

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD
3:00 P.M - 6:00 P.M.
THURSDAY, DECEMBER 13, 1979

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: (Simms)

Order, please!

ORAL QUESTIONS

MR. SPEAKER:

The hon. Leader of the Opposition.

MR. D. JAMIESON:

Mr. Speaker, I saw the hon. the Minister of Finance (Dr. J. Collins) somewhere in the precincts. I will wait, with your indulgence, until he gets in his place.

MR. SPEAKER:

The hon. member for LaPoile.

MR. S. NEARY:

Well, I would like to ask a question to the Minister of Finance, too, but I have one for the Minister of Tourism (Mr. C. Power) so I will go ahead and ask that.

Would the minister tell us what sort of an operation his department has over in North Sydney, what sort of an information service they provide in North Sydney?

MR. SPEAKER:

The hon. Minister of Tourism, Recreation and Culture.

MR. C. POWER:

Thank you, Mr. Speaker. I am not exactly sure what the hon. gentleman means when he says, "The operation we have in North Sydney". During the Summer months we obviously have tourist information people there who give a great deal of information to the travelling public as to what things are available in Newfoundland for that given tourist season. I am not actually sure whether he means what is there today or what was there during the peak tourist season during the Summer. Can you clarify which one you mean?

MR. S. NEARY:

Supplementary, Mr. Speaker.

MR. SPEAKER:

Supplementary, the hon. member for LaPoile.

MR. S. NEARY:

I will be glad to clarify, Mr. Speaker. I would like to ask the hon. gentleman how many permanent employees this government, his department, has in North Sydney and how many seasonal workers the hon. gentleman's department has in North Sydney?

MR. SPEAKER: (Simms)
Recreation and Culture.

The hon. Minister of Tourism,

MR. C. POWER:
I will have to take the matter of how many permanent employees we have there and how many seasonal employees in given amounts under advisement. We also have certain other persons permanently stationed in both PEI and in different parts of Nova Scotia to make sure that our literature on Newfoundland is distributed fully to persons travelling to Newfoundland during the Summer months. I will be glad to get the information for the member tomorrow if he wishes.

I will have to take the matter of

MR. S. NEARY:

Supplementary, Mr. Speaker.

MR. SPEAKER:

Supplementary, the hon. member for

LaPoile.

MR. S. NEARY:

Can the hon. gentleman tell me

then if the employees that are paid from the Public Treasury of this Province in North Sydney and other places that the hon. minister mentioned, can the hon. gentleman tell me if these people are Newfoundlanders or non-Newfoundlanders?

MR. SPEAKER:

The hon. Minister of Tourism,

Recreation and Culture.

MR. C. POWER:

The response to that question is

obviously most of the persons-and all of the persons that I am aware of who are hired during the Summer months are Newfoundland students who go to Newfoundland institutions and who are residents of Newfoundland. If there are any permanent persons who may have been hired by the Department of Tourism and now perceive their residence to be in Nova Scotia, then I can certainly check on that for the member. As far as I am concerned and as far as I realize all the persons

MR. C. POWER:

and the names come from my office the first of the Summer for hiring and placing in Nova Scotia and in the office in P.E.I., then those persons are indeed Newfoundland students who go to school at Newfoundland institutions.

MR. S. NEARY:

A final supplementary, Mr. Speaker.

MR. SPEAKER (SIMYS):

A final supplementary, the hon. member for LaFolle.

MR. S. NEARY:

Mr. Speaker, I hate to have to differ with the hon. gentleman. The employees in North Sydney are Nova Scotians, not Newfoundlanders, and that is why I am asking the hon. gentleman a question. I wish I could ask the Minister of Lands and Forests (Mr. Morgan) a similar question because he has employees over in North Sydney, animal inspectors, who are non-Newfoundlanders. But I want to ask the hon. gentleman if these jobs are advertised for, and if they are advertised in Newfoundland papers or in Nova Scotia papers?

MR. BARRY:

The former administration hired them.

MR. S. NEARY:

No, the former administration did not hire them.

AN HON. MEMBER:

Yes, they did.

MR. S. NEARY:

I beg your pardon, they did not.

MR. SPEAKER:

Order, please!

The hon. Minister of Tourism.

MR. C. POWER:

Mr. Speaker, all I can say to that question is that I have told the member that I would be glad to take it under advisement. I will bring back the facts as they are facts. All I know is that since I have become Minister of Tourism we have hired no persons who are residents of Nova Scotia. The only persons we have hired are students of Newfoundland, who reside in Newfoundland and go to Newfoundland institutions, and who find placement of jobs but not only at North Sydney and at a point in P.E.I., and a great number of students who are information officers on the CN ferries as come back and forth across the Gulf. If there are some other persons who were placed there some time ago employed by our Department who are Nova Scotians, all I can promise the hon. member and the House is that I will find the information for tomorrow and gladly bring it back to you.

MR. S. NEELY:

Mr. Speaker.

MR. SPEAKER (SIMMS):

The hon. member for LaPoile.

MR. S. NEELY:

Mr. Speaker, I would like to say that I am dissatisfied with the hon. minister's answers about employing these people, non-Newfoundlanders in North Sydney. I wish to debate it during the Late Show this afternoon.

MR. SPEAKER:

The hon. Minister of Tourism.

MR. C. POWER:

Mr. Speaker, in that case I will have the answers for him this evening.

MR. SPENNER:

The hon. the Leader of the Opposition.

MR. D. JAMIESON:

Mr. Speaker, my question is for the Minister of Finance. When he brought down his Budget earlier this year, approximately five or six months ago - I guess closer to five months than six - he made certain projections with regard to, particularly, revenue and expenditure but also a number of others having to do with the rate of jobs, cost of living, CPI, things of this nature. I wonder if the Minister of Finance (Dr. Collins) has over the past forty-eight hours, or if he was privy ahead of that to some of the things that happened in the Federal Budget, whether he can tell us now whether the result of the various measures introduced in the Federal Budget will cause any significant change, in his view, in his as forecasts as presented to this House some months ago?

MR. SPEAKER:

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, in terms of being privy to what was to be in the Federal

DR. J. COLLINS: budget, I certainly was not and I do not know if anyone else was but I certainly was not. We had had some discussions with the federal minister some months ago in association with other finance ministers from the Atlantic area and we put forward certain general points at that time and he responded in certain general ways. But certainly there was nothing in that or subsequently that would suggest that he had been passing on any detailed or even approximate information of what would be in the budget.

In terms of the projections, at this point in time, there are - the officials in the Department of Finance are still working on the information that is contained in the Budget Speech and in the documents that are associated with it and I have been getting some information from them. Up to this point in time there does not seem to be anything that would significantly alter those projections, but on the other hand our study really has not been completed at this date.

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

MR. JAMIESON: Just to make the record straight, I was not obviously referring to anything such as a budget leak. I was merely referring to the fact that we have known for some time that a large increase in energy pricing was - and I thought perhaps something might have been done ahead of time on certain assumptions. But I will set that aside.

The question that I have for the hon. the Minister of Finance is this, when he says that there is not likely to be any significant change, to quote the Premier's phrase of yesterday, "Off the top of my head, I would expect that his officials will discover that the return, for instance, from the sales tax may be significantly higher than anticipated in view of the unfortunate increase in the cost of living." And what I would like to ask the hon. the Minister of

DR. J. COLLINS:

Finance in this glorious Christmas

Season if he would not think during these next days when he is assessing this, of some relief for the consumers of this Province which might be described as an inverse indexing, in other words so that the Government of Newfoundland would not profit unduly from the increasing cost of living. We have a formula on the other side with regard to taxation nationally and would the minister give some consideration to the possibility of relieving the taxpayer in direct ratio to what he anticipated eleven per cent was going to turn in when he made his budget and what it is likely to turn in under current circumstances?

MR. SPEAKER: (Sirms)

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, I think that is a very good suggestion. It is a very astute observation, I think. On the other hand, I think the hon. Leader of the Opposition (Mr. Jamieson) is really talking about a budgetary matter and I would think that this is something that, among many other things, and I do not want to give the wrong impression, especially to our friends in the press, that I am in any way saying that government is going to move in this direction or that I am even going to suggest to government that they move in that direction, I am just saying that this is a suggestion. We will get many suggestions come forward and I think any useful suggestion like that certainly will be given consideration by us.

MR. JAMIESON:

A supplementary.

MR. SPEAKER:

A supplementary. The Leader of the Opposition.

MR. JAMIESON:

Mr. Speaker, let me admit ahead of time that this is a convoluted supplementary, but in view of the fact that the cost of living is very heavy on those who are unemployed, and in view of the fact that the Come By Chance oil refinery has not been reactivated, could the hon. the minister tell us when in that case he might be able to give us some indication of what happened in his discussions with the receivers?

MR. SPEAKER:

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, last evening, with the hon. the President of the Council, I met with the receiver, the Vice President of Peat Marwick and also the legal counsel here, for ECGD. The four of us met over the Come By Chance situation as it stands at the present time and we got an update from the receiver on the proposals, suggestions and so forth that they had received since our last meeting. All I can say at this point, I think, is that there were some very interesting things that had come into them that need investigation and those investigations are ongoing now. It is much

DR. COLLINS:

too early yet to say whether any of these will turn out to be substantially significant to the degree that we will be able to say that there is something very likely to come from it. Really it is just a bit too early on that yet. But I can say that there are several proposals or approaches of some weight that are now being looked into.

MR. NEARY:

A supplementary, Mr. Speaker.

MR. SPEAKER: (Simms)

The hon. member for Bonavista North, unless you wish to yield.

MR. STIRLING:

Thank you, Mr. Speaker. I have a question that was for the Premier, but in his absence I will ask the acting Minister of Fisheries, (Mr. Goudie). Will the acting Minister of Fisheries tell us the status of the fishermen who were members of the Fisheries Loan Board?

SOME HON. MEMBERs: That is a good question.

MR. SPEAKER (SIMMS): The hon. Minister of Fisheries , Acting.

MR. GOUDIE: Mr. Speaker, just for clarification, the hon. member wants to know what has happened to the fishermen who were members of the Board, is that the question?

MR. STIRLING: Have they been fired? Or are they still active or what?

MR. GOUDIE: They have not been fired to my knowledge, Mr. Speaker. As the Premier indicated, I do not know how many time in the House and outside, that the whole thing is under review. The new Board has not been appointed -

MR. STIRLING: Yes, it has been.

MR. GOUDIE: I am sorry, yes it has been. Yes. You know, to use the term, 'Have they been fired?' No, they have not.

MR. STIRLING: A supplementary.

MR. SPEAKER: A supplementary, the hon. member for Bonavista North.

MR. STIRLING: Mr. Speaker, for the benefit of the Minister of Fisheries, the statement that the Premier gave was on October 31, Cabinet approved the appointment of an interim Board of Directors of the Fisheries Loan Board consisting of officials from various government departments under the Chairmanship of Mr. Cliff Russell, and then it goes on with some other things. On October 31, there is a new Board of Directors appointed, and the fishermen are wondering, the same as the Minister of Fisheries, about where they stand. As far as they are concerned, the Board of Directors, and the Premier announced on December 10 that as of October 31 a new interim Board of Directors was appointed. The fishermen, and specifically Mr. Arthur Wicks, has not heard from the Premier except that he has heard a news report -

MR. SPEAKER: Order, please! The hon. member has a question, I take it?

MR. STIRLING: Yes, I would like to know what the status is, and how the minister ties in this interim Board of Directors with the

Mr. Stirling: status of the fishermen who are
the Board of Directors?

MR. SPEAKER (SIMMS): The hon. Minister of Fisheries, Acting.

MR. GOUDIE: The interim Board, as I understand it, has
been put in place as a part of this review process. It is an interim
Board, it is not a final Board. Perhaps these people who had been
serving on the other Board may very well be invited back, I do not
know that. But it is a review process -

MR. STIRLING: (Inaudible). do not know.

MR. GOUDIE: Pardon me?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. GOUDIE: To use the term, Mr. Speaker, 'fired off
the Board' according to the hon. member for LaPoile (Mr. Neary), would
indicate that there is a great deal of dissatisfaction or that they were
crooks or robbers or some connotation -

AN HON. MEMBER: (Inaudible).

MR. GOUDIE: No, we are not saying that. We are
into a review process where an interim Board is in place,

MR. GOUDIE: and that is the status of it right now. In relation to Mr. Wicks and a couple of the other people, I will take notice of that if the - well, whether the hon. member agrees or not I will take notice of it - to find out the answers that the member is looking for and then get back and advise him.

MR. NEARY: I heard the announcement here in the House. Get back -

MR. SPEAKER (Simms): A final supplementary, the hon. member for Bonavista North, followed by the hon. member for Torngat Mountains, followed by the hon. member for Eagle River, if time permits.

MR. STIRLING: Thank you, Mr. Speaker.
I think the Minister of Fisheries (Mr. Goudie) indicates the current problem.

MR. ROBERTS: Indeed it is a current problem.

MR. STIRLING: The Bank of Montreal has a Board of Directors. When you appoint an interim Board of Directors that throws out the old Board of Directors. You cannot have two boards of directors.

MR. SPEAKER: Order, please! The hon. member is entering into debate. The purpose of Question Period is to ask a question. I would direct him to ask a question.

MR. STIRLING: Yes, I will, Mr. Speaker.

I was giving some clarification to the Acting Minister of Fisheries (Mr. Goudie), who seems to be as unaware of this problem as the fishermen members of the Board of Directors. Is the Minister of Fisheries now saying that there are two boards of directors, that the existing board of directors, which has not met since August some time, and which has been accused of - by innuendo and the very kind of information you have here of mismanagement, and that they have been replaced, and press reports are that they have been replaced, are you now saying that there are in effect two boards of directors, one the interim board of directors, and the other board of

MR. STIRLING: directors to wait. who makes the decisions in the meantime?

MR. SPEAKER (Simms): The hon. Minister of Fisheries (Acting).

MR. GOUDIE: Mr. Speaker, in the meantime the interim board of directors makes the decisions and there is one board of directors.

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

MR. HISCOCK: I would like to direct my question to the Minister of Transportation and Communications with regard to a letter I ended up writing in June with the possibility of setting up an air subsidy service between points St. Anthony to Labrador South.

As of now there is a subsidy for St. John's to Goose Bay and then out to the Coast, but not from St. Anthony. For example, if you go from St. John's to Goose Bay to Cartwright you have to pay \$305. If you go from St. John's to Goose Bay to Fox Harbour it is \$347, and by having a subsidy as Labrador Airways has requested of \$5,000 per month, you could get to St. Anthony to Fox Harbour for \$42.

We would agree to integration of our Province with the Labrador Mainland part and the Island, does the minister have any news to report to this House with regard to this subsidy?

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

MR. BRETT: I only say, Mr. Speaker, that that matter has been under review for the past couple of weeks and I should have an answer for the hon. member probably some time after Christmas.

MR. HISCOCK: A supplementary, Mr. Speaker.

