the men are not smoking at all but they have shadows on their lungs. Others will say, well, this is caused by asbestos in the air, these men have asbestosis. I would obviously defer to the medical expertise in the House, and he may have something to say about it, but in my ignorant, layman fashion when it comes

Mr. W. N. Rowe: to medical matters, as I understand it in order to prove conclusively before the Workman's Compensation Board we have to have a doctor's evidence or certificate to the effect that this was such and such, perhaps even caused - does he have to say this is caused by it? I have not seen one of these certificates recently. I had one case years ago but I have not seen one recently. The medical evidence has to be fairly conclusive. In other words what I am saying is the burden of proof is on the employee to prove that he got what he got from that environment, from that workplace.

MR. NEARY: Was not that the one from Bell Island, the fellow from the North Shore of Conception Bay (Inaudible) one weekend.

MR. W. N. ROWE: Yes, that is it.

MR. NEARY: Yes, that is right. That is the one.

MR. W. N. ROWE: Yes, but that is years ago now.

But the point is, Sir, that he should not have to submit to these cases, he should not have to prove that. If a doctor can show that this man has something wrong with him affecting his lungs, then I would say on grounds of common decency, humanity and compassion for our fellow man, our fellow worker, and for the amount involved, a trifling amount - money has got to be paid anyway from somewhere, whether it is Medicare, whether a wife and a family is thrown on welfare or something because the husband died, you know, the money comes from somewhere. What I am saying is that there should be some dignity associated with it, some compassion, some humanity, and a man should not be forced to prove that he has got his cancer of the lungs as a result of such and such and such and such. But if he has been working in this kind of an environment - it may even have to be arbitrary, I do not know, it would be hard cases in that case - for a certain period of time, then the proof should be on persons who are claiming that he did not contract these lung diseases or this lung disease in the particular work environment. That is all I am saying, and that is in very crude terms. There is no medical expertise there. I am just talking about the general principle which would have to be refined obviously after expert medical advice and expert legal advice

Mr. W. N. Rowe: as well as to what we are up against. And perhaps even expert actuarial advice based on insurance information and based on the experience of the Workman's Compensation Board to see exactly what we are getting ourselves into. But I think that is a matter, Sir, which has to be dealt with on an urgent sort of basis, and I am glad to hear that Mr. Earle, who was a colleague of mine one time and a political opponent of mine subsequently, a man who I respect the sense and judgment of, I am glad to hear that I think he and his colleagues on this Commission of Enquiry or Task Force whatever they are involved in, I think are going to make the recommendation at least in the broad terms that I have suggested here tonight.

Now, Sir, there is not much else which I want to say about it. There is one or two questions which the minister may be able to answer - maybe he has already answered. I was preoccupied with a number of things this afternoon when he was speaking. In Section 35, for example, "The minister may order the establishment of an occupational health and safety committees by an employee at every workplace where ten or more workers are employed, to monitor the health, safety and welfare of the workers employed at the workplace." Now, is there some provision for workplaces which have less than ten workers?

MR. ROUSSEAU: Section 39.

MR. W. N. ROWE: Section 39. Okay, right.

MR. ROUSSEAU: It says it is up to the minister to designate one person or have one designated who is non-management.

MR. W. N. ROWE: That is excellent. I just wanted to make sure, Sir, that that point was covered.

MR. ROUSSEAU: I mentioned today that Section 35 was the section that the Advisory Council wanted everybody in, but we changed it around. The principle has not been changed but the practice is; in other words we will designate, instead of saying everybody in and then taking people out.

May 9, 1978

Tape 2050 (Night)

PK - 4

Mr. W. N. ROWE: Well okay. That is good. I would assume that is the proper procedure to take. The right to refuse to work by a worker



MR. W.N. ROWE:

then that he has reasonable grounds to believe it is dangerous to his health and safety is right. That is a correct right to give a worker, Mr. Speaker. I am glad the minister has taken the bold and progressive step of enshrining that in the law. And in this particular case, Sir, the words 'has reasonable grounds' is right and proper. We are talking about - there should not be any stronger burden on the employee than his proof that he did what he did, refused to work on reasonable grounds which are reasonable to any ordinary mortal, that he apprehended some risk to his health or his safety and, Sir, that is a good provision to have in this act.

Let me conclude, Sir, by raising my general objection which I used to raise in this House as Opposition House Leader years ago before I retired temporarily from the political field, and that is with regard to regulations. I am a firm believer, Mr. Speaker, that wherever possible the law itself should be in the Act itself or the bill which is brought before this House.

SOME HON. MEMBERS: Hear, hear!

MR. W.N. ROWE: Naturally there has to be room for the minister or the government to make regulations within a very limited sphere. Day to day details, administration details, Mr. Speaker, but to have the Lieutenant-Governor in Council - this government particularly or any other government, Sir, - "the Lieutenant-Governor in Council may make regulations necessary for the purposes of the act and in particular, but without limiting the generality of the foregoing, may make regulations (b) setting out the health and safety standards to be established at workplaces or classes of workplaces." Now, Sir -

MR. T. RIDEOUT: We will never get to be like that.

MR. W.N. ROWE: That is right, Mr. Speaker, that is a tremendous power to be putting in the hands of a group of men who will be meeting in secret conclave and deciding under God knows what pressures and what inducements and what -

MR. J. ROUSSEAU: Is the hon. gentleman leading up to (inaudible) that I have given an undertaking to the Advisory Council, which is not to say they are above the House by the way, but that any moves made in this area of Occupational Health and Safety will be first referred to them.

MR. W.N. ROWE: And that is not quite the same as having it debated -

MR. J. ROUSSEAU: But it is not done in the conclaves of the eighth floor is what I am saying.

MR. W.N. ROWE: Right, and it is not quite the same as having it debated in the House where members have immunity, Sir, and can speak their minds and say what they want to say about why they think a certain regulation may have been passed -

MR. RIDEOUT: Or offer suggestions to improve it.

MR. W.N. ROWE: - or to offer suggestions to improve it, or to say, "Well, we think that this government is under the complete domination of the mining industry lobby," for example; not quite the same, Mr. Speaker, I think, Sir, that the minister would be doing us a favour as members of the House and themselves and members of the public, if they brought in every year, and I think we could undertake to do this if as and when we ever form the government, bring in every year amendments to this act trying, as I say to strive towards perfection, never attaining it, but striving towards it, Sir, bring in amendments to this act to enshrine it in legislation after debate and public notices given and the media has a record of it not just the Newfoundland Gazette, squirreled away in the Newfoundland Gazette so a worker never sees it, never hears of it, does not know what it is all about -

MR. T. RIDEOUT: It dies before he knows it is alive.

