

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD
10:00 AM -
FRIDAY, November 23, 1979

The House met at 10:00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER: (Simms)

Order, please!

A matter has been brought to my attention with respect to an exhibit presented yesterday by the hon. the member for Bay of Islands (Mr. Woodrow) in presenting a petition. Beauchesne, page 117, paragraph 333, clearly states that it is not in order to produce exhibits of any sort in the Chamber; and a precedent set in our own House, reference Hansard, June 21, 1972, where the Speaker ruled it was not in order to present an exhibit. Therefore, I would rule that it was out of order to present the exhibit during the presentation of the petition by the hon. the member for Bay of Islands and that the hon. member's bottle of water be returned to him.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

The hon. the Minister of Municipal Affairs and Housing.

MR. N. WINDSOR:

Mr. Speaker, in view of your ruling, which I agree with entirely, would you please direct the hon. member to remove that bottle from my desk? - because that is where it finally ended.

SOME HON. MEMBERS:

Oh, oh!

STATEMENTS BY MINISTERS

MR. SPEAKER:

The hon. the Minister of Lands and Forests.

MR. MORGAN:

Mr. Speaker, yesterday in reply to a question by the member for Baie Verte - White Bay (Mr. Rideout), I indicated that the government is now in the process of forming a task force to be sent to the area. I now wish to inform the House that the task force has been formed, and to inform the House of the people who will be on the task force and travelling to the area in the next number of days. Mr. Hoddinott will be the chairman. He is the Assistant Deputy Minister of Forestry in operations and regional services; Mr. John Tibbetts, who is the Director of Development in the Newfoundland and Labrador Development Corporation, Mr. Fred Cook, Director of Business Development in the Department of Rural Agricultural and Northern Development;

MR. MORGAN:

Mr. Robert Pelley, Director of Forest Products Development, Department of Forestry; and Mr. David Sharpe, Regional Resource Director of the Department of Forestry for the area.

The task force will be able to draw on the expertise in other departments, if required.

They expect to travel to the area in the next number of days, hopefully around the first week of December, and to hold meetings with the groups and organizations in the area.

Any persons wishing to contact the task force may do so by calling Mr. Stirling Hoddinott at his office in St. John's and to arrange meetings with the task force when they travel to the area.

I have asked

MR. J. MORGAN: the Chairman and the Task Force to arrange, if at all possible, to have the report back to government within a two month period.

MR. SPEAKER: (Mr. Simms) The hon. member for Baie Verte - White Bay.

MR. T. RIDEOUT: Mr. Speaker, as I said yesterday, I welcome very much the announcement made in the Question Period yesterday and in more detail here this morning by the Minister of Lands and Forests (Mr. J. Morgan) as it concerns the Task Force to look into and hopefully make recommendations concerning the serious economic situation in Roddickton. I am very pleased, very delighted, very happy that the minister and the government have decided to put in place the Task Force, made up of a very reputable group of people, I might add.

Mr. Speaker, Mr. Stirling Hoddinott and the other names of the people on that committee I think certainly have the ability and the expertise to search out and to look into the problems that are existing in Roddickton. I think it is the only way to do it. The minister and I have talked about it on a number of occasions, and I think it is the only way to approach it is for an independent, outside group of people to go in and to have a look at the situation. I am delighted the government have chosen to do that. I hope that -

MR. ROBERTS: Did he mention Main Brook?

MR. T. RIDEOUT: Pardon?

AN HON. MEMBER: Did he mention Main Brook?

MR. T. RIDEOUT: I did not mention Main Brook, it is not in my district.

MR. E. ROBERTS: They should have a look at Main Brook as well.

MR. MORGAN: Right, they will.

MR. T. RIDEOUT: Okay. I do hope that the government will look very seriously at whatever recommendations the Task Force may bring back. None of us, of course, can attempt to out-guess them

MR. T. RIDEOUT: or to guess before they move, but certainly there will be recommendations, I would expect, and hope that the government will take the Task Force very seriously and hopefully all of us together might be able to do something about it. I am very happy that the minister has made the announcement; he did it yesterday and he did it again today in the ministerial statement which shows the seriousness of the problem and we all hope, I am sure, that the whole matter can be straightened out to the best advantage of the people in the area.