December 13, 1979

Tape No. 1843

NM - 3

MR. SPEAKER (Simms):

for Eagle River.

A supplementary, the hon. member

MR. HISCOCK:

in the main part of the population that will be using it within a relatively short period, particularly Trade School

MR. HISCOCK: students, Fisheries, and university of leaving to go back to Labrador. Many of these students were stranded in St. Anthony last year and also many of them could not leave. I cannot understand why the students in the North receive a subsidy whereas students in the South - again, discrimination or whatever - cannot receive it.

Does the minister have anything in mind to set up some type of temporary travel for the students going across to Labrador South?

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

MR. BRETT: The answers to all these questions, Mr. Speaker, were given the hon. member and a group of students from his district who are now in the gallery.

The hon. member is aware of the fact that I told him I would be happy to look into this. It would be a one-shot deal, of course, if government did decide to do it, and, actually, what they are looking for is some guarantee that they are going to get home for Christmas. I think this a very reasonable request. The problem that exists is that the mail gets priority from St. Anthony to Southern Labrador and the students are unable to make prior reservations and go up not certain that they are going to get on the plane. Some of them have even spent Christmas Day in hotels in St. Anthony. And I would be the first to admit that this is certainly undesirable. Most of like to get home for Christmas.

So I will consider the request by the students. I do not have very much time - the university closes around the 20th or 21st.

AN HON. MEMBER: The Trade School (inaudible).

MR. BRETT: Well, all the children, or the students - they are not children, I suppose - all the students from Southern Labrador are being considered in this. I believe there are fifty or more. I have suggested to them that they get me a list of the students, how many actually want to go home and if they can make it on a certain day, and by the same token, what time they would want to come back. So although time is running

MR. BRETT: out, if it is possible, I will try to do something before Christmas for them.

MR. WARREN: Mr. Speaker.

MR. SPEAKER: (Simms) The hon. the member for Torngat Mountains.

MR. WARREN: Mr. Speaker, my question also is to the Minister of Transportation and Communications.

Does the minister's department intend to close out the highway depot at North West River and move it up to Happy Valley-Goose Bay?

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

MR. BRETT: Yes, Mr. Speaker.

MR. WARREN: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. the member for Torngat Mountains.

MR. WARREN: With respect to the moving of this depot, could the minister outline briefly the rationale behind such a move?

MR. SPEAKER: (SIMS)

and Communications.

The hon. Minister of Transportation

MR. C. BRET:

That is a smart aleck question. There was vandalism in your district. Mr. Speaker, the reason for moving the depot from North West River to Happy Valley is simply that I guess the greater concentration of population is in fact in the Happy Valley/Coose Bay area. This does not mean that there will be any less service. We have discussed this matter with the councils - I think it is right to say councils, both sides of the river - we have discussed the matter with them and we have assured them that we will not move the depot until such time as the bridge is ready for vehicular and pedestrian traffic. But they are aware of that and I do not think they object that much.

MR. G. WARREN:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. member for Tornat Mountains.

MR. G. WARREN:

Yes, Mr. Speaker, it is probably part of a supplementary but it may be a new question. Does the minister's department also intend to erect a traffic light at the intersection of Hamilton River Road and Loring Drive, which is the most dangerous section in the whole community? There have been many accidents in the past and especially with no heated sand on the roads now. But I think there are some requests in to the minister and the former minister about erecting a traffic light in this section. Is the minister aware of it or is there any intentions of erecting a traffic light there?

MR. SPEAKER:

The hon. Minister of Transportation and Communications.

MR. C. BRET:

I am not sure of the area the hon. member is talking about. Is that the one near the hotel?

MR. WARREN:

Yes.

MR. C. BRET:

There has been several requests in for that and I would have to say there is no firm decision on it, mainly because we have had requests from all over the Province for this sort of thing

MR. C. BRETT: and at this point in time we have not been able to iron out any kind of a government policy. I have the same situation in my own district, and the hon. Leader of the Opposition, I think, probably would like to have one in his district in the Come by Chance area. But as soon as we can get something in the way of policy and some agreement between councils and government, really that is what we have to come up with, but it is under consideration.

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

MR. D. JAMIESON: Mr. Speaker, I have a supplementary to the questions asked by my colleague, the member for Bonaville North (Mr. Stirling). I would like to direct them to the President of the Council (Mr. Marshall) who, I assure,

MR. D. JAMIESON: since it was a Cabinet decision had some responsibility or perhaps give us some enlightenment with regard to the Premier's statement which is unequivocal in the sense that it says, "an interim Board of Directors of the Fisheries Loan Board consisting of officials was appointed.

Could he please tell me and my colleagues does that mean that they supplant or replace the Board which, presumably, was appointed at an earlier time and which was legal and statutorily correct?

MR. SPEAKER: (Simms) The hon. President of the Council

MR. W. MARSHALL: Mr. Speaker, I can only add the same words the hon. the Acting Minister of Fisheries uttered when he got up and made his -

AN HON. MEMBER: (Inaudible)

MR. W. MARSHALL: - no, when he got up I think he made the position crystal-clear.

Now, the position with respect to the situation with respect to the Board of Directors of the Fisheries Loan Board is that the emphasis is on the interim, in other words, it is a temporary Board of Directors. It is not intended to be forever and a day, it is intended to be temporary. There was a situation that arose with respect to the Fisheries Loan Board that all members of this House and the public are aware of, so the government had to take action and it did. One of the things which it did, one of the procedures it implemented was that it appointed an interim or temporary board. Now, that board is in existence while the present situation is being reviewed. As hon. members will recall the Premier also indicated in his statement that a new procedure with respect to the loan applications are also being considered. There have been discussions and there are discussions ongoing with the chartered banks and then there is a -

MR. NEARY: It is a slap in the face for the fishermen.

MR. W. MARSHALL: - no slap in the face of the fishermen! The fishermen will be in a much more beneficial

MR. W. MARSHALL: position with respect to it.

MR. NEARY: (Inaudible)

MR. W. MARSHALL: Mr. Speaker, if the hon. -

MR. SPEAKER: (Simms) Order, please!

MR. W. MARSHALL: - Leader of the Opposition wants an answer to a question, I will give it to him but I -

MR. SPEAKER: Order, please!

MR. W. MARSHALL: - would ask that he control his henchman over on the other side.

MR. SPEAKER: Order, please! A question has been asked, I would presume an answer is required and that members on this side, in particular, would like to hear the answer; therefore, I would ask hon. members to control their interjections.

MR. W. MARSHALL: Thank you, Mr. Speaker. I withdraw the word henchman. The hon. Leader of the Opposition has been doing such a credible job of restraining the hon. members since he has been in here that I realize that every now and then he has got to blow his cool.

SOME HON. MEMBERS: Oh, oh.

MR. W. MARSHALL: Now, Mr. Speaker, to get back to the Fisheries Loan Board, as the hon. Premier indicated the policy is being looked into in depth. It is thought, and we have had discussions with the chartered banks, and our aim is to make the monies more available in greater

MR. MARSHALL:

profusion for the fishermen. And in connection with this policy there is going to be consideration with respect to the subsidization of interest rates so the fishermen will not pay any higher interest than they would under the present arrangements with the Fisheries Loan Board. So with this particular situation we have appointed an interim board.

AN HON. MEMBER: Have you rescinded the appointments of the former board members?

MR. MARSHALL: Well, I would not say rescinded. We have placed it in suspension at the present time. When the whole universe unfolds as it will unfold within the next couple of months, then these directors may or may not be back in again but in the meantime this is an interim board and the powers of the board are now being exercised insofar as they are exercised by directors by this interim Board of Directors.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Simms) Order, please! A supplementary. The hon. Leader of the Opposition.

MR. JAMIESON: Mr. Speaker, I am not even being argumentative. I simply want to know what the mechanism was. To the best of my knowledge, if you appoint an interim board it must mean that you revoke in law whatever the citation or the piece of paper or the nomination of those gentleman. Has that in fact been done?

MR. SPEAKER: The hon. President of the Council.

MR. MARSHALL: Mr. Speaker, the hon. gentleman is not being argumentative; I know he is seeking information. In effect what has happened is when you select an interim board is that by the operation of appointing the interim board the powers of those exercising the members of the other board are not cancelled, they are not fired, but they are suspended for the present time.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: A final supplementary. The hon. Leader of the Opposition.

MR. JAMIESON: I must say in the spirit of the

MR. JAMIESON: Season I can only be charitable to one of the great legal minds in the House who knows full well that a board which is constituted cannot be put out of business in that way, and I suggest to the hon. gentleman that it would honestly be far better for him to concede that what really has happened is that an interim has been put in place and for better or worse the gentlemen who were legally constituted as that board were, as I understand it, not even given the courtesy of being told that they were, to use his expression, in suspension. I suggest to him that he might even look as to whether or not he can in fact put them in suspension. He can put me in suspension sometimes with his answers, but I do not think legally he may be able to do it.

MR. SPEAKER(Simms) The hon. President of the Council.

MR. MADSFALL: Mr. Speaker, all I can do is just

Mr. Marshall: repeat the answer that had been given.
It would depend- first of all, I am really all that sure that members
of the Board -

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: I am really not all that sure -

AN HON. MEMBER: (Inaudible).

MR. MARSHALL: No, this is not so. I am quite sure of
what I am saying. I am not sure of what the hon. Leader of the
Opposition is saying, that is what I am saying.

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: The situation is that I am not sure that
the members of the Board were not, in fact, notified.

MR. STIRLING: They had no notice.

MR. MARSHALL: Well, I mean, you know, this is a statement
made by the hon. member, and, you know, I accept it that this is the
information and that is his perception. But my perception is that I
am not that sure that the members of the Board were not notified as
to the situation.

Now with respect to what the Leader of
the Opposition says, about them being placed in a state of suspension
or whatever statement of ferment he interprets them to be,
all I can say it is a matter, Mr. Speaker, of interpretation. My
interpretation is as have given it out. The hon. Leader of the
Opposition gets up, being a reasonable man, and puts his interpretation
on my words. But, you know, that is the situation.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (SIMMS): Order, please!

MR. MARSHALL: And I would say if this were a point of
order, Your Honour would say it is a difference of opinion between
two hon. gentlemen.

MR. SPEAKER: Order, please! The time for Oral
Questions has expired.

ORDERS OF THE DAY

MR. MARSHALL:

Order 8, Bill No. 22.

On motion, second reading of a bill,

"An Act To Amend The Provincial Court Act, 1974". (Bill No. 22).

The hon. member for Grand Bank.

MR. THOMS:

Mr. Speaker, after just a couple of minutes on this yesterday or the day before, I adjourned the debate. Since that time the Minister of Justice (Mr. Ottenheimer) has returned to the House and I would like to take this opportunity to welcome him back to the House. He certainly looks a lot better than I feel at the moment with the head cold that I have. And I certainly hope that he enjoyed his trip to the sunny clime.

Mr. Speaker, as I said, this particular amendment is a very simple amendment. It is an amendment, basically it changed the name which is now given from a Magistrate's Court to a Provincial Court, and magistrates from magistrates to provincial judges. I presume the rationale is to give them more dignity and I assume this is what they are looking for.

Mr. Speaker, in supporting this bill there are certain matters on which I would like to take this opportunity to express my views. In this Province and particularly in St. John's, Mr. Speaker, we have an urgent need, a very urgent need for new facilities, that is, if the administration of justice in this Province is not to be held up to ridicule. The building that presently houses our Supreme Court Trial Division contains three courtrooms of varying sizes; one is a fairly large courtroom as you walk in the main entrance to your left, and then you go back further there is another courtroom a little smaller, but then you have the third courtroom which is a great deal smaller, and one that was converted from a judge's Chamber. Mr. Speaker, this courtroom is so small that if a member of the general public wished to attend a trial basically he could not find a place to sit.

December 13, 1979

Tape 1848

PK - 3

Mr. Thoms: Mr. Speaker, the lack of adequate
courtroom facilities in this Province, and as I say particularly in
St. John's was brought home dramatically

MR. THOMS: in a trial that was reported in our papers this last few days and that was when a trial was actually held and was forced to occupy on different occasions three different courtrooms. After having to put up with the cold and an overcrowded courtroom in the upstairs of the courthouse, which was the judges chamber that was converted, the judge, the lawyers, the witnesses, the court officials moved out of that building to the Appeal Division courthouse which is immediately East of our present courthouse facilities in St. John's; that was vacant there until lunchtime.

Fortunately, of course, one of the trials that was taking place in the main courthouse ended at noon and then the court packed itself up again and moved back into the regular courthouse. I think, probably, it has to be the first time in the history of the Supreme Court in Newfoundland that it was on circuit in St. John's, that is, moving from courtroom to courtroom.

Mr. Speaker, the provincial court is also housed in the same building and in the basement of this building there exists what is known as the lock-up.

Mr. Speaker, in this day and age it is a shame to all of us that such a place exists. I said that in this House before and I will say it again. It is a dirty, dingy hole and, in my opinion, no amount of renovations can cure the problem there.

The present Minister of Justice can be satisfied with nothing less than a new courtroom in St. John's. The past Minister of Justice, who not sits on our Supreme Court, I think should be thoroughly ashamed of himself. I believe that they now would be the first people - I think if you now went to the past Minister of Justice, who was recently appointed Chief Justice of our -

MR. BARRY:

A point of order, Mr. Speaker.

MR. SPEAKER(Butt):

A point of order.

MR. BARRY: The hon. gentleman is making a comment upon one of Her Majesty's judges and I would submit that that is out of order.

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

MR. SPEAKER(Butt): To the point of order. The hon. the member for Grand Bank.

MR. THOMS: I am not making a comment on one of our present judges; what I am commenting on is his position at the time that he was Minister of Justice.

MR. SPEAKER(Butt): To the point of order. The hon. the Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, I would submit that this is an attack upon a judge of the Supreme Court of Newfoundland and that it is completely out of order and that if the hon. member has any comments to make he should make them to the existing, the present Minister of Justice.

MR. SPEAKER: To the point of order. I would ask the hon. gentleman to confine his remarks to the bill.
The hon. the member for Grand Bank.

MR. THOMS: Mr. Speaker, what I am saying, I think, is that, and I have discussed this with the judges of our Supreme Court, if you went now and you talked to the judges of our Supreme Court I think, Appeal or Trial Division, they would say that the facilities are inadequate. Basically, that is all I am saying and I am saying that it is to the shame of past Ministers of Justice and to past governments, Tory and Liberal, that our facilities, that our lock-up are as they are today. I suspect that the reason they are, and I am not condoning the Liberal Administration either, I suspect it is because there are not that many votes in building courthouses on Duckworth Street.

Mr. Speaker, concern is forever being expresses about the backlog of cases in our courts.

MR. THOMS:

One of the major reasons for the backlog is that our judges, particularly at St. John's, are operating in inadequate facilities and it is about

MR. THOMS: time that this defect in the administration of justice of this Province was cured.

Now, I really do not think that the present Minister of Justice (Mr. Ottenheimer) would disagree with me that these facilities are inadequate. We need more and we need better facilities, and that is basically what I am saying.