MR. W.N. ROWE: - something brought in here and can be debated publicly and it stands or falls on its own merits, Mr. Speaker. I would undertake to do that and I would hope that the government here would do it on a year to year basis, not simply to take the easy way out and simply pass regulations shoved into the minister's hands by some high ranking public official and then it is passed Cabinet and appears in the Newfoundland Gazette and nobody hears about it, that is the end of

MS. W.N. SOME:                   it and people are digging out to see what their rights are. There is a concept in administrative law which I should mention in this context. There is a rule of law that everybody is presumed to know the law. Nobody can plead in court as an excuse for some criminal conduct or some conduct which breaches the law that he did not know what the law was. This, Sir, has proved to be a salutary, good sort of concept of law because otherwise

MR. W. ROWE: everybody could get off by proving that they did not know what the law was. So everybody is presumed to know the law. The only exceptions, Sir, and I have not done, as I say, any administrative law for the last number of years, but when I was reading it and studying it the only exceptions to this rule would be cases where regulations are passed in the form of delegated legislation, passed by a government, and if a person could prove in court that reasonable steps were not taken to bring the substance of this regulation to the attention of the person affected by the regulation either by publicity or by direct conveyance of the information, a person could, in some cases, Sir, actually avoid the consequences of the law by a court saying that since it was passed by regulation, by delegated legislation, there was not any publicity given to it, it was not debated publicly, it was not a public law debated publicly and passed in a public forum and therefore in certain cases a person was able to avoid the consequences of the regulations.

Now, Sir, that also is a good doctrine of the law, because it points out the mistrust with which courts view delegated legislation, regulations passed by governments. Naturally, we all know that this has to be done, otherwise the House of Assembly and a Parliament would never get anywhere with its mass of legislation. It would be bogged down in a morass for days and days and days because it cannot go into the detail involved and cannot get past the detail involved. But, Sir, on important matters of principle I believe that they should be brought in here and debated fully because, as I said, the courts themselves view with suspicion important matters passed by a secret group of men - a Cabinet, which is by definition secret - passed by them without debate, public or otherwise, put into the Newfoundland Gazette and gazetted and then supposed to be public knowledge. Well, I would say, Sir, that not one member of this House reads the Newfoundland Gazette on a regular basis or even on a month to month basis unless he has something referred to him by one of his officials. And, therefore, courts have looked traditionally with suspicion on this delegated legislation and sometimes they have even

MR. W. ROWE: found that the regulation would not apply because the person did not know the law, <sup>it</sup> had not been brought to his attention in a proper way. So, Sir, I am saying that the minister should assure this hon. House if he wants our support - and I think he would like the unanimous support of the members of the House for his bill, because it is generally a good piece of legislation - if he wants our support for Section 3, he should inform this House, Sir, that he intends on important matters of principle to bring amendments into the Act and have public debate on them in this hon. House and not to merely have them passed the easy way by regulation.

MR. ROUSSEAU: I made that clear (inaudible).

MR. W. ROWE: Well, I am glad to hear it. And he should also not be satisfied simply because he refers it to unions or to employers' associations.

MR. ROUSSEAU: (Inaudible).

MR. W. ROWE: Right. These are the lawmakers of the land, Sir, right here. We have all suffered the heat of the day, we have suffered the battles, we have been through the political processes. We are here now as of right, elected by our fellow citizens to pass laws in their best interests, and, Sir, people who seek to represent other people because they belong to certain organizations should realize, Sir, that we have the broad representation here and that they may represent them for certain narrow purposes, that we have the right and should have the right to discuss and debate and pass important matters of law affecting our fellow citizens. And I am a little bit disturbed to see all these important matters which will be the subject of regulations when the regulations should cover day-to-day housekeeping, the administration of the Act. And all substantive matters and important matters should be set out here chapter and verse and scrutinized, looked at, and then passed on their own merits.

The fines, Sir - I will just make mention of this before I sit down - the offences in Section 64 - "Any person who contravenes the provisions of <sup>this</sup> Act or the regulations - and this is

MR. W. ROWE:                    important, the regulations, the same fine applies, of course, to the breach of the regulations as to the Act - "is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding six months or to both such fine and imprisonment"

Mr. W. N. Rowe: or in addition to the fine as well, "a fine not exceeding \$1,000 for each day during which the offence continues."

Now, Sir, we have here, I would say, I submit, the age-old concept of laws being chains of steel and wrought iron for the individual, the employee, and perhaps cobwebs for a powerful, wealthy corporation. I do not know, the hon. minister may be able to give us some ideas on this, I do not know if a \$5,000 fine means much to a construction industry or not.

MR. RIDEOUT: \$25,000 in Ontario.

MR. W. N. ROWE: \$25,000 in Ontario.

I do know that a \$5,000 fine or the possibility of it or six months in prison to an employee who does something in contravention of the Act is a lot of money and is very severe penalty. I think we will all agree on that.

MR. ROUSSEAU: No the fine would not have to be a \$1. If any employer contravenes that Act on the grounds of occupational health and safety he is going to get as much of a fine in the eyes of people as any monetary fine he is going to get.

MR. W. N. ROWE: Yes, but that is all right. The minister may be talking about after the fact. We may have a death on our hands or several and the fine may be, you know, the fine may be - the old case where somebody drunken driving and kills somebody, some child, on the road, and we are all outraged by it, and we see that person going to court and he is not charged with manslaughter or killing the child on the road, he is fined \$300 for impaired driving or something other and this causes outrage among certain people.

But the point I am making is it is very often legally you have to choose with some particularity the crime you are going to charge a person with because other crimes require certain other ingredients and so on. So what I am saying is that, you know, sure he may be convicted, a company may be convicted in the court of public opinion, as the minister says, but we may be talking after the event, we may be talking about a man or a company who may be even willing to go to court and suffer a fine

Mr. W. N. Rowe: of \$5,000 plus a fine of \$1,000 a day for the two weeks or something that something was going on, costing him \$15,000 or \$20,000 on a \$2.5 million contract, say, or a \$10 million contract.

What I am thinking is that the minister - I do not know the answer to it, by the way, speaking on my feet here now -

MR. ROUSSEAU: Can be fined \$5,000 (Inaudible).

MR. W. N. ROWE: Yes. Yes, the minister -

MR. ROUSSEAU: (Inaudible).

MR. W. N. ROWE: Yes, I have no doubts about that, I mean, right. A director or an officer or an agent of the corporation can be convicted, there is no doubt about that, and the corporation can pay his fine for him, \$5,000. What I am saying is that the minister should give some consideration with the aid of his officials and the officers in the Department of Justice, a better way of making sure that the remedy, that the penalty suits the crime or suits the offence in some way a little more fairly and equitably than having a fine applied to an employee, who is penalized terribly, and the same fine possibly being applied to an agent or an officer of a corporation which would mean nothing to that corporation to pay and perhaps would be well willing to pay it and wish to pay it in order to avoid other expenses in connection with the safety requirements.

MR. MURPHY: The hon. Leader of the Opposition does not mean that for a company to pay \$25,000 and for an employee only \$5,000. That could not be. I mean, the law must apply uniformly to every one. Am I right on that?

MR. W. N. ROWE: Yes. What I am thinking about is that perhaps the maximum fine can be raised, - I think my hon. friend said in Ontario it is \$25,000 - which means that a magistrate hearing a matter on summary conviction could, looking at the circumstances, fine an employee \$500, which would be as much a penalty to him as perhaps -

MR. MURPHY: He would have discretion to do that, eh?

MR. W. N. ROWE: - \$80,000 to a corporation, you know.