MR. SPEAKER: (Mr. Simms) The hon. Minister of Finance.

DR. J. COLLINS: Mr. Speaker, I intend to make a ministerial statement before the adjournment of the House today but it is not possible for me to do so at this particular moment, it would not be appropriate for me to do so at this particular moment, but I do stand now to state that I will rise at 12:30 p.m. to ask leave of the House, if I may, to make such a statement. And it is my understanding, Mr. Speaker, that hon. members opposite will see fit to agree to this and it is my intention to supply the hon. Leader of the Opposition with a copy of the statement beforehand.

MR. SPEAKER: The hon. member for the Strait of Belle Isle.

MR. E. ROBERTS: Mr. Speaker, the minister has perhaps said what I am about to say, but I simply want to record that the Premier had the courtesy to consult my friend and colleague, the Leader of the Opposition. We have agreed for our part to allow the House to revert to statements. I think it is 12:30 p.m., the time that was suggested. The minister will make his statement and we will respond in the appropriate way then.

MR. SPEAKER: So that is agreed by leave.

ORAL QUESTIONS

MR. SPEAKER: (SIMMS) The hon. Leader of the Opposition.

MR. D. JAMIESON: Mr. Speaker, a question for the hon. the Premier. It relates to the document which was published some time ago on interprovincial relations and therefore is asked of him in his capacity as Minister of Intergovernmental Affairs. There are, before the Government of Canada, a number of proposals, some of which have been made public at least in a general way by the Government of Newfoundland. Am I correct in assuming that further movement or any further motion on these, with regard to getting decisions, will now await the bringing down of the Federal Budget and that we will presumably hear in the Federal Budget, for example, what kinds of general sums have been made available to various departments and from that point on you will proceed to detailed negotiation? Is that the situation?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I thank the Leader of the Opposition for his question. Yes, that is the situation. There are three DREE agreements now all the negotiations and details are done, and they are just awaiting the funding and they are ready to go as soon as the Budget is brought down. As I understand it, there is the interim agreement on Nordco for a year until we put a five year plan together, which has now been put together and has been approved by Cabinet to go as the longer term agreement for Nordco; there is the Coastal Labrador agreement, which is a very, very important one and which has been fully negotiated and we are just waiting for the split in funding; and there is the forestry agreement. We anticipate that within the next month to two months that those three can be very quickly taken care of and then the other ones, which are still in the negotiation stage, can move up from there, especially a roads agreement that we talked about a few days ago and some of the other important agreements. That is the kind of process we see, those three, getting them out of the way rather quickly because they have been fully negotiated and agreed to by all sides up to the Treasury Board level, up to the ministerial level, and then get on with

PREMIER PECKFORD: the other three or four that we are ready to move on and negotiate.

MR. D. JAMILSON: A supplementary, Mr. Speaker.

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

MR. D. JAMILSON: If my memory serves me right, the three to which the hon. Premier referred are ones that has been in the works for some considerable time. Do they in fact constitute new money in the sense of being additions to the General Development Agreement or were these encompassed by the agreement as it has been, in broad terms, in existence for the last several years? Is this merely an extension of those? If that be the case, could the hon. Premier indicate what new initiatives might go beyond these three?

MR. SPEAKER: The hon. Premier.

PREMIER PECKFORD: These are under the broad parameters of the General Development Agreement. We are waiting now - and I think Mr. MacKay had something on to eliminate the 26th. of November to another date for me to meet with him because he has gone through a processsing of

PREMIER PECKFORD: deciding on whether the mandate of DREE should be changed somewhat, that you can allow or make eligible other kinds of submissions and this kind of thing. So we do not know at this point in time just what kind of money DREE will have, number one, although the Prime Minister has said, and the President of the Treasury Board and the Minister of Finance, that they intend to have an agency like DREE and are prepared to fund it substantially. We do not know whether they are going to change any of the philosophy, if you will, or idea which set up the general development agreement in the beginning. So we really do not know yet just whether it will remain that way or not.