Mr. Speaker, another matter is that I think every effort must be made to reduce and eventually eliminate the number of police prosecutions in this Province. Now, I realize that we are going in that direction, but this is a major concern of members of the legal profession and the public at large.

Mr. Speaker, justice must not only be done, but must be seen to be done. And as long as you have policemen prosecuting in our courts, justice will not seem to be done.

This has been a major complaint over the years by all people who are concerned with the administration of justice in this Province - that accused people may feel, justifiably or not, that they have not received a fair hearing if a policeman carries out the prosecution at their trial for a crime which is also being investigated by the same policeman. And in some cases, the same person who carries out the investigation carries out the prosecution.

Now this is a practice that we must work to eliminate in this Province. As I said, justice must not only be done, but must seem to be done.

Mr. Speaker, along those lines as well, there is an archaic practice - now I want to point out so that the Minister of Mines and Energy (Mr. Barry) will not be able to accuse me of attacking our policemen in this Province, I am not blaming the police for this. You know, a policeman does, in these cases, basically what he is told to do, and if he is told to prosecute a case, he will do it. But just in case the Minister of Mines and Energy wants to accuse me of attacking the policemen in this Province, I want to point out that it is not an attack on our policemen.

MR. THOMAS: And the same thing with another point I am going to make: We have a very archaic, outdated, outmoded practice in this Province - now it may be in all of the other provinces of Canada for all I know, but it is an archaic practice and it must be eliminated. And I am making a suggestion here that I think it can be eliminated tomorrow. It does not have to wait until next week or next month or next year, it is a practice that can be eliminated immediately. At the present time, an accused is obliged to sit in a prisoner's box flanked by police officers. In the United States they do not have to do this. As you know, anybody who has watched television, which is fairly accurate in that respect, can see the accused sitting with his counsel, with his lawyer, and that is the way it should be here. None of us can forget that in our system an accused is innocent until proven guilty. Mr. Speaker, in my opinion, nothing gives the impression more that a person is guilty than the custom of forcing the accused to sit in a prisoner's box guarded by two policemen.

And it is even worse in the case of the RCMP. They are there with blazing red jackets and the poor little innocent-until-proven-guilty person is scared to death. I have seen it over and over. Anybody who has practiced law in this Province has seen it over and over.

It is something that needs to be changed, should be changed and can be changed tomorrow.

I was very pleased, as a matter of fact,

MR. L. THOMS: read recently where, I believe it was Mr. Justice Goodridge, and this, I think, out of necessity of frustration this happened. Apparently the accused was sitting there between either two policemen or two RCMP officers; and the lawyer who sits about two or three seats in front had to keep getting up, going back to the box, asking his client questions, and going back, sitting in his place to address the judge. So the judge in that case permitted the accused to sit at the lawyer's table with the accused. That is where he should be sitting. Because I do not think that we can ever forget in this democratic democracy of ours that a person is innocent until proven guilty. And as I said, Mr. Speaker, I do not think there is anything that gives the impression of guilt more than the accused sitting or standing, wedged in between two great big burly policemen. And like I say, it is something that should be changed. It can be changed tomorrow. There is no reason why it has to wait, Mr. Speaker.

Mr. Speaker, I think from the lowest constable to the Assistant Chief of Police we have one of the finest police forces in the world. The Royal Newfoundland Constabulary is second to none. However, I think the Minister of Justice in this Province, and this government, must address itself to certain matters concerning our Constabulary.

One of these matters, Mr. Speaker, is a police commission. At the present time the department is run by one man, the Chief of Police, who is answerable only to the minister. It is time that we at least looked at the benefits of such a commission. It would, I believe, improve the image and the lot of our police force.

There is another area, as I understand it, that should be looked into, that is the training methods, whether or not they are the most modern training methods that can be employed to train our policemen. Hopefully, the new building will be able to afford better training facilities for our policemen. And with an emphasis,

MR. L. THOMS: Mr. Speaker, on the prevention of crime. After all, it is crime prevention that it is all about, it is not the apprehension and the punishment of persons after a crime has been committed.

Mr. Speaker, there are other things. I believe we have to look at a police force's right to strike in this Province. How many times have we watched television, only recently in New Brunswick, where we had a police strike and you get looting, and property damage.

MR. OTTENHEIMER: The hon. member is aware that there is no right to strike in the police force in Newfoundland.

MR. THOMS: There is no right in Newfoundland?
I am sorry - no, I was not.

MR. OTTENHEIMER: There is no right to strike in Newfoundland.

MR. THOMS: There is no right. Well, that is one problem that has been taken care of.

MR. NEARY: But it will come up every year, you know, whether they should have the right to strike. That is what my hon. friend is arguing.

MR. THOMS: Yes.

MR. OTTENHEIMER: They do not now and I just wanted to -

MR. NEARY: They are discussing it now amongst themselves whether they should have the right to strike.

MR. OTTENHEIMER: The tentative agreement will be signed tomorrow.

MR. NEARY: Oh well, that will be fine.
No right to strike in that.

MR. THOMS: Mr. Speaker, there are two things that are being done presently by our policemen here in this city that hold our police up to ridicule, and it lessens the respect that our

December 13, 1979

Tape No. 1851

NM - 3

MR. THOMS:
Newfoundland Constabulary.

people have for the Royal

The first, Mr. Speaker, is that
our trained policemen, in a time when every crime is on the increase

MR. D. TROTS:

they are still used as meter maids.

Now, Mr. Speaker, I realize that the Minister of Justice has told us in the House, in answer to certain questions that I have put to him, that they are now thinking about turning over this responsibility to the city of St. John's. My problem is I really do not understand the delay. I understand the city is anxious, anxious to take over this responsibility and I see no reason why there is a delay in it unless, of course, Mr. Speaker, it is a great source of revenue for the Province and they are not going to give it up that easily.

Mr. Speaker, there is another thing, I think, that probably more than the meter system brings our police force here in St. John's into ridicule and that, Mr. Speaker, is the quota system. The Minister of Justice (Mr. Ottenheimer) and the President of the Council (Mr. Marshall), they can stand up in this House and deny that such a system exists until the cows come home, they are only hiding their heads in the sand. I would suggest to the President of the Council and the Minister of Justice that if they want to know if a quota system does, in fact, exist in this city today, that they go out on the street and ask almost any policeman in the city and he will tell you that such a thing does exist. And that is why, Mr. Speaker, that is why you see our force, our Royal Newfoundland Constabulary, that is second to none anywhere, lurking behind the Jewish Synagogue or Elizabeth Towers to catch the unsuspecting motorists. Instead of when a left turn is made illegal, instead of giving a friendly warning, you know, going up to the motorist and saying, 'Look,' I realize that this was just done, you may not know it but you have made an illegal left hand turn', something like that, what happens is they haul out the book and give a ticket immediately. That is because they are trying to fill their quota for that month.

Mr. Speaker, it is a sad, sad commentary on our police force when a policeman's progress through the ranks is decided, measured by the number of tickets he gives out. And I have spoken to a lot of police-

MR. L. THOMAS: men in this city and unless they are all liars a quota system exists and whether or not they become a captain or a sergeant or whatever the situation is, it will depend on the fact whether or not they make their quota and are consistent in making their quota.

And as I said, the Minister of Justice can hide his head in the sand and say that he has no evidence that exists but there is plenty of evidence. All he has to do is do a little bit of digging himself. If he were prepared to tell us he has probably gotten tickets exactly the same way.

Mr. Speaker, for the last point, it is time that the Department of Justice and I realize the present minister has only been there for five or six months and I make no apologies for his predecessors, be they Liberal or Tory I make no apologies for them, but it is time that the Department of Justice listened to the people of this Province who have been calling for a Royal Commission into the administration of Justice. A Royal Commission can do nothing, Mr. Speaker, but increase the respect of the ordinary people for justice, a respect that I feel has been on the decline over this past number of years. I think

MR. THOMS: the royal commission can only help bolster the people of this Province and their image of justice in this Province. There are too many people saying, wherever you go you find them, there are just too many people who have no respect and feel that they are not going to get justice before our courts.

Mr. Speaker, a royal commission could look into the matters that I have already addressed myself to this afternoon. The lack of facilities in the Province could be looked at by a royal commission. Police prosecutions could be looked by a royal commission, something that I have already said must be eliminated.

I have had the experience of finding out, of being in a predicament such as this. As I said, I realize, Mr. Speaker, that we have gone a long way in connection with this. I think we can go further. I think we can eliminate it altogether. If I am not mistaken, the present Minister of Justice (Mr. Ottenheimer) before the Canadian Bar Association of Newfoundland said that it could not be eliminated entirely. I think the minister was quoted at the time as saying that the police prosecutions could not be eliminated entirely.

MR. OTTENHEIMER: Not -

MR. THOMS: Well, that was not the way that he was quoted. I say it can be eliminated entirely. I think it must be eliminated entirely if people are to feel that they are getting justice in our courts.

A police commission for St. John's and the Province could be another matter looked at by this royal commission, the training of policemen, police as meter maids - I make no apologies to the Minister of Education (Ms Verge) for using the terminology police as meter maids. Hopefully, the Department of Justice will cure this problem shortly.

Quotas for tickets. Until the Department of Justice Minister is prepared to take his head out of the sand then we are going to have this.

MR. THOMS:

Mr. Speaker, there are other matters that such a commission could look into. Extending the Royal Newfoundland Constabulary to a truly provincial police force, replacing the RCMP in the Province, could be something that a royal commission could look into. I believe I read in the paper a couple of days ago where the present Premier said that this would be looked into, with the possibility of our Newfoundland Constabulary becoming a truly provincial police force. I think the proper place for this to be looked at is with a royal commission into the administration of justice.

There are other matters, I have a resolution on the Order Paper for Private Members' Day in connection with vandalism in the Province. Sure, there is vandalism in Lamaline. I can tell the Minister of Transportation and Communication (Mr. Brett) that there is vandalism going on throughout this Province, unfortunately in almost every town and village in Newfoundland. And it is something that has got to be looked into. Surely God, we can come up with some solutions to the problem of vandalism in this Province.

Mr. Speaker, I am sure there are many other matters that a royal commission into the administration of justice of this Province could look into. These are

MR. THOMS: just a few. I have only touched on, Mr. Speaker, many of the problems facing us today in the administration of justice in this Province. There are many, many more in which I have had the experience and I could speak on at length.

I would certainly like to see some of the matters I have spoken about acted on immediately. The question of our policemen spending their time handing out tickets for expired meters - I think the government should act on that immediately. The archaic practice in our courts of having an accused sit between two policemen, I think, can be acted on immediately.

Mr. Speaker, my purpose really today in mentioning some of these things and taking more time than I would normally spend on a simple amendment such as this, is to try to prick the conscience of the Minister of Justice (Mr. Ottenheimer) and members of this House. I hope I have been able to do this and I hope we can look forward to some positive action in the very near future. Thank you, Mr. Speaker.

MR. SPEAKER: (Butt)

The hon. the member for LaPoile.

MR. NEARY:

Mr. Speaker, first of all, I want to say that I am in complete agreement with my hon. friend, asking for a Royal Commission of Inquiry into the administration of justice in this Province. It is something that I have been asking for in this House for the last ten years - a full-fledged investigation, inquiry, into the administration of justice in this Province. And my hon. friend has reiterated today arguments that have been put forward in this House in the last ten or twelve years over and over and over again.

Mr. Speaker, there is no doubt about it at all that the people of this Province have lost respect for law and order and the people of this Province really and truly believe that there are two laws in Newfoundland, one for the rich and one for the poor - that it is not who you are but whom you know in this Province that counts.

Mr. Speaker, like my hon. friend, I could go on and on and on for hours about the administration of justice in this Province and about how weak-kneed ministers prior to the present minister

MR. NEARY: have been - very weak-kneed. We have had weak-kneed Ministers of Justice who thought their job was to do nothing else but to protect the Premier and the administration and ministers in the government. For instance, Mr. Speaker, I would like to know - and perhaps my hon. friend who spends more time in court than I do, could tell me - How much plea bargaining goes on in this Province? How many deals are made over the telephone and in the back rooms and in lawyers' offices that should be thrashed out in the courtroom? How many deals are made, Mr. Speaker? We hear of some of them. I know of some where deals are made. Lawyers get together and talk to one another on the phone and they decide. And then they go down and they subtly drop a few hints to the magistrate - whether you call him a magistrate now or a provincial judge, it does not make any difference. Deals are made, too many deals are made. Too many people's verdicts and their futures are decided on the telephone and in the back rooms and in some of the dives in downtown St. John's. People's futures, Mr. Speaker, are treated as a rather trivial matter and the provincial judges now, the magistrates, are sucked in too often into going along with the lawyers who make these deals.

We had one case recently

Mr. Neary: where a deal was made, it is so obvious that a deal was made and it was a major case, a case of major proportion in this Province, where a sweetheart deal was made, or plea bargaining, whatever you want to call it. And I sent and asked for the transcript of that case, the Supreme Court case, and I was told that I could not have the transcript, that I would have to ask a lawyer to get it for me. I, as a member of a Provincial Legislature, which is considered to be the highest Court in the land, could not have access to the transcript of that court case because I am not a lawyer. I was told, "Look, if you go and ask a lawyer and he requests it he will get it and he can give you a copy". What kind of nonsense is that?

I wanted to find out, I wanted to take a look at the testimony that was given. And I wanted to take a look at the judge's remarks and the lawyer's remarks that were made at that case that was so hush-hush. A big case it was in this Province, and, in my opinion, a deal was made. A deal was made with the lawyers and with the Justice Department.

How can the courts, Mr. Speaker, get sucked in to such things as making deals? They call it plea bargaining down in the United States.

Mr. Speaker, we saw last year a very unfortunate example of how frustrated the law enforcement officers can get in this Province, how frustrated they can get. We saw it last year, and we saw the magistrates used as tools of the government, the Minister of Justice, and the Justice Department, and the government appointed a magisterial enquiry into a leak of a document from the police department, a magisterial enquiry, Mr. Speaker, into a leak. The real issue was brushed aside. The government trying to embarrass the Leader of the Opposition, used one of the magistrates as a tool, a puppet, of the government for political purposes. No wonder they are demoralized. And why was the leak necessary in the first place? Because the police, the law enforcement officers, were completely frustrated at the lack of action in the Justice Department. I am looking to my hon. friend for reforms in the administration of justice

Mr. Neary: in this Province. I think the hon. gentleman is sincere and will want to do things, will want to act. That is why we have this bill before us today which may seem like a very minor bill, Mr. Speaker, but it is a major bill when you look at it.

Mr. Speaker, my hon. colleague mentioned the lack of facilities in this Province. I do not think I have to go into any detail about the condition of the jail in St. George's, the condition of the jail in Bonavista, and the conditions down here at Her Majesty's Penitentiary, the Lakeside Hotel, where I am told she is blocked so solid, this week she is blocked so solid that parolees, people who have been put on parole by the courts, go down and are turned away from the doors, believe it or not, They are told, "Look, you do not have to check in tonight, we do not have any room for you. There is no room at the inn."