MR. MURPHY: You would have a maximum and then the magistrate has the discretion then to level it as he sees it.



MR. W. N. ROWE: One of the points that I make is that the range may not be big enough, it may not be wide enough. But that is something for - I mean I am not saying this Act should stand or fall or that.

MR. ROUSSEAU: If you have any objections to that section of the Act (inaudible) I have my doubts on that amount.

MR. W. N. ROWE: Right. I am not saying that this Act should stand or fall or this bill should stand or fall on that, Sir, I am just making one or two suggestions for the minister to think about. Perhaps for the next year or whoever brings in the amendments next year they could perhaps have something a little different on that.

Mr. Speaker, I think it is a good start.

MR. W. N. ROWE: I commend the minister for bringing it in, as did my hon. colleague. I ask him to listen seriously, as he has done, to the comments of my friend here who lives on a daily basis, Sir, has lived on a daily basis some of the anxieties felt by workers and residents in the area of Baie Verte.

MR. J. ROUSSEAU: In the minister's district as well.

MR. W. N. ROWE: The minister as well for years - that is right, Sir - up in Labrador City, in Menihek district lived there as well. But, Sir, this is the sort of thing - this is something which now its time has arrived, so to speak. We were all very shocked and hurt by the St. Lawrence situation. I think we are all determined that nothing like that will ever happen again if it can be provided against by human ingenuity in this House or outside. And, Sir, we want to make sure the best possible act is passed. This goes part of the way. We have no hesitation in voting for it. We hope that some of the suggestions made by my hon. colleague will be incorporated into it when it goes through Committee. Perhaps some of the offensive language can be removed and maybe some of the positive suggestions made can be incorporated. But in principle I think that we can say that the bill is a step in the right direction but we should certainly take strides to improve it and by no means should we rest on our laurels and think that now we have done our duty and that is the end of it. And, Sir, I do hope that we can see in future that strikes which are of the type which are now going on in Baie Verte and in Labrador West will not have to go on by workers who are striking for what should be basic rights, that they will have their rights enshrined into legislation or regulation which a company, a mining operation, construction company and so on will have no choice but to live up to and the miners and workers can feel that they are being accorded a good, basic measure of protection to their health and safety by their representatives in this hon. House.

Thank you, Sir.

SOME HON. MEMBERS: Hear, hear!

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

MR. LUSH: Mr. Speaker, I have no great degree of -

MR. ROUSSEAU: At the rate I am going it is going to be next year before I get to the end of this.

MR. LUSH: I will not be long. I have no great degree of knowledge about this subject, only interest and concern. The hon. member for Baie Verte (Mr. Rideout), our spokesman on this subject, has both, both, the knowledge and the concern and the interest. Actually the only danger to life and health and safety in my district where I live is the conditions of the roads and the lack of water and the polluted state of what is there. I do not think there is any legislation here that covers that. I wish there was.

But I do have a couple of points, Mr. Speaker, that I want to get clarification on from the minister. Along with my fellow colleagues I think it is a good piece of legislation and there is nothing in it really that a person can condemn on the basis of what we see. But as a person not having much knowledge about this, Mr. Speaker, I must say I do not consider any of the things here revolutionary. As I have said before, probably it is because of my lack of knowledge about Occupational Health and Safety and what seems to be very obvious and logical and the rational and sane thing to do is probably more difficult than I think. But I am sure that were you to give this to any schoolboy after studying history and studying the advances in the labour movement back in the 1900's or the nineteenth century, rather, to look at this I am sure he would not be dazzled by what he sees. And on the basis of that I do not think by how long it took this government to bring in this kind of legislation, I would hate to think of the state of reforms in labour if we were back in the days when there were no laws. I do not think it is revolutionary even though it is a good piece of legislation. So I guess the worst thing a person could say about it is the timing in 1978 to be coming out with this kind of legislation, a kind of legislation that looks very obvious and very matter of fact. But as I say, Madame Speaker, that could come from my ignorance of the subject of

MR. LUSH: occupational health and safety measures. But that is a point that I find about this is in 1978 to be looking at this, things that look rather obvious and rather matter of fact, and I believe that a lot of people in the labour movement would feel as I do, that this is something that should have come much, much earlier and, even though it is good legislation, it has come much, much too late. But nevertheless, better late than never.

Now, Mr. Speaker, there is a -  
Madame Speaker, here in this - by the way, what is the right procedure?

MR. SIMMONS: Madame.

MR. LUSH: Madame Speaker? Okay.

Madame Speaker, there are a couple of questions that I want to get clarified from the minister.

A matter that concerns me is - I think it is Clause 56 - yes, Clause 56 here, which refers to a worker being examined by a physician and having an injury ascertained. But that is not the one that I am questioning. The one that I am questioning is whether a worker is suffering from an occupational disease that is related to the worker's occupation. Now this may come in the regulations, but for a person who does not know about these regulations I am wondering what the situation is for the person who contracts occupational disease. Are the regulations the same throughout the Province for that person or is this something that has to be negotiated into a contract? For example, I know it is negotiated in Labrador City, but what is the situation in other mining areas in the Province? Is there some universal, or provincial, shall we say, legislation that will refer to this, that will set this up? Right now I do not know what the situation is with respect to somebody that contracts industrial disease. Is it the same for a person in Buchans? Is it the same for a person in Labrador City? Do they both have the same rights? Is this covered in legislation or is this something that has to be negotiated in a contract?

Now as I said, this is something that may be covered in the regulations, but it is a point that I would like clarification

MR. LUSH: on as to what happens to any person in this Province who contracts industrial disease? Is he covered? Will he be covered by regulations here or is it something that each person has to work out or each union has to work out individually with the company concerned? What is the situation on this? Is this something that each person working in each company have to work out with that company or is there something universal in the regulations that will protect all people contracting industrial disease? This is something that I would like to know.

The other point, Madame Speaker, is with respect to fishermen. Now I understand that there are probably 2,000 fishermen in this Province, particularly those who work on longliners in this Province, who are not even covered by the Workmen's Compensation legislation. I am just wondering what the situation is here. I understand the trawler fishermen who are covered by the Workmen's Compensation legislation have no inspectors to come and inspect the boats on which they work.

MR. ROUSSEAU: That is covered in thirty-five.

MR. LUSH: Thirty-five, okay.

MR. ROUSSEAU: That may be a problem because thirty-five says I may order any place where there are ten or more workers. Now obviously a trawler may have a limited number of people, but Section 39 would enable me to appoint anywhere, regardless.