The important thing for us is, one, we would like to see some changes in the process that is being used and perhaps some of the criteria being applied and a more expeditious movement through the system. Mr. McKay is looking at these things and that is why I want to speak to him to see whether, in fact, we can get some changes to the general development agreement. But as it stands right now, that remains as was and these agreements come under the ambit of the criteria established under the general development agreement.

MR. JAMIESON: Mr. Speaker, with your indulgence and that of my colleagues, there are a couple of other supplementary questions in an effort to get some idea of where the government's financial planning may be for 1980 and perhaps even beyond. For example, in the document to which I made reference earlier, that is, the federal-provincial working paper, there was a reference to \$91 million. My supplementary question, and if I may I will incorporate two at the same time, are the three agreements to which the hon. Premier has referred part of that \$91 million, which is the goal you have set for 1980, or would that be in fact, part of previous commitments?

MR. SPEAKER (Simms): The hon. Premier.

PREMIER PECKFORD: I would have to preface it by saying that I am not sure here, I will have to get some information on it,

PREMIER PECKFORD: but I think in that document we were referring to these agreements already in the pipeline to which everybody had agreed, like those three that I mentioned, and are not the additional amounts of money that we will be looking for on the DREE agreements for 1980. So we had anticipated and still do, hopefully by the end of December or very early January, for those three agreements of, say, in the order of \$100 million, it could be that \$91 million that was mentioned then, I guess - \$90 million to \$100 million to be part of this year, at least in the approval - the cash flow, as we all know, carries over from one year to the next - and that next year would see additional DREE agreements and additional tens of millions approved through the DREE arrangement.

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

MR. JAMIESON: All I can say is that I hope that the hon. the Premier's hopes, and I share them, are not counterbalanced by the doom and gloom of the Minister of Finance of Canada.

One final - there are many questions I will ask, but I will refrain and just ask this one final question. It was not clear to me from the document in the question whether the Harbour Grace superport was involved in the \$91 million, whether it was involved in the three projects. It is clear now it was not one of the projects that is in the pipeline.

Mr. Jamieson: Could the hon. the Premier therefore tell me or tell the House where the negotiations stand on Harbour Grace superport or whether we can expect any movement on it in the immediate future?

MR. SPEAKER (SIMMS): The hon. the Premier.

PREMIER PECKFORD: Well, what I talked about are the three - Nordco, Forestry, and Coastal Labrador - agreed to by everybody in the Federal Service -

MR. JAMIESON: They have been in the works for a long time.

PREMIER PECKFORD: - everybody in the Provincial Service and there is no more need for any negotiation anywhere and they are before Treasury Board. Bang! And we are just waiting for the money. That is over and done with.

Then there is the superport and a number of other ones which are somewhere in the system, and have not got total approval by everybody. And the one that the hon. Leader of the Opposition refers to is the one at Harbour Grace because of the present position of the Federal Department of Fisheries and Oceans as it relates to the Northern cod stock and other related species, going with the viability or the lack thereof of that concept. And that is the problem right there right now.

MR. JAMIESON: A final supplementary.

MR. SPEAKER: A final supplementary, the hon. Leader of the Opposition, followed by the member for Torngat Mountains.

MR. JAMIESON: In other words, may I put it to you this way, Mr. Speaker. First of all, there is not only not any agreement with regard to the Federal/Provincial governments on the concept of a central port, and since there is no such agreement on such a concept between the Federal and the Provincial governments, clearly there cannot be any movement of any serious consequence with regard to finding out where the Federal funds for that particular project are going to come from? Is that a fair conclusion?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Well, they will come from, obviously, because the application is before DREE, through the Department of DREE. But when they will come is dependent upon - I think most people agree in theory, with the concept; it is the practicalities of access to additional amounts of fish. And given the present position of the Federal Government enunciated through the Department of Fisheries and Oceans on access to Northern cod, that inhibits and impinges negatively upon the flow through the system of that application.