Now, that may sound far-fetched, Mr. Speaker, but it is true. This week there are so many inmates at Her Majesty's Penitentiary that those people who are out on parole, who have to check in once a week or go down on weekends to serve their sentences cannot get in even though they have that trailer down in the yard that I spoke about recently.

Now, what about this parole system, Mr. Speaker, is it working? I would like for the minister to be able to tell us. I follow

MR. NEAFY: the administration of justice very closely in this Province. I am very concerned about vandalism and crime. Maybe not so much about vandalism as I am about crime, about the increase in armed robbery in this Province, the number of rapes in this Province, the number of serious crimes, Mr. Speaker, that are taking place in this Province, especially armed robbery. You are risking your life to own a service station in Newfoundland today and what irritates me about it, Sir, is when you read the newspapers you see that some of these people, when they are apprehended, are out on parole which brings me to my next point, Sir. I wonder, Mr. Speaker, if the courts are not too lenient? Now, the Minister of Justice's predecessor, every time I would argue that there was no consistency in the sentencing in the court, and every time I would argue that the courts were being too lenient with serious offenders, the Minister of Justice of that day would get up and argue, "Well, what do you want to do? Do you want to put them in front of a firing squad? No, Mr. Speaker, I am not advocating drastic measures. I am not advocating that their heads be cut off with swords but I am advocating that the sentence fit the crime and that the sentencing in this Province by our provincial judges be consistent and it is not consistent today. In one part of the Province somebody who commits an offence will get a six month suspension and in another part of the Province somebody who commits a similar offence will get six months in jail or get fined \$500. There is no consistency. Maybe it is impossible to get consistency. But how can people have faith in the administration of justice if there is no consistency in the sentencing and if there is no consistency in the bail terms, the conditions under which people can get out of jail? There is inconsistency, Mr. Speaker, no consistency at all. You could commit murder in this Province and you could get bail, get out, get released on your own recognizance. You could commit a lesser crime and you would have a \$250,000 bail slapped at you plus your passport removed, plus you have to check into the RCMP three times a day. And do not tell me it has

MR. NEARY: not happened, Mr. Speaker. Where is the consistency? Where is it? Is it any wonder that people are losing faith and have lost faith in the administration of justice in this Province?

Mr. Speaker, there was a point I wanted to mention there in connection with the Lakeside Hotel but I got sidetracked myself. Recently we saw a situation where three inmates of Her Majesty's Penitentiary escaped and the report that we had was that they broke the locks, they broke the locks on the gymnasium door to get out, they broke the locks to get out. And you know what happened then, Mr. Speaker? These three inmates when they were recaptured, were put in the hole, what they call the hole. That means a mattress was flung down on the floor, they did not have any blankets, they were not allowed to smoke, they had no privileges, no rights or privileges, their blankets were tossed into them eleven o'clock at night, they were in the hole and as far as I know they are still in the hole. I am not arguing about that but what I am arguing about, Mr. Speaker, is that the administration down at Her Majesty's Penitentiary over-reacted to the publicity that they got and they shut down the gymnasium, nobody inside the walls of the penitentiary could use the gymnasium, everybody was punished, every prisoner,

MR. NEARY: every inmate was punished, they shut her down and as far as I know, the gymnasium is not reopened yet. They over-reacted to the publicity they got. On rainy days down there now, I am told, there is nothing to do.

Mr. Speaker, what about court reporters? Every time you go to a court in this Province and ask for a transcript, apart from being brushed off with the fact that you have to get it from a lawyer, I am told that they do not have enough court reporters and that is why you have delays and you have a backlog of cases in this Province awaiting trial. An insufficient number of court reporters. I do not see why something could not be done about that so we could, those of us who are interested in these matters, get the transcripts of the trials from the courts.

Mr. Speaker, I would also like to hear from the present Minister of Justice (Mr. Ottenheimer) how far the government can go, how far the Cabinet can go in asking to have matters investigated in this Province. Can they order an investigation? Can the Cabinet order an investigation as they have done in the past? Or will they just request the RCMP or the Newfoundland Constabulary to carry out an investigation? Can they order, as they have done in the past, that a man be apprehended and thrown in jail on an order of the Cabinet? How far can they go, Sir? Do they have the supreme power like the Ayatollah Khomeini over in Iran? Well, Cabinets in this Province have gone that far. When they were told by the law-enforcement officers there was insufficient evidence to arrest a certain man, a certain gentleman and put him in jail, they were told by Messrs. Crosbie - I am not allowed to name the other gentleman because he has just been appointed to the bench. I am not allowed to mention his name or talk about him - 'Go out and arrest that man and throw him in jail'. Shoot first and we will ask questions after. How far can Cabinets go and how far can the Premier go with that sort of thing that has happened in this Province? Is it any wonder, Mr. Speaker, that people have lost faith in the

MR. NEARY:

administration of justice

in this Province?

And another thing that

irritates me, Mr. Speaker, about the courts, and it is about time they smartened up, and that is the old con game that is going on with the use of psychiatrists in cases. The lawyers have cottoned onto this and this is a great out for them. You can commit whatever crime you like in Newfoundland now if you can get a psychiatrist to come in and say that you were not yourself at the time,

MR. S. NEARY: you were a little bit off that day, you were a little bit off-balanced the time you pulled the trigger or you went out and got in behind the wheel of your car and went out and killed some little innocent child in this Province. You were not yourself, you were under stress and strain. That is all you got to do in this Province, Sir, get a psychiatrist to go in and certify that, then you are sent down to the Waterford for a ten day examination.

AN HON. MEMBER: (Inaudible)

MR. S. NEARY: That is right. And then the next thing you know it is all over. It is all over. The poor fellow was not himself at the time. Psychiatrists are taking over our society, we saw that the other day when my hon. friend was talking about the Drug Bill.

They have gone too far, Mr. Speaker, they are too powerful and it is time to put a stop to it. They are just turning our courts into a joke, making a farce out of the law enforcement officers and out of the courts. If I had my way they would be banned from the courtrooms, they would not be allowed in there to get - my hon. friend shakes his head. This is a very serious matter that is concerning people who are responsible for the administration of justice right across North America - how the psychiatrists have gotten a stranglehold on the courts and are misusing and abusing their privilege. Maybe there is nothing we can do about it, I do not know, but certainly it is worth taking a look at because it is a very serious matter. If you can afford it and you can get a good psychiatrist, you can get away with murder in this Province.

Now, Mr. Speaker, let me see what else I wanted to talk about under this particular item. I mentioned the bail conditions, I mentioned the inconsistency in sentencing people in this Province, I mentioned the problem that is brought on because of the lack of court reporters, I mentioned the plea bargaining and the deals which, in my opinion, are a very serious matter. There

MR. S. NEARY: should be no deals made, there should be no little sweetheart deals made by lawyers in any matter. The man is charged and brought to court - let the court decide his future and not a couple of lawyers over a few drinks or over the telephone or in the back room, in the office of the judge.

Mr. Speaker, I have one more matter that I want to raise and this is a matter, I am sure, of grave concern to many Newfoundlanders and that is, Sir, the use of cannabis, the illegal use of cannabis and marijuana and LSD in this Province at the present time. It is a bigger problem than hon. members think. I would say it is one of the greatest curses apart from booze and liquor. Booze and liquor are probably the greatest curses we have in our Newfoundland society but the illegal use and selling of cannabis and marijuana, and now we are told, reports indicate that people are graduating to LSD, that it is a major problem, Sir. I would say it is probably equal to the effects of booze, I would say that booze and the use of drugs in this Province are probably running neck in neck and I do not know which one is the worse, which is the greatest curse in our Newfoundland society. It is something we have turned a blind eye to. The hon. gentleman will tell us it is a federal responsibility, it is a federal matter. People have been very concerned about it. Young men and young women have had their reputations ruined because they have been charged with having drugs to sell or be in possession of cannabis or marijuana or LSD. There have been arguments that it is far better to smoke, to have a toké than it

MR. NEARY: is to go out and drink a bottle of booze. I do not know, Sir, I cannot speak from experience, but I have talked to an awful lot of people, an awful lot of people, who say that it is far better to take her up than it is to spend your evenings down in the beer tavern bringing on cirrhosis of the liver. So, Mr. Speaker, the question that I pose for hon. members is whether or not we are going to continue to turn a blind eye to the use of drugs, and I am referring mainly to the light, not the heavy, stuff, to cannabis, hash or marijuana, and ask hon. members - I only throw this out as a question, I throw it out just as food for thought, should the Government of Canada decriminalize marijuana? Should it be removed from the Criminal Code, should it? I have my own views that I would be glad to present if I were ever given the opportunity, either inside or outside of this House. I would like to hear the minister's reaction. I would like to ask the minister if he has ever been asked his opinion, and the minister has only been there a short while. Surely this government, surely the Minister of Justice for the Government of Canada has polled the provinces to find out their attitude and their views on decriminalizing marijuana. Should it be a criminal offence? If some person downtown tries it for the first time, a little toke, some evening feeling blue, should he then have a criminal record when he or she is charged, Mr. Speaker. I would submit, Your Honour, that a large number of our young people, a large number and it is getting bigger all the time, have had their reputations ruined, who have a criminal record, who are under continuous surveillance by the law enforcement officers because they were unlucky and unfortunate enough to get caught the only time, probably, that they ever had a toke. It is something to think about, Mr. Speaker, it could happen to your sons or your daughters or my sons or daughters. It could, Sir, and it is something I have to think about as a parent of four children, two teenagers and in a couple of years two more who will be teenagers. It is something that I have to think about very seriously. Do I as a parent, do I agree that marijuana should be removed from the Criminal Code?

AN HON. MEMBER:

(Inaudible).

MR. NEARY:

It should? The hon.

gentleman asked me a point-blank question and I am never the type, Sir - I am not like the Government House Leader (Mr. Marshall) - I never sidestep a question when it is asked of me. I believe that at this stage of my life I would have to agree that marijuana should be removed and hash and cannabis should be removed from the Criminal Code. If I had to vote at this moment, if I had to take a vote - now if you ask me about LSD or heroin or any of the hard stuff, I would say no, I would say no. I believe my hon. friend might agree with me. I would say a good number of members of this House, if they were to get up and tell the truth of their mind, you would be surprised - the hon. ministers might be surprised the number of tokes that are taken right in this building, right in their own departments, right in their own offices. The Minister of Justice (Mr. Ottenheimer) might be surprised. I do not know if it is going on now, but there was no trouble when you stepped off the elevator a couple of years ago to get the whiff, somebody was having a toke, probably a Crown prosecutor,

Mr. Neary: I do not know, but certainly somebody on the Sixth Floor was having a toke. Well, Mr. Speaker, if they want to have a toke more power to them, more power to them I would say. But the question I am asking the minister, I hope that the minister will not shy away from facing up to this matter which is one of the greatest problems and probably the greatest curse. The greatest cancer in our Newfoundland society today is the use of drugs in this Province. And politicians just shy away from it, just ignore it, hoping it will evaporate and go away. But it never seems to go away, it seems now to be taken for granted, it is a fact of life.

AN HON. MEMBER: (Inaudible).

MR. NEARY: Nothing at all. I travelled across this Province, sitting in a car, sitting in a club as a member of the House of Assembly, as a member of the Legislature where the laws are made, and somebody will come up to me and say, "Well how are you doing tonight?" I will say, "Not too bad". "Would you care for a toke?" And I will say, "No, thanks, I do not feel in the mood this evening, I think I will have a little wine instead". How many times, Mr. Speaker, has that happened to me? I do not know whether they trust me, obviously they must, but it just goes to show you that the whole thing is being taken now as a fact. It is just a fact of life. And unlike the hon. Government House Leader (Mr. Marshall) , the President of the Council, who does some pretty fancy stick handling, figure skating on thin ice, and who avoids issues, who is afraid to face up to these matters, I am not. And that is why I raise it in the House today and I hope I will provoke other members to get up , I hope I will be able to motivate other members to get up on their feet and tell us their experiences and how they feel about people having a toke.

AN HON. MEMBER : (Inaudible).

MR. NEARY: Pardon?

AN HON. MEMBER: (Inaudible).

MR. NEARY: Having a toke. Toking her up!
How does the hon. gentleman - having a joint - how does the hon. gentleman feel about it?

It is a big problem, Sir, it is the biggest problem, I would say, in our Newfoundland society today, that and booze. And yet, - Wick, watch Wick now - yet, Mr. Speaker, politicians and governments, no matter what political stripe they are, they have a tendency to steer away from these things, stay away from them hoping that they will just vanish in thin air. Well they are not going to go away, Mr. Speaker, and it is about time that we started to take our responsibilities seriously in these matters.

MR. SPEAKER (BUTT): If the hon. Minister of Justice speaks now he closes the debate on this bill.

The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, as hon. members are aware the principle of the bill is quite straightforward and that is that henceforth magistrates will be known as Provincial Court Judges, and that, really, is the total principle of the bill. I suppose consequential to that would be the fact that the Clerks of the Court would ex officio be Justices of the Peace, in other words, automatically, they would not have to apply for it. But two hon. gentlemen on the other side, Bonavista North (Mr. Stirling) and LaPoile (Mr. Neary) have raised matters in general relating to the administration of justice and certainly I will comment briefly but not in any great detail on those matters. And a number of things raised I am in basic agreement with and probably some raised I am not in agreement with. I believe both hon. members referred to the need for new facilities. The hon. member for Bonavista North pointed out the size of one of the rooms used by the Trial Division of the Supreme Court and in general the court facilities and in some instances, the recording facilities in the Province. I certainly do not disagree with that, there is need for improved court facilities. All I can point

MR. OTTENHEIMER:

out - and this is public knowledge - is that in terms of capital expenditures, obviously, there is only so much to go around. The new police building, which was obviously necessary and will be beneficial, it cost about \$4 million; renovations going on at the Penitentiary now which is phase one of a four phase programme will come to over \$1 million or around \$1 million. No doubt these physical facility improvements are necessary and, indeed, we hope to do it. It is a question of just how much capital money you have and you balance it off between these things and schools and hospitals and roads. They are all important. I certainly do not agree with any contention that there are no votes in justice or therefore they should have minimal support, because one of the most basic, essential rights of a

MR. OTTENHEIMER: is his legal rights and his legal protection and his right to access to the court and to have matters disposed of in a reasonable period of time. That is an important right and needs to be recognized.

The hon. member, also, from Bonavista North (Mr. Stirling) now - because I am more or less going in the order in which both hon. members spoke -

AN HON. MEMBER: It is the hon. the member for Grand Bank.

MR. OTTENHEIMER: I am sorry. Yes, I am thinking of the previous and less fortunate endeavour.

SOME HON. MEMBERS: Oh, oh!

MR. OTTENHEIMER: Actually, no problem with court facilities in Grand Bank, I understand. I have not visited the new one, but I hear it is a very fine facility.