MR. LUSH: Yes, okay. Well, the minister has identified a problem with that, but I want to allude to, if I may, this situation where there are about 2,000 fishermen in the Province without any benefits from the Workmen's Compensation legislation and then those who have it - this is the problem up to now and maybe this legislation will solve it, but I want to carry the point on - that those who have protection under the Workmen's Compensation Board, nobody from the Workmen's Compensation Board is permitted to inspect the safety of the workplace, of these ships. And the reason for it, I am told, is that this comes under the Canadian Steamship Inspection, but these people are not authorized to inspect any

MR. LUSH:

of the gear and equipment used in the fishing industry. So here you have an odd situation, a peculiar situation, whereby these fishermen, those that come under the Workman's Compensation legislation where right now nobody comes in to inspect the safety of the workplace, to check the gear and the equipment. So I am wondering whether this legislation now has sufficient teeth in it to protect the fishermen. Will it bring in all of the 2000 that are not even covered by the legislation? Those 2000 fishermen working on longliners, will these fishermen be protected in this legislation? Again, maybe I am ignorant of the language that is here and maybe it is written in, but you have to be very careful, Madame Speaker, about this kind of language because you never know what loopholes are there. I want to raise that in the interest of the fishermen in this Province who are working in conditions that are not safe and fishermen who right now, many of them have no recourse when it comes to injury. Indeed I am told that there are some 2000 fishermen who when they have an injury the only source of money that they will get is if there is a collection taken up among their fellow fishermen. So if the minister could clarify that situation and tell us for sure whether now these trawlermen will be protected by this legislation, that inspectors from his department, from the minister's department will be permitted to go on board the ship and check the gear and the equipment for health and safety measures?

These are the two questions, Madame Speaker, that I wanted to raise and again, as I have said before, the only condemnation that I could raise of this bill is the fact that it is just coming before this hon. House of Assembly in 1978, legislation that looks very simple, that looks very matter of fact legislation, legislation that one would have thought would have been around for ten or twelve years previously. But at least we praise the minister for having brought it in at this particular point and hopefully, as my other colleagues pointed out, there will be more details put into it as the regulations are brought together. It is unfortunate that a lot of the regulations were not here so that hon. members would be able to see precisely what everything was

MR. IDSEN: about and probably this would eliminate a lot of the questions that will arise because the answers would have been seen in the regulations. Because as of this date we do not know what the regulations are going to be effecting many of the areas and that is unfortunate.

MR. FLIGHT: Madame Speaker.

MADAME SPEAKER: (Mrs McIsaac) The hon. member for Windsor-Buchans.

MR. FLIGHT: Madame Speaker, the minister knew of course that this debate would not close without my having made some comments in the debate. However, I will say that most of what I will say will be now repetitious because my hon. colleague from Baie Verte-White Bay (Mr. Rideout), as the Leader of the Opposition said, spoke with knowledge, spoke with conviction and spoke for this side of the House. He was followed of course by the Leader of the Opposition who covered most of the concerns that I and my hon. friend from White Bay (Mr. Rideout) have. But I have to say this, Madame Speaker, that the most germane contribution to the legislation that I have heard tonight is that contained in the statement of the Minister of Mines and Energy when he said that this act will not apply to mines, and the minister indicated 1979. I can understand the reason -

MR. PECKFORD: By April 1979.

MR. FLIGHT: - by April 1979. I can understand the reason and I accept that. Before I get too far into this let me again join with everybody else and congratulate the minister on bringing in a long overdue bill. It is a step in the right direction. I agree with the member for Baie Verte - White Bay (Mr. Rideout) that we need the regulations. We need the regulations.

Mr. Flight: As a matter of fact, Madam Speaker, the minister has picked out three or four passages in this bill and held them up as the great steps forward. And he knows as well as I do that in industries in Newfoundland today where there has been a strong union, some of the points that he made already exist. It does not exist in the bill but it already exists. There are safety committees existing in the mines in Buchans today, I would say there are safety committees existing in the larger paper industries, workmen have had a right, and indeed have done so, have refused to work under conditions that they thought were not safe, and that refusal was that the man may temporarily be dismissed, but that decision went to arbitration, and arbitration ruled in its favour which is all that is going to happen in this case; if this situation arises under this Act the workman will still have to take his case to the Labour Relations Board.

So, Madam Speaker, there are going to be a lot of people - the minister knows that over this past four or five years the great controversy with regards to occupational health and safety has come from the mining sector; he knows that. There has not been any great outcry of the working conditions or the health and safety hazard with Price (Nfld.), with Bowaters, even with the construction companies in this Province. But it has been the mines over the past three years, and the reason, Sir, the reason is that there is only right now existing in Newfoundland three mines, excluding for a minute Baie Verte, three mines-DOSCO, St. Lawrence, and the Buchans mines - that have operated long enough for people to have contracted and known to have contracted and started to die with silicosis or the disease from radiation, lung cancer, in St. Lawrence.

MR. ROUSSEAU: (Inaudible) There are people dying in Labrador City.

MR. FLIGHT: Oh yes. The minister thinks he has trouble in Labrador City now, wait until it has operated for fifty years. That is the point I am trying to make.

MR. ROUSSEAU: We have it now. We have troubles now.



MR. FLIGHT: In the early 1950s, in the middle 1950s, cases of silicosis started to surface in Buchans. There is a bookful now of people who have died with silicosis in Buchans having undergone biopsies as the Leader of the Opposition referred to. There is a steady stream of people in Buchans now going back and forth to the Workman's Compensation Board trying to prove they have silicosis. They walk up five steps and have to take a rest. Perfectly, healthy normal men who when twenty and twenty-five went underground, sixteen or eighteen or twenty years later found themselves not able to breathe properly. Had a medical every year, had an x-ray every year, passed, nothing wrong! The suddenly the man did not feel right. There is something wrong, he was not feeling right today. So he went to the doctor for his first trip, and three weeks after the doctor called him back. He said, "We have to take another x-ray. Something has shown up." And the man started to get apprehensive. Two months after that he gets the word; he is taken out of the mines and put at light work, and he gets all the more apprehensive; and six months after that he cannot even do light work because he cannot breathe if he walks across this room. And then he goes through the undignified process of going into the Workman's Compensation Board, three doctors retained by The Workman's Compensation Board, his family doctor indicates, and I have documented proof, said to the man, "You have silicosis". You know, you are leaded. He comes into The Workman's Compensation Board and three doctors retained by The Compensation Board take him on, and three years later these people are still coming back and forth to St. John's having been refused, The Workman's Compensation Board refusing to accept responsibility and this is where this bill is going to be awfully disappointing to a lot of people in this Province.

MR. ROUSSEAU: Why?

MR. FLIGHT: There is no reference here at all of responsibility. The minister will have to agree that he can bring in all of the regulations he wants. The companies can abide by them, the workers can abide by them, but under no circumstances, is it possible for a man to devise

Mr. Flight: regulations that will stop a miner from contracting silicosis if he works underground long enough. There is only one way to stop that and that is to shut the mine down, which nobody wants.

MR. ROUSSEAU: Can I say something? If the hon. member would look at Section 56, which says that now you can arrange with the Director of Occupational Health and Safety to have an independent medical examination.

MR. FLIGHT: I know.

MR. ROUSSEAU: And Section 25, "Stop Work and Improvement Orders. You know, the minister has the authority -

MR. FLIGHT: "Stop Work and Improvement Orders! Stop Work!

MR. ROUSSEAU: The minister and the Lieutenant-Governor in Council has that authority now which they never had before.

MR. ROUSSEAU: Mr. Speaker, you can stop all the work in the mines of Newfoundland.

MR. FLIGHT: today, and the men who have silicosis have silicosis.