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

MR. WARREN: Mr. Speaker, my question is directed to the Minister of Transportation and Communications (Mr. Brett), probably it could be a Federal matter, but it is concerning the motor vessel Bonavista that went aground between Postville and Makkovik a couple of days ago. And I understand at present there are twenty-five passengers stranded at Makkovik and are unable to get to Hopedale because of the ice conditions, the ice is not safe enough for Labrador Airways to land fixed wing aircraft. Has the minister in conjunction with CN Marine and the Federal Department, are there any moves afoot to have those passengers moved to Hopedale by helicopter? That is the only means to get them in there. Could the minister give me an answer?

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

MR. BRETT: Mr. Speaker, I heard that news on the radio on my way to Clarendville last night and I got back here in the building at nine-thirty this morning, and I have not been talking to my Director of Transportation. I can only assume that he is aware of the situation. I am not sure if we are trying to make any arrangements or not but I would be happy to take this question at notice and I can assure the hon. member that when the House closes now I will be on to it.

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

MR. WARREN: Yes, Mr. Speaker, the second part is that also on that boat there was mail for Davis Inlet and for Hopedale, which the residents in those communities had not received for the past two weeks. As you know, this time of the year it is a very crucial period with the beginning of the unemployment insurance and so on and having not received their mail for the last two or three weeks, this was also on the Bonavista, and I understand it is just left at Makkovik at the present time. And the people cannot get their mail in or cannot get their mail out from those two communities in particular. So I would like for him also to take that into consideration.

But my supplementary is, in light of the view that the lives of twenty-five passengers were at stake when the Bonavista went aground off Arctic Point in Labrador, and in conversation with several people from my district last night and yesterday that the Bonavista was about one half mile off course when she went aground, and also I understand that the weather at the time was very, very bad, if the minister is not aware of this could he follow it up with the CN Marine and with the federal authorities and see what action can be taken?

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

MR. BRETT: Mr. Speaker, the same answer would apply to that part of the question as to the first one.

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

MR. NEARY: Mr. Speaker, my question is for the minister responsible for the environment, Sir, Would the minister tell the House whether or not the government has designated any particular areas or spots in Newfoundland as dumps for offshore oil spills?

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

MRS. NEWHOOK: Yes, Mr. Speaker, in areas where there are oil spills coming in and where the oil is being collected, our environmental men do go down to that particular piece of coastline or town, as it might be, and they do designate a dump where the oil gobs have been picked up in plastic bags and these bags are taken to a dump site and that site is selected by our environmental officials.

MR. NEARY: A supplementary.

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

MR. NEARY: Would the hon. minister care to indicate the number of dump sites that have been designated in Newfoundland for collecting and dumping oil? And would the hon. minister care to tell the House where these dump sites are located?

AN HON. MEMBER: One is in LaPoile.

MRS. H. NEWHOOK: I would like to take notice of that, Mr. Speaker, I really could not tell just off the top of my head where all of these are but I know they have been designated as and when necessary.

MR. S. NEARY: Mr. Speaker, I gather then from the hon. -

MR. SPEAKER: (Simms) Is this your final-

MR. S. NEARY: No, not final, Sir.

- minister that there had been a number of sites designated, the minister is going to undertake to get the information for the House. Would the minister also undertake to find out if on the location of these dump sites there are any bakeapple grounds, there are any wildlife or any blueberry grounds or any marshberries on the -

MR. MORGAN: Any mushrooms, 'Steve'?

MR. S. NEARY: Mr. Speaker, why does not the hon. gentleman go down to Bonavista and look after his beer tavern?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! The hon. member from LaPoile has his supplementary question, I believe.