Another matter raised was with respect to police prosecutions. I do not think there is any disagreement in principle there either, that they should be minimal and more and more prosecutions should be by Crown prosecutors, and we are moving in that direction. How long it will take before the vast majority of cases will be prosecuted by non-police, it really would not be possible for me to say.

With reference to the hon. member's statement that it did not seem appropriate that an accused who is innocent until proven guilty should, in the physical setting, be seated and flanked by police on both sides, I have not looked into the matter as of yet. I will. I suppose that comes from an English tradition, but I can see validity in the point he makes and it is a matter which I will look into.

I do not think I will go again into the question of enforcement of meter violations or the quota system because the hon. member and others are aware of my views there and they know as well that there is a general review of law enforcement being made and that that matter is included therein.

The hon. the member for LaPoile (Mr. Neary) spoke on a number of matters. With respect to his allegation of plea bargaining,

MR. OTTENHEIMER: I always understood that to be a kind of bargaining in which counsel, two lawyers and the court is involved.

MR. NEARY: Oh, no (inaudible).

MR. OTTENHEIMER: The hon. member does not mean that. The hon. gentleman is talking about negotiations between two counsel?

MR. NEARY: (Inaudible) should not be involved.

MR. ROBERTS: Between two lawyers.

MR. OTTENHEIMER: Between two lawyers, right. Well, I did not know but the hon. gentleman was referring - his remarks were suggesting that a judge, as well, involved in such discussions. Well, plea bargaining, as such, certainly in Canada is not recognized as appropriate. I do not know of any way -

MR. NEARY: It does go on.

MR. OTTENHEIMER: Well, I do not know of any way - there is a thin line - or a line, how thin or how thick - between counsel for two people negotiating, discussing in the best interests of their client -

MR. ROBERTS: Apparently (inaudible) two solicitors (inaudible) into court (inaudible).

For example, surely the minister would agree that the fellow who pleaded guilty on the Doyle stock trading charges - Mr. Glass -

MR. NEARY: There was a deal.

MR. ROBERTS: There was a deal made on that.

AN HON. MEMBER: Of course there was.

MR. ROBERTS: I do not see that there is anything improper with it. The Crown took a guilty plea and the Crown asked the court to impose a certain sentence; the judge imposed whatever sentence he thought fit and the deal could only be between two lawyers but you cannot involve the court.

MR. OTTENHEIMER: What I am saying is that there is no way one can prohibit counsel for two parties to discuss and negotiate, and if they come to an agreement which they both consider to be in the best interests of their clients, I am not sure that there is anything one can do about that.

MR. ROBERTS: I have no doubt the Crown in that particular case said to the counsel for the defendant, for the man charged with the crime, 'If you plead guilty, we will ask the court to impose the following sentence and no more.' But now, what sentence the court imposed is up to the Chief Justice.

MR. NEARY: Right on!

MR. OTTENHEIMER: Obviously, nobody can tie the hands, or should attempt to tie the hands of a court. And I do not wish to refer to any specific case, but if in any -

MR. ROBERTS: No, that is one that is recent.

MR. OTTENHEIMER: If in any case, two lawyers discuss and negotiate together -

MR. ROBERTS: Remember one of the lawyers is the Crown in this case.

MR. OTTENHEIMER: Well, whomever they happen to be - and they come to an agreement which they both believe to be in the best interests of their client, then there is no way one can preclude that or alter that. I am not sure that there is any way one should preclude that.

MR. NEARY: Who is to say whether it is in the best interests of the client or not?

MR. OTTENHEIMER: Well, that is obviously what each lawyer, to use his professional judgement, that is the decision he has to come to. As a judgement it is a decision he has to come to.

MR. NEARY: In that case it may be in the best interest of the Crown to have it done that way.

MR. OTTENHEIMER: Well, in any litigation the Crown is only one party. There is also an other party and if there is an agreement both have to come to the agreement. There is no agreement just between the Crown and the Crown.

However, the hon. member referred to the increase in crimes of violence and that is an unfortunate fact and something of which we are all aware. Certainly in our appropriation, budgetary-wise and in terms of policy, in terms of support for the law enforcement agencies, that is a factor, obviously, of which government and the Ministry of Justice would have to be aware.

The hon. member referred to psychiatric evidence. I think what he was suggesting was that perhaps too much weight is at times put on psychiatric evidence. I do not think that he was suggesting that it should be inadmissible, I do not think he was suggesting that. I do not really think that you can dismiss psychiatric evidence. Whether it is given too much weight in certain instances, that is a question everybody, I guess, would have to answer for themselves.

On the matter of soft drugs. I will say that about seven or eight weeks ago, I think, there was a meeting of the ten provincial Justice Ministers and the federal minister.

AN HON. MEMBER: Carried.

MR. OTTENHEIMER: I want to answer my hon. colleagues comments. I do not wish to incur his wrath by not -

MR. NEARY: As the father of four kids, I am interested.

MR. OTTENHEIMER: Well, I am the father of four

MR. OTTENHEIMER: as well. This was discussed. These were the ministers - what they call responsible for criminal justice. In some provinces there are two. Federally there are two, the Solicitor General and the Attorney General. So the various provincial ministers and the two federal ministers discussed this. Obviously, there is a distinction between decriminalization and legalization. There is obviously a line of thought that it should be legalized but I would say one has not counted heads. Probably the other line of argument is that it be decriminalized, not be legal but that it no longer be regarded as criminal.

Then there is a distinction between possession and trafficking. There are those who will still maintain that trafficking would be criminal but possession decriminalized. All I can say is -

MR. NEARY: What was the position of this Province?

MR. OTTENHEIMER: Well, when we went there we were informed fairly early on that sometime in December - so it should be coming soon - a major study would be undertaken by the Federal Department of Health and Welfare on, and this is a very recent study, health and other effects of these soft drugs and it was suggested that there was a great deal of new and additional evidence since the previous enquiry which was the LeDaine Royal Commission made some years ago.

So I think I would be right in saying, although not every minister has exactly the same opinion, and it is improper to attribute an opinion to any single individual, the general consensus was that each of the Departments of Justice would wait until they had this latest evidence before a consensus on that question would be looked for. I would presume we will all be getting this document fairly soon. I understand, as well, that it will be a public document available to the people of Canada. In other words, there was an agreement that no position would be taken on that

MR. OTTENHEIMER:

available.

until this document was

AN HON. MEMBER:

Hear, hear!

AN HON. MEMBER:

Carried.

MR. OTTENHEIMER:

not wish to hear any further comments from me -

Now, since hon. members do

MR. NEARY:

answers. What about the inconsistency in sentencing?

I do. I want to hear the

MR. OTTENHEIMER:

to agree that given similar circumstances there should be a general consistency. Obviously one cannot legislate that. I think all I can say there is that in general, given similar circumstances, there should be a general consistency, it should not depend upon one geographic area of the Province or the other. Where there are differences they should depend upon different circumstances involved in the act not upon questions of geography. I think all I can say there is that

In general, I would have

MR. G. OTTENHEIMER: the Crown in yielding its decision to appeal, then that is the way that the Crown, hopefully, can help to bring greater conformity, In other words, where it would appear there are cases where depending on geography sentences are radically different from other parts, then in order to develop consistency, apart from judges meeting themselves and discussing these things, which they do with themselves but not with us - apart from that, I think the only lever the Crown has is in its power to appeal. I move second reading.

On motion, a bill, "An Act To Amend The Provincial Court Act, 1974," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 22).

Motion, second reading of a bill, "An Act To Remove Anomalies In Provincial Legislation That May Be Construed As Discriminatory." (Bill No. 21).

MR. SPEAKER(Simms): The hon. the Minister of Justice.

MR. G. OTTENHEIMER: Mr. Speaker, I do not think there is need to say very much on this. And certainly the purpose of it is described probably eminently in Clause (1) of the Bill, "This Act may be cited as the Human Rights Anti-Discrimination Act.

The purpose of it is to bring Provincial legislation within the provisions of the Newfoundland Human Rights Code with respect to equality of the sexes. There are a number of statutes covered. This may not be exhaustive but at least it is selective.- Civil Services Act, Community Councils Act, The Adoption Of Children Act, Public Service Pensions Act, Public Utilities Board Act, etc. And what it is, it is to give legal equality, statutory equality, between men and women for the purposes of these various acts. I can give one or two examples which I think will exemplify it. For example, there is a provision whereby upon injury to a public servant a payment and gratuity may be made to a male civil servant upon injury, and there is no reference to female, and all of these are similar kinds of equality seeking amendments.

I move second reading.

MR. SPEAKER: (Simms)

The hon. member for Grand Bank.

MR. THOMS:

Mr. Speaker, I just want to have a couple of words to say in connection with the bill. It seems almost inconceivable, really, that we are bringing in this act in 1979, now almost 1980, and there is no doubt about it that the act says "remove anomalies in Provincial legislation that may be construed as discriminatory". I do not think there is any doubt about some of the provisions that this is curing as far as discrimination is concerned, where an act provides that an established woman civil servant should be retired on marriage is certainly outdated. Upon retirement, for example, a female civil servant gets so much in the way of a pension and a male something else. There is no question about it that this act - As I said, the only thing that surprises me is that it is 1979-1980 that this legislation is being brought before the House and not before now.

MR. SPEAKER:

The hon. member for the Strait of Belle Isle.

MR. ROBERTS:

One question and it will be very brief. Section 3 of the bill in subsection (3) repeals section 18 of the Public Service Pensions Act. Now, the hon. Minister of Justice (Mr. Ottenheimer) -

AN HON. MEMBER:

(inaudible) the bill

MR. ROBERTS:

Yes. Section 3, subsection (3) - Maybe the best thing would be to look at explanatory note at the top of the second page

AN HON. MEMBER:

(inaudible) subsection.

MR. ROBERTS:

Now the hon. gentleman, when he occupied another position on this side of the House, will recall when, I think, that bill was passed. It may have been at a time when the bill became law possibly-

AN HON. MEMBER:

(Inaudible)

MR. ROBERTS:

We are talking about removing section 18 of the Public Service Pensions Act, okay? That particular section was put in to deal with, I believe, two or three individuals, and I am not sure if it was done while my hon. friend was leader of the

December 13, 1979

Tape No. 1363

MB - 3

MR. ROBERTS:

Opposition or while Mr. James

J.L. Green, Q.C. was leader of the Opposition. It was done quite
openly and

ED. ROBERTS: quite properly and I believe with support on both sides. I do not purpose to name the individuals but I can if need be, I just want to make sure that any pensions that might have been paid to these people by virtue of those provisions will remain in effect. If my hon and learned friends will look at the top of the second page of the explanatory notes.

AN HON. MEMBER: (inaudible)

MR. E. ROBERTS: Well, I do not know what bill my learned friend is on - I am on -

AN HON. MEMBER: Sorry.

MR. E. ROBERTS: he may not be able to answer at second reading but I am sure the answer will be in the affirmative it would be unthinkable - I am sure my learned friend from St. John's East knows exactly of what I speak, I just wanted assurance, for the record, that, of course, any pensions that may have been paid under the provisions of that very particular and peculiar clause will, of course, remain to be paid during a lifetime of a person to whom they are now being paid.

MR. SPEAKER: (Simms) If the Minister of Justice speaks now he closes the debate.

MR. OTTENHEIMER: Yes, Mr. Speaker, I can certainly give the assurance the hon. gentleman asked for.

On motion, a bill, " An Act To Remove Anomalies In Provincial Legislation That May Be Construed As Discriminatory " (Bill No. 21), read a second time, ordered referred to a committee of the Whole House presently by leave.

MR. MARSHALL: Order 13, Motion, second reading of a bill, " An Act To Amend The Pharmaceutical Association Act". (Bill No. 14).

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

MR. W. House: Mr. Speaker, this is a reasonably simple amendment. Presently "The Pharmaceutical Act" states - the

MR. W. HOUSE: composition of it is twelve members, nine of which are elected and three appointed. Then sub-section two of section eight says that at least nine of these have to be from St. John's. We want to eliminate that and leave it open but in section seventeen - sub-section one, we want to add that by-laws make provisions for regional representation on council. It is very simple so I do not think there is any further explanation needed on that.

MR. E. ROBERTS: Mr. Speaker, I want quite simply to say we think this bill is a reasonable and sensible one and we shall support it, Sir.

On motion, a bill, " an Act to Amend the Pharmaceutical (Bill No. 14) read a second time, ordered referred to a committee of the Whole House presently by leave.

MR. MARSHALL: Order 21. Motion, second reading of a bill, " An Act To Amend The Schools Act". (Bill No. 6).

MR. SPEAKER: The hon. Minister for Education.

MS. L. VEPE: Mr. Speaker, this bill contains two policy changes and also provides for a number of amendments to tidy up the act to bring it in line with changes. Policy change is contained in section one which amends section twelve of the School's Act to change the arrangement for School Boards providing instructions for special children, for handicapped children so that it is no longer an option for School Boards but it is a requirement for them to make this provision. School Boards in the Province, I think it is fair to say, now recognize their responsibility for most handicapped children, but this change will make that more than discretionary, it will make it mandatory. The change will give the School Boards the option of either within their own schools providing special classes or making arrangements with other School Boards or with other educational agencies or institutions, either within this Province or in the rest of the country. But it will be mandatory for School Boards to provide special

MS. VERGE: classes for handicapped children.

The other policy change is contained in section 7, subsection 2, which says that the pro rata apportionment formula for school construction grants, whereby grants have to be apportioned among the different denominations, does not apply to the designated native communities. In fact, the formula has never been applied to native communities. With the mutual agreement of the churches and government, this amendment simply brings into line the legislation with the practice that has always been followed.

The other amendments are of a minor nature, which I will not go through in detail now.

Thank you, Mr. Speaker.

MR. SPEAKER: (Simms)

Is it the pleasure of the House that -

The hon. the member for the Strait of Belle Isle.

MR. ROBERTS:

Mr. Speaker, I am sure it is the pleasure of the House and certainly our pleasure on this side. I think the minister - I believe it is the first bill she has introduced, I think that should be noted. I am obviously swayed by her eloquence and the force of her logic and the weight of her argument. We have overcome our reluctance to support this measure, and we do support it wholeheartedly. I think it was worth noting, and I certainly do not find it objectionable that this bill, to a very small extent, will allow a variation in the denominational system to the extent of the distribution of grants to be used in respect, I believe, of Inuit children and Eskimo children in the Labrador part of the Province. I gather that has been approved by the Integrated Educational Committees, and I think it is entirely appropriate. This is money that may, in fact, come through the Province but is, I believe, originally from the voluminous and, hopefully, bottomless coffers of the Government of Canada and thus is all the more welcome. It is a change in the denominational system and that is important, but since it has been done with the consent of all concerned it certainly should get the support of the House, and we on this side will support it, Sir.