MR. ROUSSEAU: But the things that caused them, the hon. member said unless you would close the mine (inaudible)

MR. FLIGHT: I have suggested, Mr. Speaker, that regardless of what -

MR. ROUSSEAU: The authority is here now.

MR. FLIGHT: - regardless of what bills or regulations come in that while a man is prepared - and we have to have people to go underground and work in the mines -

MR. ROUSSEAU: Do not tempt me. One of these days I might just try it because that may be what is necessary, Who knows? (inaudible).

MR. FLIGHT: I am speaking on behalf of the men. If the minister is insensitive to the people who are walking around Newfoundland today with silicosis he should not be the minister.

MR. ROUSSEAU: I am very sensitive.

MR. FLIGHT: And it is the heights of irresponsibility for the minister to have stood up from his seat, walked towards the door and said, 'Do not tempt me, I may close the mines down.' That is the heights of irresponsibility.

MR. ROUSSEAU: Just one second now! That is not what I said. I do not think the hon. member would want this misread. I said, Maybe we will have to do that to prove a point. The hon. member was indicating that everybody is okay except the mines. The mines are not -

MR. FLIGHT: No, I am not, I am talking about the mines now. I have forty-five minutes to talk about the rest of the sections.

MR. ROUSSEAU: Just a minute, if I may. I will give you leave for five minutes if you want the leave, I do not mind that.

MR. F. ROWE: Is this a point of order?

MR. ROUSSEAU: No, but if the member will yield, and I will give him five minutes by leave if he wants that.

What the hon. member said was that no matter

MR. ROUSSEAU: what regulations are there, the companies obviously are not going to listen to them anyway.

MR. FLIGHT: No, I am not -

MR. ROUSSEAU: Well, that is what I read from the hon. member.

MR. FLIGHT: Well, alright, I will try again for the minister's sake; that as long as there are mines operating in this Province where there is a possibility of dust - drilling underground you get dust, scraping muck underground you get dust, refining, concentrating in the mills you get dust, and it is impossible to totally and completely eradicate the possibility of somebody breathing enough dust to contract or to develop silicosis, that is what I am saying. I believe in fairness that is impossible.

MR. PECKFORD: We do not expect to eliminate it. It is all a matter of degree.

MR. FLIGHT: It is all a matter of degree.

MR. ROUSSEAU: Right, but you have to try.

MR. FLIGHT: The standards you may set whereby we may have fifty men and they contracted silicosis in a given mine over the past five years, you may well bring in regulations that will reduce that to two, and if you do you have done a great job, but what I am saying is that where this bill is lacking <sup>is</sup> there is nothing set out here to place responsibility where we do have that situation occurring. There is nothing set out in this bill to -

DR. TWOMEY: May I? What are you talking about: proof of the illness, or proof of the problem in the mine?

MR. FLIGHT: Proof of the illness, Sir. I know miners, as does my hon. friend from Baie Verte, who have silicosis or the disease related possibly to the mineral being mined in Baie Verte, who have been categorically refused by the Workmen's Compensation Board. They refuse to accept the man is leaded, has silicosis.

DR. TWOMEY: Why?

MR. FLIGHT: Unless he submits to a biopsy.

AN HON. MEMBER: Do you have proof?

MR. FLIGHT: I do. I can document for the minister in

MR. FLIGHT: my files, maybe right in this (inaudible).

MR. ROUSSEAU: I am sorry. I thought you had said that the hon. member had silicosis, I am sorry, not the hon. member.

AN HON. MEMBER: I hope not.

MR. FLIGHT: Is the minister being serious now or am I being put on?

MR. ROUSSEAU: Oh, yes, I am being very serious. It is the words you are using. You said, 'the hon. member' had silicosis.

MR. FLIGHT: I said, 'I am aware <sup>as</sup> the hon. member is aware.'

MR. ROUSSEAU: Oh, I am sorry.

AN HON. MEMBER: Do not lose your cool now.

MR. ROUSSEAU: No, I am being very serious. You know better than that. It is a very serious matter.

MR. FLIGHT: Mr. Speaker, then if he is being serious he will accept the fact that the miners up to this point in time have got, in my opinion, a raw deal from the Workmen's Compensation Board. The onus, as the Leader said, is on the miner to prove he has silicosis or a mine-related industrial disease.

DR. TWOMEY: In other words, you are talking that if he refuses the biopsy he does not get compensation.

MR. FLIGHT: Right.

DR. TWOMEY: That is what you are talking about.

MR. FLIGHT: If the Workmen's Compensation Board requests a biopsy and the man is afraid of a biopsy because of things that he knows to have happened as a result of biopsies in the past, then the Workmen's Compensation Board can, and in fact has taken the attitude that you do not have -

AN HON. MEMBER: You do not have proof.

MR. FLIGHT: 'We do not have proof so therefore you do not have silicosis.'

DR. TWOMEY: It could be other diseases.

MR. FLIGHT: It can be other diseases, of course.

What I am saying, Mr. Speaker, and this may be very crude, I am saying

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MR. FLIGHT:

this, that when we have a situation of  
a miner gone underground at twenty years old , in good health,

nothing

MR. G. FLIGHT:

wrong, and he has worked for twenty consecutive years in an atmosphere that is full of dust where the danger of contracting a lung disease is always present, then when it is proven beyond the shadow of a doubt that that man cannot breathe anymore, cannot work anymore, that he has a lung problem, then it should be accepted that that lung problem was related to his work. And indeed if he contracted that lung problem as a result of having spent twenty years or twenty-five years or thirty years underground in the mines, then that miner should not be subject to all sorts of examinations, biopsies, be cut open when he is afraid of it, when in the past practically every one of the miners that went under the same operation died in a very short period of time -

MR. TWOMEY: When it is cancerous they could not operate.

MR. G. FLIGHT: No, with a lung full so full of lead he could not breathe. There is a difference. Mr. Speaker, not only is the work - basically my concern is with miners and with the way they are being treated not only does Workmen's Compensation Board not accept responsibility but the Workmen's Compensation Board sets themselves into a confrontation situation. They will not accept, they will go out of their way to prove that the disease is not related to the job, I know of a case of the Workmen's Compensation Board a man who had got struck on the job two days before, made an accident report, went through all the procedures he had to go through and three days later had his leg amputated and the thing was referred to the Workmen's Compensation Board. The final analysis anyway was that the Workmen's Compensation Board accepted no responsibility because they said they determined that there was a disease there that would have caused the amputation anyway. That may have been possible but that is very difficult for a family, who has now got to go on welfare after their father working for twenty-five years, to accept knowing that the man had had an accident that injured. And the accident was set down, the company accepted the responsibility for the accident.

DR. TWOMEY: Did this accident happen on board a ship?

MR. G. FLICHT: Yes, it did. An employee of CNR. So, Mr. Speaker; not wanting to be repetitious when we go into clause by clause debate on this bill I intend to pick out the clauses that relate to a man's rights under the Workmen's Compensation, not wanting to be repetitious of things already said here tonight.