MR. S. NEARY: Would the minister care to find out all the information that I just asked for in relation to these dump sites and - this is the first indication we have had, by the way; the federal government have been very tight-lipped and refused to give the information on where these dump sites are located. They say it is the responsibility of the Province - give the information, where they are located, are they on swamps or are they in areas where you have lots of gravel, lots of fill and so forth and what is involved, whether it is backapple grounds, marshberry grounds, whether the wildlife is affected, would the minister get all this information for the House?

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

MRS. H. NEWHOOK: Yes, Mr. Speaker, I would be very

MRS. H. NEWHOOK: delighted to do this but to the best of my knowledge I think these are already designated dump sites or adjacent to them.

MR. SPEAKER: (Mr. Simms) The hon. member for Bonavista North.

MR. L. STIRLING: Thank you, Mr. Speaker. I have a question for the Minister of Transportation and Communications, It has to do with the long talked about causeway to Greenspond. I wonder if the minister can bring us up to date on the present state of the discussions on that causeway to Greenspond?

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

MR. C. BRETT: Mr. Speaker, it now appears that a causeway from the mainland to Greenspond Island is economically feasible and we have been discussing that with the federal government in the last little while. I think the hon. member, I think what he wants me to - his question really is are we going to close off the tickle completely or what? The answer to that is no. That was proposed in the beginning because to allow an opening that some of the fishermen in the area are requesting, and the federal government suggested, would make the cost of the causeway prohibitive.

We have gone back with a counter proposal and we have suggested that the cost would not be prohibitive if we have an opening twenty feet high from low water mark and seventy-two feet wide from low water mark. So this is where it stands at the moment. Some objections have been voiced by fishermen up in that area; only this morning I met with a delegation from the Island and they are in the galleries right now. I think our counter proposal would be sufficient for smaller boats, the people who fish for squid, lobster, this sort of thing, but it would not permit longliners to use the opening, it would be too small for that. But it is only about ten minutes to go around the Island. So we are discussing it with the federal government, we think it is economically feasible and I hope we can do it.

MR. L. STIRLING: Supplementary, Mr. Speaker.

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

MR. STIRLING: Mr. Speaker, I do thank the minister. I had indicated I was going to ask that second question, and it is one of the supplementaries I can now pass on.

In view of the announcement already made by the Minister of Mines and Energy (Mr. Barry), reporting on the hydro prospects this year of putting in electricity, the proper connection there, one of the factors that was causing that to be held up was the decision on the causeway. IS there any indication that we will be able to proceed with the causeway in the next construction season, or at least the decision to proceed with the causeway so that the other things can follow in the next construction season?

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

MR. BRETT: My last correspondence with the federal minister was on the 20th of October, I believe. I have not received a reply since, but we are hoping that we will soon get an answer because there is \$1 million allocated for repairs or whatever to the ferry terminals on that ferry service, and certainly, if we intend to build a causeway, then we will not spend the \$1 million on upgrading the terminals. So I think it is fairly important that we get a decision from the federal government, hopefully before the end of the fiscal year, which would then help us to decide. If we are not going ahead with the causeway, then we certainly have to upgrade the ferry terminals. We are hoping to get an answer probably within the next month or so.

MR. STIRLING: Mr. Speaker, a supplementary.

MR. SPEAKER: A final supplementary, the hon. the member for Bonavista North, followed by the hon. the member for Terra Nova.

MR. STIRLING: Do I take it that from the provincial government's point of view, providing you can get the federal government's okay that funds at least are allocated in the next construction season to proceed with it, that the provincial government has made a commitment to proceed if they can get federal government approval and financing?

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

MR. BRETT: No, Mr. Speaker, that is not so. This is all happening at a department level, not at a Cabinet level, not at the government level, so if we got approval from the federal government then I would assume that it will be worked out between Intergovernmental Affairs, but there is no money allocated as such, not at the moment.