On motion, a bill, "An Act To Amend The Schools Act", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 6)

MR. SPEAKER: (Simms) If I may interrupt the hon. President of the Council (Mr. Marshall) before proceeding with the next order, I would like to advise hon. members that I have received notice of three matters for debate at 5:30 when a motion to adjourn will be deemed to be before the House: notice given by the hon. member for Windsor-Buchans (Mr. Flight) arising out of a question asked the hon. the Minister of Mines and Energy (Mr. Barry), and the subject matter is the Upper Salmon project; notice given by the hon. member for Lapoile (Mr. Neary) arising out of a question asked the hon. the Minister of Tourism, Recreation and Culture (Mr. Power), and the subject matter, employment of staff at North Sydney, of information officers and animal inspectors; and the third matter, notice given by the hon. member for Bonavista North (Mr. Stirling) arising out of a question asked the hon. the Acting Minister of Fisheries (Mr. Goudie), and the subject matter, the Fisheries Loan Board matters.

The hon. the President of the Council.

MR. MARSHALL:

Order 24, Bill No. 8.

On motion, second reading of a bill, "An Act To Repeal The Fuel Oil Tax Act". (Bill No. 8)

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, this should be a popular move, I think, because it gets rid of a tax. In effect, this act deals only with bunker fuel because other forms of fuel are taxed under the Gasoline Tax Act. Now, over the years, most companies and so on that would be affected by this tax, in actual fact, have been granted an exemption. In fact, this particular act, as it presently stands, only applies to the processing of ore for upgrading purposes. Now there is only one firm or one organization in the Province that is so involved and that is Advocate Mines. So, in effect, Advocate Mines -

AN HON. MEMBER:

Bill No. 8?

December 13, 1979

Tape No. 1865

GH-3

DR. COLLINS:

Bill No. 8, "The Repeal Of The Fuel Oil Tax Act" - so there is a very small amount of tax. It is anomalous that this should apply just to the one organization and the proposal, therefore, is that this tax act be repealed.

MR. SPEAKER: (Simms)

of Belle Isle.

The hon. the member for the Strait

MR. ROBERTS:

We concur. The only thing that would please us more is a bill to repeal the gasoline tax now that it has been made all the higher by the kind efforts of the present Government of Canada. It will be interesting to see tonight whether it is going to be the future Government of Canada or not. But, obviously, there is an anomaly in the way the fuel oil tax is now being levied and there is no reason why it should be borne by the only corporate person that apparently does bear it. It would be even nicer if we could repeal the Gasoline Tax Act, then we would really be able to give some enthusiastic support to the minister's request. We will support the bill.

On motion, a bill, "An Act To Repeal The

Fuel Oil Tax Act," (Bill No. 8), read a second time, referred to a Committee of the Whole House, presently by leave.

MR. MARSHALL:

Order 27.

Motion, second reading of a bill, "An Act To Amend The Workers' Compensation Act," (Bill No. 25).

MR. SPEAKER: (Simms)

Manpower.

The hon. the Minister of Labour and

MR. DINN:

Mr. Speaker, these amendments that we are proceeding with here are, number one, to correct an anomaly - that anomaly is the anomaly that -

Would the minister care to define that

word?

MR. DINN:

Well, I am not an anomaly detector.

AN HON. MEMBER:

himself.

The minister may be an anomaly

MR. DINN:

I may be.

MR. N. WINDSOR:

is an anomaly.

The hon. the member for LaPoile (Mr. Neary)

MR. DINN:

It is quite obvious. I can give the hon. member an example - the hon. the member for LaPoile is an anomaly.

AN HON. MEMBER:

An anomaly in a sense but a nugget (Inaudible)

MR. DINN:

A nugget in the midst of - right.

MR. NEARY:

Oh how he loves me.

MR. DINN:

I just clarified for the hon. member.

MR. NEARY:

(Inaudible) as an anomaly

MR. DINN:

That is what I said, a nugget in the midst of - well, the hon. member did not finish it.

Mr. Speaker, the amendments that we are looking for here, which we are asking the hon. House to pass are, number one, the anomaly with respect to people who are workers in a company in Newfoundland; that company is paying the Workers Compensation, are being assessed and paying and supposedly covering that worker. And if the worker, previously, had gone outside the Province working for the same company - gone outside the Province for more than eight months - if he had an accident he would not be covered by Workmen's Compensation by virtue of the piece of legislation that we have on the books right now. So we are attempting to change that such that if a worker is paying Workmen's Compensation or the company is being assessed and is paying, and that worker, still working for the same company in Newfoundland, moves outside of Newfoundland for more than eight months, we feel he should be covered by Workmen's Compensation if he is not covered in the other place. That is amendment number one. It is, I think, a very justifiable amendment.

The other amendments all relate to compensation that would be paid to people, and assessments on the companies. Those are compensations - as a matter of fact, we had a bill before the House previously this year that increased the compensation from \$14,000 to \$16,000. We want to do that effective January 1, 1980 so that a worker will get at least - I believe 75 per cent of that would be \$12,000 - so that his comparable earnings would go up.

There are other items, as I announced here in the House earlier this Spring - early Summer - that we asked Dr. May, who was the former chairman of the Workmen's Compensation Board and whom I am delighted to see in the House today, to review the Worker's Compensation Act and make recommendations. And Dr. May has been working on that and will

MR. DIMM:

be working on that in the coming months.

And he will be making recommendations to us with respect to increasing allowances for widows and people who are affected by the Workers Compensation Board. When these requests or amendments come in, some of them will require that we increase the compensation, and we would like to have the House to permit the Lieutenant-Governor in Council to increase these items, all the various items, as a matter of fact, in all the clauses from Clause No. 46, I believe, through to Clause No. 76 - the Lieutenant-Governor be allowed or permitted to increase these when the recommendations are made to us by Dr. May and the Workers Compensation Board.

MR. SPEAKER (SIMMS): The hon. member for Terra Nova.

MR. LUSH: Mr. Speaker, we will support this bill. Anything that will improve the level of compensation that will be received by workers in this Province we certainly will support this kind of measure and support any kind of structure, any kind of re-organization that has got to be brought about to bring this into effect. Just a few remarks though. I do not know how important this particular piece of legislation is, particularly with respect for the people out of the Province. I do not know how much of a demand was brought on the minister or how much pressure there was or how many situations there are that necessitated this kind of legislation. I would like to or would prefer to have seen some action on the review of 1977. There are many things in this review that were made, many suggestions, many recommendations made that have not been acted upon yet and maybe the minister can correct me but I never saw the particular recommendation to which this legislation addresses itself today. I did not see that one there. It could be but I think I had read the thing through on two or three occasions and I never saw that particular point which leads me to believe that maybe this was not a major concern to workers in this Province. But here we have a tremendous list of suggestions and recommendations that are of a concern to the workers of this Province and the government have been just sitting on this particular review since 1977. Now, I understand that there is to be another review, that every five years there is a review.

MR. DINN: No, we have had review in the existing legislation and recommendations have been made.

MR. LUSH: But do we not have another review? Is this gone now? Do we not have another review in 1980? I thought there was a -

MR. DINN: It is not a review, it is a matter of taking the recommendations in that and taking the existing legislation and compiling it and bringing in a new act.

MR. LUSH: Right. Well, whatever, my understanding

MR. LUSH:

was that every five years we would set up a review committee to look into these matters. So we have had one in 1972 and now one in 1977, this is 1979, fast approaching 1980, and nothing done on this particular act and I would like to see the minister - or little done - I would like to see the minister addressing himself to the recommendations here, recommendations that concern the workers of this Province, wrongs that they want to correct and anomalies, really, that they want to get straightened out as brought forward in these recommendations and not yet done.

So again, as I say, I have not seen this particular one. No doubt it is important, otherwise the minister would not have done it. It is done to meet the requirement of some workers I expect, how many I do not know but, however, there must have been some pressure put on the minister, there must be some workers in this Province that are affected by this particular piece of legislation and it does, in that sense, appear to be good legislation if it is going to help Newfoundlanders. And for that we are pleased. But we want to again reiterate the vast number of recommendations here that have not been acted upon and I would like to see - this is the legislation I would like to have seen today. And the other aspect, of course, of setting up a structure to bring increases to workers; well, then we are certainly in agreement with that. As I said before, any structure that will expedite, any structure that will make easier, giving payment to or increasing the amount of money that workers in this Province will get as a result of injury or whatever, then we are all for that. So, Mr. Speaker, we support the bill.

MR. SPEAKER (SIMMS): The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, further to what my hon. colleague has said there is a section of this bill that is a major departure from tradition, as my hon. friend who likes to be so nasty once in a while knows, that heretofore, Mr. Speaker, matters involving the amendments to the Workmen's Compensation Act had to be brought before this legislature. And what the minister is asking for here

MR. NEARY:

is to place in the hands of the Lieutenant-Governor in Council which is the Cabinet, the right to make decisions on whether or not there should be increases in the Workmen's Compensation benefits. Now, Mr. Speaker,

MR. NEARY: here we are, a week or ten days before Christmas, into the House putting legislation through as fast as time, like clockwork it is going through, being asked to rubberstamp legislation. Here is a major departure from tradition the minister made very little reference to when the hon. gentleman stood in his place. He spent more time emphasizing the fact that workers who go outside the Province for eight months or more will receive their compensation. Now I, too, Sir, would like to welcome Dr. May to the gallery, and I must say that I was tremendously impressed recently to be invited and to be taken on a guided tour of the new Workmen's Compensation Building down here behind the old General Hospital, that I would consider to be the godchild of Dr. May. It is a magnificent building, a beautiful building. I understand that the Department of Tourism, Recreation and Culture will rent space on the second or third floor of that building. It is too bad, Mr. Speaker, that the Workmen's Compensation Board did not put up a building adjacent to Confederation Building and rent office space to the Newfoundland Government instead of the Newfoundland Government going downtown and being ripped off by some of these downtown merchants. Mr. Speaker, as I say, this is a major departure from tradition, and I am not sure if I go along with this or not because, Mr. Speaker, before this bill - and this is getting the thin end of the wedge in - before this bill was brought before this House, every item, every matter in connection with Workmen's Compensation, including increasing the assistance which could be a nonpolitical thing - they can be construed now as being political - the government can play politics if, once we approve this amendment - the government can play politics the same as they do with people on social assistance - before an election they can fling out an increase. The Lieutenant-Governor in Council can do it by Order in Council. It does not have to be brought before this House, so we have to watch what we are doing here, Mr. -

AN HON. MEMBER: Have to send them a little note.

MR. NEARY: Pardon?

AN HON. MEMBER:

Send them a little note.

MR. NEARY:

And send a little note in the cheque saying the government have decided, not the House of Assembly, the government have -

AN HON. MEMBER:

Signed by the minister.

MR. NEARY:

No, Sir, I never did it in my life, no, I certainly did not. They could put a little note in on the eve of an election and tell the people that the government have decided, the Cabinet has decided to increase Workmen's Compensation. Now, I do not know if members are aware of the structure of the Workmen's Compensation Board or not. The Workmen's Compensation Board does not answer to the government or to the minister, for that matter, the Workmen's Compensation Board answers to this House. The Workmen's Compensation Board, Mr. Speaker - I do not know if Your Honour is aware of it - is a creature of this House. Decisions involving the Workmen's Compensation Board are brought before this House by the Minister of Labour and Manpower (Mr. Dinn). He is only a tool whereby the Workmen's -

AN HON. MEMBER:

Oh, oh!

MR. NEARY:

No, that is not in an uncomplimentary way that I am saying that, Sir. The minister is only the machinery, whereby the Workmen's Compensation Board communicates its information, its requests, its recommendations to this House. The minister has no jurisdiction over the Workmen's Compensation Board, other than to report on the activities of the Board to this House. The Chairman of the Workmen's Compensation Board could kick the minister out of his office if he wanted to, but he would not. He would probably be more courteous.

AN HON. MEMBER:

Especially (inaudible).

MR. NEARY:

That is right. He would probably be more courteous to the minister because he knows that, if the minister wanted to, he could bring in amendments to the Workmen's Compensation Act, and the government with the majority could put them through the House. So, in the final analysis, the Workmen's Compensation Board, if they were not kind to the minister and courteous to the minister, could do

MR. NEARY:

asked to do and I would not be so quick, Mr. Speaker, to say whether or not I support that kind of legislation. I am not sure if it is a good thing or a bad thing. With the track record of this government it is probably a bad thing. It could be abused and misused. It could become the subject of political overtones in the future. I think everything in connection with the Workmen's Compensation Board should be kept on the floor of this House, should be kept in this House. The government since 1972 have been chipping away, Mr. Speaker, at the decision making process of this House and have been moving things out, off the floor of the House. We saw in the last session of the House, we saw the estimates put out in the dungeons and dark rooms of Confederation Building. We saw all kinds of other decisions made recently where the authority of this Legislature is being removed and now here is another example of where an amendment is being made to an act to put the authority in the hands of the Lieutenant-Governor in Council to make decisions in connection with increases in Workmen's Compensation benefits. And I believe, my own personal feeling about this bill - and there is no dissension in the ranks about this part of the bill anyway - is that I do not agree with it. It is not going to expedite matters, not one bit. There was never any problem getting agreement in this House on increasing Workmen's Compensation benefits whenever there was a bill brought before the House. And if the cost of living did rise it is only a matter of bringing in the bill and making it retroactive. No problem at all. Why must we now decide, Mr. Speaker, to remove this authority from the House of Assembly? And it comes in in the form of a little innocent piece of legislation, a week or ten days before Christmas. As I said, Sir, I am rather reluctant to put anything in the hands of this government with their track record and the way they play around and fool around with people's feelings and with the way they play their politics. Nothing is beyond this crowd, Sir. We saw that recently when they put an illegal candidate in a by-election. So why would they not before the next election send out the envelopes, put the note in saying the

MR. NEARY:

Premier and the Cabinet have approved an increase in Workmen's Compensation benefits without any reference to the Legislature of this Province. The Workmen's Compensation Board answers to this Province and not to the Cabinet and not to the minister, and it is about time that we realized that and not take these matters and treat them so lightly. This is a major change and members should look at it in that way and not just brush over it as if it was nothing.

MR. SPEAKER (BUTT): If the hon. Minister of Labour and Manpower speaks now he closes the debate.

The hon. Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, I will only take a minute or so. The fact of the matter is, to answer the hon. member for Terra Nova (Mr. Lush), that many of the recommendations that were made in the 1977 report have been already approved and have been established. The hon. member for LaPoile (Mr. Neary), the fact of the matter is, on the Order Paper earlier this Summer we had a piece of legislation with respect to the items that we are talking about now. The only item that we addressed at that time was increasing compensation and assessments from \$14,000 to \$16,000. At that point in time the House closed, we did not get the amendments through and people are still waiting and wondering. That is just on the compensation assessments. Now, the hon. member for LaPoile is 100 per cent correct when he says

MR. DINN: that we can pass them now and we can make them retroactive. But some people have been out there for the past year not knowing whether it is going to be passed or not, not knowing whether they can, for example, have the money or whether they have to go out and borrow on the money they would have gotten, and I think that that kind of a delay, really, is not necessary. Now I understand -

MR. NEARY: He called the election date.