I will say to the minister that this bill is going to be very disappointing to the people in Newfoundland today who already suspect, are suspected of having - they suspect themselves or their families suspect that they have silicosis or asbestosis, there is not going to be much relief in this bill for the hundreds of men in Newfoundland today who work in the mines and who know they are working in danger of contracting silicosis or asbestosis. It is not at all set out that they will be in any better position, that they will be anymore be able to prove a case with Compensation that they will be compensated. And again the minister on four or five times in this session and other sessions in answering questions that related to the Workmen's Compensation Board alluded to this bill, that this bill was going to answer the kind of questions that had been raised or would help answer the kind of questions being raised.

Mr. Speaker, Workmen's Compensation has a good record in my opinion for people who have accidents on the job - loses a leg, loses an arm, gets a hand cut off or an arm broken; any accident of that type the Workmen's Compensation has a good record. The Workmen's Compensation problem in this Province is the one we are talking about and the thing is we might as well accept it that is the only area we have had any great concern. There has been no controversies or great concerns in the woods related industries in this Province; only recently there has appeared dangers in the fishing industry. It is the mining industry that has caused all the concerns of this Province,



MR. FLIGHT: and this bill hardly relates to the mining industry. It does not relate. The Minister of Mines said that the inspectors coming in to inspect the mines - let me tell the minister that the mines that I am associated with had lots of time to get ready and clean up their act before the mining inspector of the past arrived. In the Buchans mine and in every other mine of this Province, when a government mining inspector was about to arrive the word went out about a month before, 'Clean up your act, bar off any place that is dangerous, put new rungs on the ladders, destroy any faulty equipment, get it out of sight.' They had a month to do that and when the mining inspector came in, 'what a great operation!'

MR. MURPHY: Does the hon. member mean that they gave a month's notice before an inspection?

MR. FLIGHT: That is right. One way or another they found a way to let them have a month's notice, or longer.

MR. NEARY: It does not happen now, does it?

MR. FLIGHT: I do not know. Why does it not?

MR. NEARY: Well it is not as bad as you make it out to be.

MR. FLIGHT: It may not be as bad as it was.

MR. NEARY: I know on Bell Island we knew exactly when the mining inspectors were coming.

MR. FLIGHT: Sure. That is the point I am making. The miners know when the mine inspector is coming. It is not just the miners that know, the companies also know, the officials know.

MR. NEARY: They used to book into the Staff House, and you knew as soon as they booked their reservations.

MR. FLIGHT: Another fact here, Mr. Speaker. I do not know how many mines or how many industries in Newfoundland this applies to, but it certainly applies to the one that I am familiar with and that is the Buchans mines and that is bonus work, contracting and this is where your safety regulations break down. One of the biggest reasons today why the mining companies or the various companies have not instituted all the safety factors and wiped out all the risks to industrial health and safety is the profit motivation, what it would have cost them.

MR. FLIGHT:

By the same token, Mr. Speaker, when a man today is put in the position where he can make bonus, where he can make twenty or thirty dollars over and over his days wages depending on his production, then there is a possibility that he ignores most of the safety factors that would have applied if he were working on straight hourly company time. I do not know if the minister is aware of the point I am making now. It would be interesting to note how many mine related accidents occurred to employees who were on contract as opposed to miners or people who were not on contract.

Now as far as to who takes responsibility, Mr. Speaker, as the Leader of the Opposition said if a mine is going to operate in a way where they offer a bonus to their employees who work underground then the responsibility should be with the company to determine that even when those men are working under bonus all safety regulations are adhered to. It is a natural occurrence that if you are given a chance to make fifty dollars a day better than company wages, double your wages, in other words, you are not going to be too concerned about the safety aspect. The minister will find that most of the serious accidents underground have happened and apply when men are on the bonus system. Muck that should be watered down to keep the dust down is not wetted down, boot legs drilled into, missed holes drilled into just to make sure they make that extra fifty dollars on that particular shift. Who takes the responsibility in that case under this bill? Who assumes the responsibility under this bill for that kind of occurrence? I would suggest to the minister that again in the instance I am talking about most of the deaths underground came as a result of men working under contract. Chances are most of the dust consumed came by men working under contract.

MR. NEARY:

The experience we had was the fall of ground. You know, a lot of accidents were caused by fall of ground.

MR. FLIGHT:

Fall of ground because the back was not scaled down, because rather than scaling the back down they got no - that did not help their bonus, they had to make their company time first.

MR. NEARY:

Well what would happen is they would go in

MR. NEARY: where they could get the muck easy and they knew they were in bad ground but they were getting a bonus.

MR. FLIGHT: Right. So who assumes the responsibility there? Is the company going to say, oh look, we sent them down there under conditions that were ideal and safe according to your regulations and told them to make sure that everything was that way. But four hours after they were in an accident occurred and somebody was killed or maimed for life but it was a result of those fellows not doing what they were suppose to have done because they were on bonus.

MR. CANNING : What is the answer to it?

MR. FLIGHT: Well the answer in one way is to stop bonus work underground. That is the answer but I do not know how that would wash with the unions and the membership. I will tell you if it ever happened you would increase the employees of any given company in a hurry because it takes ten men to produce in one shift

working on company time, straight time, what three men will produce on working bonus.

MR. ROUSSEAU: Would the member permit a question?

MR. FLIGHT: Yes, sure.

MR. ROUSSEAU: What is bonus work? I am not familiar with underground. I assume that is so much that has to be produced in a given time.

MR. FLIGHT: Production, paid by tonnage broken.

MR. NEARY: Over and above certain tonnage.

MR. PECKFORD: Tonnage or footage.

MR. FLIGHT: Tonnage or footage. If it is development work it is by foot and if it is production it is by ton, ton produced.

SOME HON. MEMBERS: Oh, oh!

MR. FLIGHT: So, Mr. Speaker, there are all sorts of things can be brought up here, and again I would say that this debate has up to this point, and I think it will continue to revolve around the mining operations in this Province, because it is the mining operations in this Province that are giving the minister the most trouble

Mr. Flight: with regards to occupational health and safety.

MR. PECKFORD: Right now that is true.

MR. FLIGHT: What is that?

MR. PECKFORD: I say right now , what we must do now, seeing everybody agrees that we have been late on getting something in to really arrest the mining situation, let us not wait until something really disastrous happens in other construction sites before we move, and let us also move on those. And that is what is important about having this kind of umbrella situation that we have with this act.

MR. FLIGHT: So, Mr. Speaker, it would be a fair question I suppose to ask the minister when he intends to table or make public or make available to the House the report of the Advisory Committee on The Workman's Compensation Board?

It is just as important, Mr. Speaker, in my opinion, Again I want to say that I congratulate the minister. It is a step in the right direction, as my hon. friend for Baie Verte-White Bay said, that when the regulations comes in, this is a good bill. It may well be passed unanimously but I think it is our responsibility to point out to the minister the loopholes as we see it. And I think, Sir, just as important, one maybe more important to most of the debate we are making here tonight would be a bill upgrading the Workman's Compensation, defining the rights of people who have been prepared to go into the mine. You know, let us hope we will always have mines, Mr. Speaker. We know the contribution they have made to our economy up to this point. Let us hope we will always have men who are prepared to go underground. Everyone will not go underground. The people who are prepared to go underground eight or ten hours a day five days a week and produce, certainly they should work under the knowledge that if they are unlucky to contract an industrial disease - silicosis, asbestosis or any other industrial related disease-they should be working with the knowledge, the sure knowledge that they will be compensated.