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

MR. LUSH: Mr. Speaker, my question is also directed to the Minister of Transportation and Communications (Mr. Brett). It is related to the subsidization of the intra-provincial ferry services. I understand that in this year there was a change made in the subsidization system, and my question to the minister is, Could he briefly indicate to the House how the subsidy system is now structured in terms of which government, the federal government or the provincial government, which government pays what?

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

MR. BRETT: I was not aware of any change this year. We are working on a five year -

AN HON. MEMBER: We are going to get it, I believe.

MR. BRETT: Yes, we are trying to. the federal government accepted a base year, 1977 to 1978, and five years after that they are getting out of the ferry system altogether. It is operating on a 75/25 per cent deal now with the federal government paying 75 per cent of the cost. Included in the agreement was X number of millions of dollars to upgrade the ferry terminals, but I am not aware of any change this year from that.

MR. LUSH: Supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. the member for Terra Nova.

MR. LUSH: That is the change. Whether it was this year or the year before last, that is the change,

Mr. Lush: because, previous to that, my understanding was that the Federal Government paid the thing full, 100 per cent. And now it is 75/25.

MR. ROBERTS: That was the one that 'Morgan' negotiated (inaudible).

MR. LUSH: In view of the fact that as the system is now changed whereby the Province pays 25 per cent and the Federal Government pays 75 per cent towards the cost of operating these ferries, under whose jurisdiction now do these ferries fall? Previously it was under the CTC, and I am thinking in terms of ensuring that regulations are enforced respecting the safety and the adequacy of these ferries, and with respect to fares. Which body now controls that? Is it still under the CTC? But in view of the fact that the Province now has a controlling interest in it, do they have some control?

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

MR. BRETT: I am not sure if the increase in fares comes under the CTC or not. But I know the safety, this end of it does. If there is an increase in the rates being charged by a ferry, as of the beginning of this agreement, then the Federal Government will not share it. They will pay 75 per cent of the cost of the ferry service as it was in the base year, which was 1977-1978. Any increase in the five years from that, the Provincial Government would have to pay the full cost.

MR. LUSH: A supplementary, Mr. Speaker.

MR. SPEAKER: A final supplementary, the hon. member for Terra Nova.

MR. LUSH: Has it not been a concern to the minister that these intraprovincial ferry services are under the CTC, which is so far removed from the Province? I ask the question, of course, because I have a ferry service in my own district in St. Brendan's, and when there is a complaint about the system, you know, these people

Mr. Lush: to go to Ottawa is just too, too far away. And so my question to the minister, has he not undertaken to see that these ferry services are put under some Provincial regulatory body?

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

MR. BRETT: Mr. Speaker, there are a lot of areas in which the Federal Government has complete jurisdiction, and we would like to have some, if not, all of it, and the CTC is only one. We would like also to have some of the jurisdiction that the CRTC has. Once we are paying the full shot for the ferries then I would assume that we will responsible for them.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Well, if there are no other members standing to ask a question, I will allow the hon. member for Terra Nova (Mr. Lush) another supplementary.

SOME HON. MEMBERS: Oh, oh!

MR. LUSH: The subsidization obviously is offered because the margin of profit and the operating of these ferries is not very much. So I am wondering what happens in the event, where a ferry service is inadequate? Are there any special considerations? Are there any special grants whereby a new ferry can be purchased? And I ask the question again because of the inadequacy of the St. Brendan's ferry service. And they have petitioned the minister in terms of getting some higher subsidy or higher grant or a grant to purchase a new subsidy. So are there any special considerations for this?

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

MR. BRETT: Mr. Speaker, we would be the last ones to say that every ferry service we have in the Province is adequate. I think most people who travel on these ferries will tell you that they are not adequate and they are always coming to government for larger ferries or better service, whatever, and we are very happy to negotiate with the owners in every case. And, of course, if per chance the service is increased, whether it is buying a new ferry or whatever, then the government subsidies automatically go up.

MR. SPEAKER: The hon. member for the Strait of Belle Isle, followed by the hon. member for Windsor - Buchans.