MR. DINN: Well, I understand the hon. member would not have wanted us to call the election when we did, and the outcome was not pleasing to him,

MR. NEARY: Well to me it was very pleasing.

MR. DINN: To me, what we are talking about now are items that are presently before us and will be coming before us in the next months and years. And I think it is a very-- For example, in this particular situation it has taken from last February to now to get this piece of legislation through, and I do not think we need to have that delay.

MR. NEARY: That is the government's fault, not our fault.

MR. DINN: I think, whoever is at fault the fact of the matter is we have lots of things on the Order Paper now, and we need not have the delays for the things that we are attempting to do here. So I appreciate the hon. member for LaPoile, I appreciate his comments, I think his fears can be rested, and will be, as a result of passing this piece of legislation. And I think the proof will be in the pudding the first of January 1980, when the people get their increased compensation.

On motion, a bill, "An Act To Amend The Workers' Compensation Act," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 25)

On motion, that the House resolve itself into a Committee of the Whole on said bills, Mr. Speaker

left the Chair.

COMMITTEE OF THE WHOLE

MR. CHAIRMAN(Butt):

Order, please!

Bill No. 17.

On motion, clauses 1 through 15, carried.

Motion, that the Committee report

having passed the bill without amendment, carried.

MR. CHAIRMAN:

Order 3, Bill No. 16.

On motion, clauses 1 through 13,

carried.

MR. CHAIRMAN:

Shall clause 14, carry?

The hon. the Minister of Justice,

MR. OTTENHEIMER:

The bill is in my name. The hon.

the President of the Council introduced it so there is a slight amendment here.

MR. ROBERTS:

Somebody move the amendment.

MR. OTTENHEIMER:

So I think I can move the amendment

since I did not introduce it. But if everybody has agreed obviously I can. I move that 14 (1) be amended by adding as paragraph (d)

'Of section 20 of the Department of Public Works and Services Act, 1973 or regulations made in relation thereto. The purpose of this is if there are

MR. OTTENHEIMER:

traffic offenses committed on property under the jurisdiction of public works such as Confederation Building or wherever, that it be no different than if that offense were committed elsewhere. That is the purpose and will be the effect of the amendment.

MR. ROBERTS:

Mr. Chairman.

MR. OTTENHEIMER:

I am sorry I did not give the hon.

gentleman (inaudible).

MR. CHAIRMAN (BUTT):

The hon. member for the Strait of Belle Isle.

MR. ROBERTS:

I am not familiar with the, I confess quite candidly, with the detailed provisions of the Department of Public Works and Services Act, 1973. We will support the amendment as long as we have the minister's assurance that the only type of regulations which can be made under that precise - the amendment speaks of a precise, as I recall it, almost a sub-subsection of that act - if the minister will assure us that the only types of regulations which can be made under the authority of that particular statutory authority are with respect to traffic and snowclearing and what in other words, things comparable to the other matters dealt with in section 14, then we shall certainly support the amendment without any question.

MR. OTTENHEIMER:

Yes, Mr. Chairman, I am certainly in a position -

MR. CHAIRMAN:

The hon. Minister of Justice.

MR. OTTENHEIMER:

- to give that assurance.

On motion amendment carried.

On motion Clauses 14 through to Clause 17

carried.

MR. CHAIRMAN:

Shall Clause 18 carry?

MR. ROBERTS:

Clause 18 is a change in the law. Can

we now convict -

MR. CHAIRMAN:

The hon. member for the Strait of Belle

Isle.

MR. ROBERTS: Thank you. Can we now convict a man on a parking ticket if he does not appear? Under this clause we can.

MR. OTTENHEIMER: As it is now there is a period of time, is there not a committal? If one gets a ticket -

MR. ROBERTS: I cannot hear the minister.

MR. OTTENHEIMER: I believe but I am not sure as the situation -

MR. CHAIRMAN (BUTT): The hon. minister.

MR. OTTENHEIMER: - as the situation now is if one gets a parking ticket and then one gets a summons and does not turn up after a certain period of time, I believe now that a person can be committed.

MR. ROBERTS: This gives the judge a power to hear a matter ex parte and in simple English language that means that a judge could convict a person to whom a traffic summons has been issued. And these can be serious offenses. Summons can be issued for relatively serious offenses. He can be convicted in his absence, if that person fails to appear in court either in person or by an agent. And I just ask if that is a change in the law. I must say I can see an argument for it but the argument is simply administrative convenience. I can also see a very powerful argument against it. You know generally you should not be able to convict a person unless he is present. There is not even any requirement, really, of proof of service as there would be in a civil, you know, in an ordinary civil matter. We are dealing with quasi criminal legislation now. If it is in the present law I will not object further. But if it is not in the present act - and I must confess I do not think it is - then I think, really, since it is five-thirty anyway, we might as well go to sleep on that one and have a look at it. You know, that would be a fairly radical change, Mr. Chairman, I would suggest, in the administration of the law in this Province and it is not something we ought to do without at least taking note of it.

MR. MARSHALL: Perhaps we could do the other clauses and let that stand and then come back.

MR. ROBERTS: I would certainly be amenable to do the rest of the bill if the Government House Leader wishes.

MR. MARSHALL: And then we could stop on that and then tomorrow we could come back to that.

MR. ROBERTS: Sure.

MR. MARSHALL: That would probably be the answer.

MR. CHAIRMAN (BUTT): Clause 18, we want further discussion on that?

MR. MARSHALL: Let Clause 18 stand, Mr. Chairman.

On motion Clause 19 carried.

MR. CHAIRMAN: Shall Clause 20 carry?

MR. ROBERTS: Want to stop the clock for a couple of minutes? How many minutes roughly? _____

MR. MARSHALL: Three.

MR. ROBERTS: That is the pregnancy clause. I want to hear your answer on it. Clause 20 is the pregnancy clause. I want to hear the hon. minister speak to that.

MR. MARSHALL: Well perhaps it is probably just as well to raise the Committee. Those two issues can be answered tomorrow. I do not know if the Minister of Justice, do you have the answer now?

MR. OTTENHEIMER: No, on Clause 18 I do not, no, not now.

MR. ROBERTS: Well, we will do Committee in the morning I assume.

MR. MARSHALL: We will do Committee in the morning.

MR. ROBERTS: Well, let us start with Committee in the morning then and clean up. But the hon. minister will recall that there was some discussion in second reading.

MR. MARSHALL: Yes, Mr. Chairman, I remember that.

MR. CHAIRMAN: The hon. President of the Council.

MR. MARSHALL: I have to tell the Committee that we have received an answer to it.

MR. ROBERTS: We shall await breathless.

December 13, 1979

Tape No. 1871

IB-4

MR. MARSHALL: There are a few other supplementary questions that we want to ask with respect to it before we are perfectly convinced -

MR. ROBERTS: The answer raised more questions than it answered.

MR. MARSHALL: - that we can carry the answer to the Committee with reasonableness which we always want to do.

On motion, that the Committee rise, report having made some progress and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SPEAKER: (Simms)

The hon. member for Conception Bay South.

MR. BUTT:

Mr. Speaker, the Committee of the Whole has considered the matters to it referred and reports having passed Bill No. 17 and made progress on Bill No. 16 and asks leave to sit again.

On motion, report received and adopted Bill No. 17 ordered read a third time on tomorrow, Committee ordered to sit again on tomorrow.

MR. SPEAKER:

It being 5:30 a motion to adjourn is deemed to be before the House. A matter for debate raised by the hon. member for Windsor-Buchans (Mr. Flight) is the Upper Salmon project.

The hon. member for Windsor-Buchans.

MR. FLIGHT:

Thank you, Mr. Speaker. I want to preface my few remarks to the minister and I want to say to the minister that I have no desire and no intention of making his life, or Hydro's life miserable with regard to the Upper Salmon. I recognize that anyone who would oppose that kind of a project in this day and age, recognizing what it cost, the actually added cost to produce electricity by oil - when one would appear to oppose a project like the Upper Salmon, it could very easily be construed as being irresponsible. On that basis I want to say to the minister that I have no intention of opposing the Upper Salmon development. I do have an intention, and I believe that there are people in this Province who would want to oppose that project. It is taking place in one of the most sensitive areas in this Province. They have every right to believe that, having accepted the fact that the project must go ahead, that the the Province must have the electricity and the Province should not be forced into the extra cost of providing that electricity by oil given the ever escalating cost. Having accepted that, they certainly have a right to demand that that project be done in a way that would minimize the damage to the environment by that project. Again, it is, without question, one of

MR. FLIGHT: the most sensitive areas in this Province. Basically, we are talking about the migration. It is right smack in the centre of the migration routes of one of the largest caribou herds in this Province. Indeed, the Salmon itself, the power house, is within a mile or two of the calving areas of the main herd.

Now, Mr. Speaker, there is ever increasing evidence that Hydro is backtracking on its commitment to the people of this Province. They are not keeping their word in doing the job in a way to minimize the damage to the environment. Number one, there were no public hearings. There were no public hearings in the same sense that there were hearings in the Kitts-Michelin uranium thing - the way of public hearings across the Province. Number two, Hydro ignored their environmentalists' recommendations on the access road to the construction site. Every report given to Hydro recommended that that road come in from the Millertown area, and it was strictly based on the environmental impact. Number three, there are reports and documents that the environmental officer on the site was, up to a point, denied access to the actual construction site. Air time was not permitted that officer to see what was going on on the sites. Now, Mr. Speaker, the minister admits, and everyone in this Province believes and has a right to believe that the reservoir of that Upper Salmon would be clear-cut and the reasons are obvious. The minister says that, oh well, we might only clear-cut the sides of the reservoir, we may leave timber standing in the middle of the reservoir. He said a caribou will survive, you know, they would have to be scuba divers not to be able to swim across - no clear-cutting would mean no impediment. You know, if you have trees in the middle of that reservoir that are 20 feet high and there is going to be 10 feet of water on top of it, that means that reservoir must rise 30 feet. So, I mean, the minister is playing with figures there. The fact of the matter is that the commitment to the people of this Province is that that reservoir would be clear-cut for obvious reasons. Trees left in the centre would be an impediment to wildlife, it would be an

December 13, 1979

Tape No. 1872

GH-3

MR. FLIGHT:

impediment to people, people who want to use that reservoir in years to come. Hopefully, if the project is done properly it may have some tourist potential later on down the road. It will not if it is not clear-cut and trees and bushes are allowed the same as in the Bay d'Espoir reservoir. So, Mr. Speaker, that to me indicates

MR. FLIGHT: That there is a real danger, that Hydro are going to go their own way, they are going to do that project how they like, disregarding the environmental impact. And I say to the minister, Mr. Speaker, if that is the case, then Hydro and the minister, who must answer for Hydro, are going to run into problems on that Upper Salmon. They are going to run into total opposition. And it will not come from the group that appeared to have a vested interest from the start, it will come from concerned people all over this Province. I would serve notice on the minister now that I, personally, will be watching that project from an environmental point of view and if I cannot get the kind of attention to the environmental aspects of that project in this House, I will get outside of this House. Because there is no way - the caribou herds in that area mean too much to this Province to allow Hydro to go in and to do that project in a way that would have a detrimental effect on the herd. And, Mr. Speaker, I submit that if abiding by all the recommendations of the environmental people who are making those recommendations, if that increases the capital cost of that project by \$1 million or \$2 million - it is \$150 million anyway - so be it. The people of this Province want that project, they want the electricity, but they want the project done in a way that guarantees that when the job is finished the environment will be disturbed in the least possible way, that the damage to the total ecology and the total environment will be minimized. What we are seeing today makes one wonder if that indeed will be the case.

MR. SPEAKER: (Simms) The hon. the Minister of Mines and Energy.

MR. EARRY: Mr. Speaker, it is very commendable that the hon. member opposite has concern for the environment. But I tell you, you know, as somebody else who has concern for the environment, it is awfully difficult to sit here and be badgered and browbeaten and virtually threatened by the hon. member, the implication being that we are not concerned with the environment when this government has done more in terms of setting up environmental assessment committees and providing for public hearings and input from the people of this Province than the crowd opposite ever thought of, much less ever did.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: So I preface that just because of the - you know, the tone of the hon. member's statement, Mr. Speaker, is just totally out of order. That is not on a point of order.

I would like to give the hon. member if I could - and if I could get him to be a little less impassioned - give him a bit of information, and then I will be glad to supply other information, listen to suggestions he might have as to defects, as to the plan that is being provided here for cutting and the reservoir. We are prepared, Mr. Speaker, to be eminently reasonable in how we approach this project. We realize there are environmentally sensitive aspects, but, Mr. Speaker, I would say 90 per cent of the statements made by the hon. member were just untrue, incorrect, unfactual, misleading. His total statement was premised on the conclusion that Hydro was proceeding and doing its own thing, when, Mr. Speaker, it is a matter of public record that the project has a Cabinet directive controlling the activities of Newfoundland and Labrador Hydro and requiring them to comply with environmental conditions. And not only that, Mr. Speaker, there is an independent environmental assessment officer who is not under the control of Hydro, who is supervising the environmental aspects of this project. And, Mr. Speaker, I have not had one single matter raised to me as Minister of Mines and Energy, either from the Minister of the Environment (Mrs. Newhook) to whom this official is reporting, or from the people in the area, not a single, solitary reference to improper procedures being employed in this project.

Now, Mr. Speaker, if I could provide some information. The total forested area to be flooded in the Upper Salmon development is approximately 2,120 hectares. Due to the remoteness of this Upper Salmon development area, the total clearing costs are estimated to be very significant, in the order of \$9 million to \$10 million - to totally clear that.

Due to the substantial cost factor and the lengthy schedule required for the clearing operation, a proposal for reservoir clearing on a reduced scale - as I told the hon. member - was presented to the Environmental

MR. BARRY:

assessment committee for their approval and approval was given for them to proceed with the reservoir clearing on a reduced scale.

MR. FLIGHT:

Oh, yes.

MR. BARRY:

And the hon. member if he would just shut up and listen I will tell him what this is.

MR. SPEAKER (SIMMS):

Order, please!

MR. BARRY:

Now, Mr. Speaker, I sat down and listened -

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker, the hon. crowd opposite they talk about showing respect when they are like a bunch of caterwauling crocodiles over there. Whenever anybody attempts to make a point they have to sit back and howl and scream like a group of African hyenas. Now, I will give some information if the hon. members opposite will just sit back and relax. Let us cool it now, it is getting close to Christmas and we will give you some information.

I just whipped up a quick little map for the hon. member which I will table and supply to all hon. members showing the areas where the actual cutting will be carried out. The hon. member can look at it and tomorrow morning if he wants to ask me a question I will be glad to attempt to answer it. And these areas are set out specifically on the map. In these areas clear cutting will be employed and all material from the cleared area will be disposed of either by burning or relocating to an area above the full supply level. Discussions have been held with Forestry officials as to the disposal of merchantable timber in the flooded area, and indications are that it would not be economical to salvage the merchantable timber due to the remoteness of the area and the substantial cost of transporting it to markets.

MR. SPEAKER:

Order, please!