MR. NEARY: We hope.

MR. FLIGHT: And that they will not have to take on a battery of doctors and lawyers, I know miners in Buchans today who have lawyers working on their case with the Compensation Board for two years now; one man only left here about four days ago. He cannot breathe. He was taken out from underground about four years ago, given light work for six months, off for six months, back for six months, and The Workman's Compensation Board says no.

MR. NEARY: What did they say he has, bronchitis?

MR. FLIGHT: Everything in the world, bronchitis, angina, emphysema, anything, you name it, bad blood pressure, from one thing to the other, All sorts of cardiographs, The man cannot breathe after working in production work and development work for thirty years underground in the mines - a perfect healthy specimen of a man when he went underground and he cannot breathe. And the man worked dry for ten years of his life with no water. Did the minister ever see a hole being drilled underground, with no water?

MR. ROUSSEAU: That dust must be terrible.

MR. FLIGHT: You cannot see. You cannot see through it.

MR. RIDEOUT: That is where the onus of proof should be on the company.

MR. FLIGHT: That is where the onus of proof should be on the company.

MR. PECKFORD: I can tell you of a worse case than that.

MR. FLIGHT: Mr. Speaker -

MR. PECKFORD: The man, now thirty-four years old, is now in Alaska, he went to Alaska last week. He worked for two years in Baie Verte in Rambler, two years in Daniel's Harbour, some time in Gull Pond before that, and also in Elloit Lake for two years, and he is blacking out every three hours.

MR. FLIGHT: Maybe the time has come for when the minister stands up to defend the Workman's Compensation Board. I mean, the Workman's Compensation Board is responsible to the minister. Maybe the time has come when he stands up to close this debate to defend the position taken by the Workman's Compensation Board. Why is it that in face of

Mr. Flight: all of the proof that they have available to them that they will not accept the responsibility and will not compensate people who are in the position that I have just talked about and the Minister of Mines have talked about and the member for White Bay (Mr. Rideout)? Why?

The mines are contributing. As I understand, it costs the Province very little.

Mr. Flight: I understand the revenue coming in, the workman's contribution plus the company's contribution, pays the bill. The Workman's Compensation Board last year was going to build a great monumentative building in this city. What happened to that?

MR. PECKFORD: Have you not seen it?

MR. FLIGHT: It is up, is it? It is built?

MR. PECKFORD: Yes.

MR. FLIGHT: Well, fine. It is up. It is there. Would the minister when he stands up -

MR. PECKFORD: The General Hospital there. Did you not see the new building?

MR. FLIGHT: - explain, reconcile this to me, how it is that The Workman's Compensation Board could afford to build a building, a very expensive building, but they cannot afford to compensate a man whose lungs are gone as a result of working thirty years underground and who contributed all of his life, and on whose behalf the company he worked for contributed? Why?

So, Mr. Speaker, without being repetitious that is all I have to say. I want to again to say to the minister, since we did not have such a bill, it is a step in the right direction. There is no doubt in my mind that the minister is going to get flak on this bill, not only in the House with regards to the obvious lack of anything in this bill that would accept responsibility or direct the Compensation Board to compensate miners who have contracted -

MR. ROUSSEAU: That does not come under it.

MR. FLIGHT: Well then, there will be a lot of people, there will be a lot of flak comment because a lot of people believed that when this bill was presented it would indeed take this into consideration there would be clauses in there that would protect a man. What is a bill respecting -

MR. ROUSSEAU: The point of all is it should be done under The Workman's Compensation Act, the particular problem that the hon. member refers to.

MR. FLIGHT: This is an Act respecting occupational health and safety.

MR. ROUSSEAU: Right.

MR. FLIGHT: Occupational health, in my mind, Mr. Speaker, is occupational health is silicosis. So why would I expect, or any miner of this Province expect having heard for three years that this bill was being put together, why would he ever have expected that it would not have addressed itself at all to occupational diseases? Why?

MR. ROUSSEAU: Because the Review Committee that the member refers to is accurate, and the point he brings up is accurate, as the member for Baie Verte-White Bay (Mr. Rideout) did. The point is that any changes to rectify the problem and the legitimate problem that the member says is done under The Workman's Compensation Act. That is the payment for mine diseases. This is to ensure that people to the best of the ability that they do not get diseases, once they get them then it is up to The Workman's Compensation Board.

AN HON. MEMBER: This is the place to address it.

MR. ROUSSEAU: But the point is well taken, the point is legitimate, but it just does not belong here with this Occupational Health and Safety Act.

MR. FLIGHT: Well then, Mr. Speaker, I can close my remarks by saying to the minister that the bill he refers to, we now need a bill as badly as we needed that one, and God knows we needed that bill very bad, and we have waited for a long time for it, and the minister is to be congratulated, but he will be congratulated all the more when he brings in a bill that directs itself to the main concern of most debates in this House with regards to occupational diseases. The main concern expressed in this House since I have been here is with regard to industrial related diseases of the lung.

MR. PATTERSON: If they do not have it this session.

MR. FLIGHT: The minister has received all sorts of kudos, congratulations for having brought in this bill, I now add mine to them. I will say to him that he will receive more congratulations and it will be just as an important a bill, and possibly required more, needed more



Mr. Flight: by the industry and by the workers is a bill that will upgrade The Workman's Compensation Act, and will legislate the responsibilities of The Workman's Compensation for people who work in mines and contract industrial diseases. Let us get that into the record, Mr. Speaker.

MR. ROUSSEAU: Some said it has been a couple of months, and it has been a legitimate delay, but obviously you have to go back in time, you know, not years but back in time.

MR. SPEAKER: The hon. member for St. George's.

MRS. MCISAAC: Mr. Speaker, I just wanted to bring up a couple of points that I think may be related. First of all, to refer to The Workman's Compensation Board, it may not be directly related but there is Clause 62 relates to The Workman's Compensation Board, and also Clause 63, sub-paragraph (c), while it may not be the proper place to thrash it out it still makes reference to it.

MR. ROUSSEAU: May I just say one word on that one.

The point I am making is that we have the review that the hon. member for Baie Verte-White Bay (Mr. Rideout) mentioned today and the hon. member for Windsor-Buchans (Mr. Flight) mentioned. These are now under review. The changes that will come about about the problems and the miners in respect to Workman's Compensation would require regulations or amendments to The Workman's Compensation Board Act, I am not saying that you cannot talk about The Workman's

MR. ROUSSEAU: Compensation Board under this but I am just saying this is the vehicle to hope -

MRS. MCISSAC: To provide a regulation.

MR. ROUSSEAU: - that can stop this sort of thing, happening in the future. But there are the people that the hon. members have referred to who have contracted diseases in the past, who should be referred to some sort of compensation from the Workmen's Compensation Board and without hopefully the necessity of a biopsy. That would take an amendment to the Workmen's Compensation Board Act, but there is no reason why the Workmen's Compensation Board cannot be discussed on this but I just want to put it in perspective.