MR. E. ROBERTS: Mr. Speaker, now that my colleague for Terra Nova (Mr. Lush) has finished, I have a question for the hon. the Minister of Consumer Affairs and Environment. It is a matter for which I gave her notice several days ago, she must be in a position to answer this now. The question is with respect to the possibility of the substance PCB at St. Anthony where there was formerly an American Air Force radar site comparable to the ones which existed formerly at Hopedale and Cartwright on the coast of Labrador, and since there have been PCB found in Hopedale and Cartwright, and since I am told they are a very dangerous substance, there is naturally some concern in the St. Anthony area as to whether any such material or substance was used at St. Anthony when the American Air Force were there. I wonder if the minister could tell us whatever she might know about this, and if she has not had a chance to get a report, could she tell us when we might be in a position? There is some considerable public concern in the St. Anthony area and I would say to the minister that the site at St. Anthony is accessible to the public; you know, people can

MR. E. ROBERTS: get up there if they wish and so if there were substances there, there certainly would be a potential danger and some action ought to be taken to correct it.

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

MRS. H. NEWHOOK: Yes, Mr. Speaker, our environmental officer was in St. Anthony around the end of October. He did inspect the outside of this particular facility and he reported that there was no sign of any PCB oil spills or, in fact, any PCB transformers. He did say that the buildings were in very deteriorated conditions, he did not go inside because to him it appeared to be dangerous and he has gone back there. As a matter of fact, I think he was up there yesterday -

MR. E. ROBERTS: Down there.

MRS. H. NEWHOOK: He is back again now, yes. Okay then. And he said that he was going to get some officials from the town to go in with him and go inside these buildings and make an inspection. Now I have not received his report since he came back.

MR. E. ROBERTS: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. member for the Strait of Belle Isle.

MR. E. ROBERTS: Thank you, Mr. Speaker. I thank the minister. I wonder if I could ask her whether she would undertake to make a statement, either here in the House or perhaps to the council at St. Anthony or to me as the member for an area which includes the community of St. Anthony when she gets a further report

MR. ROBERTS: from her inspector, can she undertake to make a report public, or a statement, hopefully the result of which will be to assure people that the area is safe, but if that is not the case to let people know where the matter stands and what further action will be taken? Can the minister undertake to make that statement either here in the House or outside if she wishes?

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

MRS. NEWHOOK: Yes, Mr. Speaker, I shall be pleased to do this and I should have that by Monday.

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

MR. FLIGHT: Mr. Speaker, my question is to the Minister of Forestry. Would the minister indicate to the House whether or not they have worked out yet the agreements with Price (Nfld.) re timber limits or supplies for the Linerboard mill? I am thinking particularly of the Crown limits that will be passed over to Abitibi Price to sustain the timber requirements for the Linerboard operation.

MR. SPEAKER: The hon. Minister of Lands and Forests.

MR. MORGAN: Mr. Speaker, the company Abitibi Price, in meetings with them over the past few weeks, has been given the assurances of adequate wood supplies for their mill in Stephenville. Under the existing agreement, passed through this House here last year, we have to have the wood supplies allocated by the end of this calendar year, '79. We have allocated these wood supplies to them, or assured them of wood supplies as indicated by the agreement. However, we do have some concerns as the Department of Forestry, in connection with any possible adverse effects on the sawmill operations in some of these respective areas, particularly along the areas of the Northeast Coast of the Province and we are now in the process of talking with the company. In fact, this coming week I will be meeting with the company senior officials in Toronto and discussing with them the possibility of obtaining,

MR. MORGAN: number one, assurances that the sawmillers will not be adversely affected, or number two, we could rearrange the areas of the Province where licences can be, or may be in this case, under the agreement may be requested by the company.

So to answer the question again briefly, number one, there is adequate wood supplies for the mill for twenty years. Number two, we want to make sure there is no adverse effects on the existing industry, in this case the lumbering industry using wood supplies in the areas of the Province.

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

ORDERS OF THE DAY:

MR. SPEAKER: Motion 1. Moved by the hon. the Premier.