MR. BARRY:

This reduced clearing programme,

Mr. Speaker -

MR. SPEAKER:

Order, please! Order, please!

December 13, 1979

Tape No. 1874

IB-2

MR. SPEAKER (SIMMS):

The hon. minister's time has expired.

SOME HON. MEMBERS:

By leave.

MR. BARRY:

I will just say that \$4.5 million will be spent on clearing wherever this is necessary to make an environmentally satisfactory site in this hydro development project. I would like to table this.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

The second matter for debate raised by the hon. member for LaPoile (Mr. Neary) is employment of staff at North Sydney of information officers and animal inspectors.

The hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, this may not be the most important matter that has ever been brought before this Legislature but it is very, very important to Newfoundlanders, Sir. I am sure it will be of interest to people who have sons and daughters who cannot find jobs, who cannot find employment, especially during the summer months, to find out that this government, from the public Treasury, employs information officers, three or four or five in North Sydney and an animal inspection officer employed by the Department of Forestry and Agriculture at North Sydney who are non-Newfoundlanders. Now, Mr. Speaker, this is not, my remarks should not be construed as meaning that I am against non-Newfoundlanders, that is not the point. But these people are seasonal and full-time employees of two government departments, employed over in North Sydney receiving their pay from the public Treasury of this Province, from the taxpayers of this Province and they are Nova Scotians. Three of the - if I could only get the Minister of Mines and Energy out of my way so I can talk to the Minister of Tourism.

MR. SPEAKER:

Order, please!

MR. NEARY:

Three of the seasonal workers in North Sydney who act as information officers are Nova Scotians. The full-time permanent employee of the Department of Agriculture is a Nova Scotian and

MR. NEARY:

the seasonal employees in that department are also Nova Scotians. Mr. Speaker, I am not against Nova Scotians but it is the principle of the thing, because these jobs were originally advertised for in Nova Scotia. Now, I know my hon. friend cannot speak for the Minister of Forestry and Agriculture but the Minister of Forestry and Agriculture laid off a Newfoundlander and advertised in the newspapers in Nova Scotia for an animal inspector and hired a Nova Scotian to be paid for from the public Treasury of this Province. There are three or four or five jobs, Sir, whether they be seasonal jobs or permanent jobs in Nova Scotia that should go to Newfoundlanders, so I

MR. NEARY: I am arguing on the principle of the thing, Mr. Speaker. The hon. gentleman said he would run out and get the information and the hon. gentleman no doubt now has the information in front of him, but I can tell the hon. gentleman before he stands in his place, I am not talking about the information officers on the ferry across the Gulf, I am talking about the information officers who are stationed on the ground, on land, in North Sydney who are not Newfoundlanders, and there are three of those. Every year, year in and year out, nobody in Newfoundland gets a crack at them. None of the students in Newfoundland who desperately need employment are hired for these jobs. The same three women come back every year in Nova Scotia and they are not Newfoundlanders.

Now, the hon. gentleman can also argue, 'Well, if we sent Newfoundlanders over, we would have to subsidize their room and board.' Well, so what?

MR. HICKEY: Who hired them?

MR. NEARY: Who hired them? The hon. gentleman's department hired them.

MR. HICKEY: When?

MR. NEARY: I would say, well, in the case of Forestry and Agriculture a year ago, a year and a half ago, Tourism - Mr. Speaker, I do not know what the hon. gentleman is driving at. They were hired in recent years, in recent times, by the minister's department, they are being paid for out of the Newfoundland Treasury and they are not Newfoundlanders. Newfoundlanders were not given a crack at these jobs. Even if their room and board was not subsidized, who knows how many Newfoundlanders would want to go over and take one of these jobs, especially the one animal inspector for \$700 or \$800 a month, and pay his own board. He may not even want his board.

MR. HICKEY: I just wondered when they were hired.

MR. NEARY: Well, this animal inspector was hired about a year and a half ago.

AN HON. MEMBER: (Inaudible).

MR. NEARY: Working in North Sydney.

MR. ROBERTS: (Inaudible) CNR conditions you need an animal inspector (inaudible).

MR. NLARY:

So, Mr. Speaker, I think this is wrong.

I think with the record unemployment we have in this Province that Newfoundlanders should be given a crack at these jobs. Whether they are part-time or full-time, whether they are seasonal or not, does not make any difference, charity should begin at home, and we should take three or four or five Newfoundlanders off the unemployment roles and give them a crack at these jobs over in North Sydney.

MR. SPEAKER: (Simms)

The hon. the Minister of Tourism,

Recreation and Culture.

MR. POWER:

Thank you, Mr. Speaker.

Mr. Speaker, it is almost embarrassing to have to answer a question, the only question that has been asked of a Department of Tourism that spends \$30 million and employs a great number of people in Newfoundland, a department that significantly contributes as much as 10,000 jobs to the Newfoundland economy, which contributes as much as \$140 million, to have to get up in the House of Assembly and explain why three persons are employed in Nova Scotia when all logic and common sense says that they must be.

Now, I suppose certain members opposite are not used to having government departments run in a businesslike manner, but, I mean, if anybody can convince me that it is sane, logical business sense to send a Newfoundlander to Nova Scotia - and there are three, by the way - to work in Nova Scotia for twenty weeks each during the Summer months from, I guess, mid-May to mid-October. They get paid \$650 per month for twenty weeks, for four and one-half months. And if someone can convince me how it is possible to send a Newfoundlander - they would have to be adult Newfoundlanders and they are adult Nova Scotians now. Obviously, we have no semesters in any of our universities or trade schools where you can attend and work from May to October. So if we can find an adult in Newfoundland who is willing to go to Nova Scotia and work for \$650 a month, who does not expect to have his room or board or travel subsidized - you know, the funny thing about it is that by employing three Nova Scotians, the first one which was hired in 1957 under a different administration -

SOME HON. MEMBERS:

Hear, hear!

MR. POWER: - the first one, only one has been employed since 1975, and only employed because the amount of work that they are required to do is quite significant. One person hired and added to the first that was hired in 1957 we do not even disagree with. Last year those persons handled something like 13,000 inquiries - which is just one person, that is 13,000 family heads for the most part, who were coming to Newfoundland.

MR. NEARY: (Inaudible) to do that?

MR. POWER: I am just saying that if we were to do it - okay, so we send the Newfoundlanders up there, three Newfoundlanders, logical, commonsense business approach, we subsidize their, I suppose, boarding rooms or hotels or whatever we have, each week, we subsidize their travel, we subsidize their meals, Do you know what would happen? Do you know it would cost us an extra \$6,000 per year? And do you know what we are doing with the \$6,000 now that we are saving by employing three Nova Scotians? We are employing three persons in your district of Port aux Basques.

SOME NON. MEMBERS: Hear, hear!

MR. POWER: That is where that \$6,000 is being spent.

SOME NON. MEMBERS: Hear, hear!

MR. POWER: And then you have to take it in context of all the things that are taking place in the Department of Tourism, Recreation and Culture, the fact that we employ over 600 people seasonally, the fact that we spend more than a million dollars, the fact that we spend \$6,000 of that employing three Nova Scotians so they can save us \$6,000, so that we employ three people in Port aux Basques, I have to think that there are certain other things in Tourism, and there must be certain other members opposite who can ask more sensible questions which would be more worthy of the time of this House.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER: (Simms)

Order, please!

A third matter for debate raised by the hon. member for Bonavista North (Mr. Stirling).

Order, please! Order, please!

The Fisheries Loan Board. The hon. member for Bonavista North.

MR. STIRLING:

Thank you very much, Mr. Speaker.

Mr. Speaker, I asked a question in the Question Period of the Minister of Fisheries in the absence of the Premier - I am glad the Premier is back. What is the status of the fishermen who are on the Board of Directors of the Fisheries Loan Board? I would hope that the Premier would stay for this. I would like for the fishermen to note that the Premier left when somebody spoke on behalf of the fishermen of this Province. Mr. Speaker, I hope that the other side will agree that this qualifies as an important item. Under the Fisheries Loan Board, the authority that I believe used to be used - I have only been in the House for six months and I am beginning to find out that certain members have a feeling - too bad that some of them are missing - that as long as the Cabinet says it is okay, it is okay. You do not have to follow the act or the laws. As long as the Cabinet says it is okay, it is okay. Now what we have is a situation, Mr. Speaker, in which there have been rumours made, stories about, oh, the real cause

MR. STIRLING: of the problems of the Fisheries Loan Board, really, was that group of fishermen who were on the Board of Directors. It was denied by the other side and said, "Oh, no, that is not true". Now the last time they had a problem in a Crown corporation, the Marystown Shipyard, they said we will let the Board of Directors investigate, and the Board of Directors is conducting the investigation. Now, what do they do in this case? As soon as there is a problem, they appoint a new, an interim Board of Directors. The old Board of Directors had no say, they were not consulted, they were not asked, and they were damned. They were damned before they got a chance - the fishermen of this Province. If you call the Fisheries Loan Board, as I did today, we were told, "The old board is out and the new board is meeting weekly", and the new board consists of provincial civil servants. The old board is out. I contacted the members of the old board, fishermen, working fishermen, and they have not even been consulted. They have not been told that they are out. They have not been told anything that has happened. October 31st the Premier comes in here with a statement. He comes in here with a statement and he says, "On October 31st Cabinet approved the appointment of an interim Board of Directors". Then he goes on through three or four more pages and says, "These officials, together with the interim Board of Directors and the special committee, will finalize the current review and present Cabinet with the final report in time for the Fisheries Loan Board to be reconstituted next year. But the existing Board of Directors are damned by innuendo and stories and whispering and they do not get a chance. Where in Newfoundland, again, will you ever get anybody, a hardworking Newfoundlander, to agree to serve on any board, because as soon as there is a problem they are fired? They are fired, thrown out and they do not get a chance to defend themselves. Where will they ever do it again? The Board of Directors - as a second question - I do not know where you get the authority to appoint an interim Board of Directors, the Cabinet has no authority to appoint an interim Board of Directors. The board that is in existence, the fishermen's board, that board, that fishermen's board

December 13, 1979

Tape No. 1876

GH-3

MR. STIRLING:

House.

AN HON. MEMBER:

what a shame!

MR. STIRLING:

talk about the fisheries?

is appointed by the authority of this

And only one minute left, what a shame,

By leave? By leave? By leave can we

MR. STIRLING:

Can I go ahead? Can I go ahead?

MR. SPEAKER (SIMMS):

Order, please!

The hon. gentleman has forty-five seconds

now I believe.

MR. STIRLING:

I would like to have somebody on behalf of the fishermen of this Province because you have insulted the fishermen of this Province. This board was appointed by Walter Carter who was a good fisheries minister and they met all over this Province and they did their job. Their job was to bring fishermen in, encourage them to apply for loans and their only crime, the only crime of those fishermen, the only crime was to be successful. There are more applications than there is money. And how do you thank the board? Not one word of thanks in all of this, not a word. How do you thank the board? You fire them and you do not give them the opportunity either in this House or anywhere else for that board to defend themselves. You should at least agree to a full investigation to let that board show that the fishermen of Newfoundland were doing a good job and it was political interference that caused the problems.

MR. SPEAKER:

Order, please!

MR. STIRLING:

And you are ashamed of it.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, this particular matter arose from Question Period today in which we started with questions from the hon. member for Bonavista North (Mr. Stirling) to the hon. acting Minister of Fisheries and then it went between myself and the Leader of the Opposition. So myself and the acting Minister of Fisheries who always think as one on everything, we have got our heads together and we decided that I should be the one who perhaps should answer this.

Now, what the hon. member is trying to with this, Mr. Speaker, is merely to embarrass the government. He is attempting to embarrass the government by trying to make a capital case out of an alleged, in his own mind, firing, as he calls it, of the Fisheries

MR. MARSHALL:

Loan Board. Now, let me first say that the Fisheries Loan Board and let me make this crystal clear, was not fired. The situation is well known with respect to the Fisheries Loan Board and the events that transpired which resulted in an Interim Board of Directors being appointed. The gentlemen on the board itself - and there were a lot of fishermen in the Province and I might say it was this party which moved within the past few years for the first time to put fishermen on the board -

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Before, when fishermen came in to get loans from the Fisheries Loan Board, they were greeted by Bureaucrats, they were not greeted by fishermen. We put fishermen on.

Now, the situation with respect to their tenure was that their tenure expired on July 1st. of last year. They were appointed to the board and their tenure expired on July 1st. Now, I wonder did the hon. gentlemen get that through their heads or do I need to write that on the wall or on the chalkboard. July 1st. 1979, the board's term expired. Now that is the situation. When this particular position with respect to the board arose, I am not sure, I am not completely and absolutely sure at the present time but I do believe that the board members were made aware. Now the hon. member says they are not, and if they were not made aware of it beforehand it might have been classed as a very slight oversight. But now the hon. gentleman hopes when he comes in here to embarrass the government with his statements. What the hon. gentleman or gentlemen on the other side should be embarrassed about is, really, the rest of the Premier's statement where he indicated that this year \$24 million had been expended by the Fisheries Loan Board which amounted, Mr. Speaker - now, perhaps, they can get embarrassed about this - which amounted to a 300 per cent increase -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (SIMMS): Order, please!

MR. MARSHALL: - from the pervious year and the year before that it was \$5,500,000. The total budget the year before last for the Fisheries Department was \$18 million. And this year on the Fisheries Loan Board alone it is \$24 million. Now, is there any wonder why the hon. gentlemen opposite should be embarrassed? This is the government that has fostered, Mr. Speaker, the fishery of this Province. We is the boys that builds the boats and they is the boys that burnt them.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: As a result, Mr. Speaker, of our efforts the Fisheries Loan Board and the fisheries of this Province is flourishing. So if the hon. gentleman is trying to embarrass us with what I consider to be a childish -

MR. SPEAKER: Order, please!

I have a great deal of difficulty hearing what is being said and I am sure the same applies to hon. members.

MR. MARSHALL: If the hon. gentleman is trying to embarrass this government with what I consider to be a little childish and small political maneuver which he is attempting to do, I can guarantee you in the eyes of the people of this Province he is failing, Mr. Speaker, and he is failing badly. The fact of the matter is that they are green-eyed with jealousy that the fishery has grown to the extent that it is at the present time, \$24 million this year as compared to the total budget two years ago for fisheries for \$18 million. It is \$24 million this year in the Fisheries Loan Board we have given out as compared to \$5,500,000 last year, as compared to \$2,500,000 the year before, as compared to mere pittances of about \$500,000 when the hon. gentlemen were in power and -

MR. SPEAKER: Order, please!

AN HON. MEMBER: By leave! By leave!

MR. MARSHALL: Mr. Speaker, even if I do get leave I do not intend to take it because the question is not worthwhile spending

December 13, 1979

Tape No. 1878

IB-4

MR. MARSHALL:

any more time on.

SOME HON. MEMBERS:

Hear, hear!

On motion the House at its rising stands
adjourned until tomorrow, Friday at 10:00 A.M.