MRS. MCISSAC: Well my point was, under the regulations, paragraph 63, establishing the amount and manner of assessments to be made by Workmen's Compensation, but that was not the point that I stood up to make anyway. I just had a couple. I wanted to mention the dust factor. Now, for instance, I have been in Labrador City and on occasions I have seen dust rolling, just rolls and rolls of it you know. I am not telling the minister anything since it is his district and -

MR. ROUSSEAU: Did your car get all red, too, when the dust settled on it?

MRS. MCISSAC: Car?

MR. ROUSSEAU: Yes.

MRS. MCISSAC: I did not have one there, I was just visiting, but I did see it rolling through the air, and in the meantime the same thing happens in St. George's with the gypsum dust. But what I was going to say about this was - and of course I lived in Baie Verte for a little while too - what I was wondering was if in the regulations, if in providing the regulations based on this bill, if something can be brought out to enforce this regulation on dust control, to force the companies to do something in the way of

MRS. MCISSAC: putting in sprinkler systems or operating sprinkler systems to help keep down some of the dust on the stockpiles. This has been done in St. George's with the Flintkote operation. They have a sprinkler system there and it is in operation. I will not say twenty-four hours a day but when necessary.

Now gypsum, from what I can understand and from talking to different people and I have spoken to a few doctors about it, gypsum is supposed to be one of the harmless minerals and I am told that in fact it is absolutely harmless, that even if you happen to get it on your lungs it dissolves and there is really no problem with it. Whether this is right or not I do not know, I am not finished my research into it, but maybe the good doctor across the way can enlighten me on that one. But what I was going to say was that they saw fit to install this sprinkler system and it certainly controls the dust. Now in areas where you have the real danger of contracting some disease, maybe a sprinkler system may help. Maybe it is already there. If it is not there I would ask the minister if he would look into the possibility of writing it into the regulations and trying to enforce it. It may very well help.

The other concern is, I have forgotten what is it now, on medical examinations, well paragraph 56, and again it is referred to in paragraph 59. Again I have to refer back to Flintkote. As I said, gypsum is supposed to be harmless, but the Flintkote Company of Canada requires their men to have a complete medical once a year and this is something that the management is very, very strict about. They pay for the examination and they insist that all their workers have this examination yearly. And I am wondering now about, for instance, in Baie Verte and in other places where the danger or the risk is much higher if there should not be something written into the regulations insisting that the companies provide this service to the men and

MR. McISAAC: insist they have a medical, probably not once a year, maybe once every six months since it is so much more hazardous than the gypsum is. But I certainly think that the minimum would be once a year; I would suggest every six months since it is a very high risk. And this may very well nip it in the bud, because gypsum, as I said, is harmless.

I think these are the only two points now. I have been sitting here for a while waiting to get up and I think these are the only two points that I wanted to make. I would like to see the medical examination written into the regulations because the way it is written here in Clause 59 is "Where a worker is registered under Sub-section 1, the director may require the person to have regular medical examinations of a kind and frequency prescribed by the chief occupational health and safety officer." Now the chief occupational health and safety officer may require that the worker have an examination upon employment and maybe not have another for two or three years or maybe not until he retires, and I think that the company should be pinned down on this one and certainly it should not go less than one year. Thank you.

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

DR. TWOMEY: Thank you, Mr. Speaker.

I am sure that the minister must feel happy and content in knowing that he has got the plaudits from the Opposition, because it is their duty to criticize and it has been extremely well done, in particular the member for Saie-Verte (Mr. Rideout). He showed an unusual knowledge of what I think is a part of my specialty, the medical one. I think everything he said has been extremely valid. Likewise the other members of the Opposition have spoken well and they have made a very definite impact on the way I think. However, there have been a few criticisms that have been offered which are very difficult to substantiate because I know that no human document, however well written, can be so perfect that one cannot eventually drive a horse and cart through all the rules and regulations. There was one of which the leader of the Opposition spoke at length and he commented that his view should not be

DR. TWOMEY: on the worker, and that I agree. But for the information of the House, rather than expressing a strong opinion, I think that one has to give a lot of thought and a lot of credence to the medical examiners when they are trying to prove a disease, because there are other diseases that are not industrial diseases that can affect lungs and other parts of the body, And I think it is utterly impossible even for the Workmen's Compensation Board to write this into a perfect Act.

However, the one thing that hit me from the very beginning was No. 58: "Where a physician finds that a person examined by him has an occupational disease, he shall within seven days of his diagnosis, a) notify the Director, in writing, of the name, address and place of employment of the person and the nature of the occupational disease, and b) notify the person examined by him that he has an occupational disease and the nature of that disease."

Over the many years that I have been in medicine and certain various professional groups in the field of medicine, it has been of great concern to us that we have as physicians to report illness. There are some in the old Public Health Act, which I am sure you are all aware of, that have to be done by law. However, each and every day, something appears in legislation which erodes the privacy of the patient as an individual or the worker who becomes a patient, and we have to do this. I would like to see just one other paragraph, possibly saying, 'with the permission and the consent of the worker.'

MR. ROUSSEAU: Add it to No. 58 (2).

MR. SPEAKER: May I suggest to the hon. member that he speak more into the microphone. I believe some hon. members -

MR. STRACHAN: It is difficult to hear him.

DR. TWOMEY: I am terribly sorry. Did you get the beginning of this?

MR. STRACHAN: We caught part of it.

DR. TWOMEY: I am concerned that every few years legislation

Mr. TWOMEY is written into the laws of this country where we have to report illness or disease. It so happens that not every individual wants his illness or disease reported to a public body, and especially in this day and age in which computers can print everything that we have. So I would like to see written a few lines to indicate that at least a worker has the right to consent or the right to deny that this information gathered by the physician can be kept confidential for his sake or reported to the Chief Occupational Health Officer. I think that this is vital. I am sure if you look at your driver's licence you find that you have to put in your MCP number and so on. It is getting easier and easier to trace a man's illness record, which is of concern to him and his family. I would like to see this corrected and some thought given.

I am afraid I have nothing else to add here, that it has been adequately covered by all the other speakers.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for LaPoile.

MR. S. NEARY: I would like to join with the hon. member for Exploits (Mr. Twomey) in congratulating all those who have participated in the debate so far. It has been a very worthwhile debate. With all the confusion and things that have been happening in the House today, nevertheless the members who have spoken so far were able to make some valid, some excellent points and the debate is not yet concluded and there may be other members who may have a worthwhile contribution to make. It is almost eleven so I would like to move the adjournment of the debate.

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

Hon. minister.

MR. PECKFORD: Mr. Speaker, I move that the House adjourn until tomorrow, Wednesday at two of the clock, it being, for all other intents and purposes, Thursday.

MR. SPEAKER:

It has been moved that the House adjourn until tomorrow, Wednesday at 2:00 p.m. Those in favour "Aye", contrary "Nay". Carried. The House stands adjourned until tomorrow, Wednesday, 2:00 p.m.