The hon. Premier.

PREMIER PECKFORD: Mr. Speaker, it gives me a great deal of pleasure this morning to stand in my place to move this motion. It is a motion dealing with the establishment of a select committee on the flag.

It reads, "Be it resolved that a Select Committee of this hon. House be appointed to inquire into and to hear evidence on all matters relating to the adoption of a flag for the Province and to recommend a specific design therefor.

"Be it further resolved that the Select Committee have power to sit at all times whether or not the House is in session, adjourned or prorogued, and in relation to the matters to them referred, the power to send for persons, papers and records.

"And be it further resolved that the Select Committee report back to this hon. House with its views or recommendations in connection therewith on or before the 30th day of April, 1980."

PREMIER PECKFORD: Now, Mr. Speaker, the reason why the government is going this route, number one, let us perhaps say that there is a fair body of opinion in the Province which says that we should have our own distinctive flag. I think most people who share that opinion also would go on to say that that is not to in any way try to diminish the roles that various patterns, designs, or existing flags have had in our long and somewhat turbulent history, and that undoubtedly the Select Committee or whatever might recommend certain of those designs being part of a more distinctive flag. But I think it is fair to say, number two, that it is a highly emotional issue obviously, and therefore one reason why we have taken this route, besides the fact that I feel strongly about issues like this, having a full opportunity to be aired and to give the

PREMIER PECKFORD: members of the House of Assembly, duly elected, an opportunity to perform some of the functions I think they were elected to perform, and that is to travel around the Province and to get involved in these kinds of issues. Therefore, we think, as a government, that this is the proper route to take.

I guess the group in the Province which is most strongly in favour of some distinctive flag is, perhaps, the sports fraternity, generally speaking. In the last four or five or six months, just about everywhere I have gone as it related to a sports activity, and I think particularly when I went down to the Lions Park here by the St. John's Curling Club to open the Senior Softball Championships that were being held. There were 3,000 or 4,000 people in the stands, it was a beautiful evening and the lights all around, the sun had just dipped below the hills, and it was a very, very glorious spectacle. The flags were paraded out, the various teams accompanying the flag bearer, and ours came along. There were quite a few people who came to me during that ball game and others of those ball games that I attended, who expressed the view that they understand and appreciate the Union Jack, that perhaps it should be always a part of our flag, but that we should have somewhat of a more distinctive flag.

I have, of course, as most hon. members would realize, heard - and I guess some of the members have themselves - from the various groups around the Province who have a certain commitment to a certain design, who have put their feelings forward. I think it is much better done in this more non-partisan way than to do it individually and on an ad hoc basis or for the government to just submit a bill to the House and to try to 'ram it' through. I think it is better to go this route and to fully air the issue and allow the committee then to make a report.

I will not go on any further on it. We all recognize, I think, members of the House and citizens of the Province, that it is a highly emotional issue. It is one that I, personally, do not like - because it is an emotional issue - to

PREMIER PECKFORD: back away from, I would like to try to hit it head on, and I think the House here has an obligation to do that. And I hope we are doing that by the establishment of this committee and putting time frames on it so that it just does not go on endlessly, so we do have a report. And it is really at that time that I think all members of the House will then have an obligation and a responsibility and the opportunity to fully debate then the merits or lack thereof of the principle of a distinctive flag, as well as the report that the Select Committee submits to this hon. House, and that today it would be, perhaps, most opportune and appropriate for all of us in a brief period of time to just get this motion passed so that the Select Committee can be established and get on with putting a schedule of meetings in place and getting the report in by the end of April.

Mr. Speaker, I wish to nominate the members of the Committee. The hon. the member for St. John's North (Mr. J. Carter) will be the Chairman; the hon. the member for Menihek (Mr. Walsh); the hon. the member for Kilbride (Mr. Aylward); the hon. the member for Fortune - Hermitage (Mr. Stewart); the hon. the member for Port au Port (Mr. Hodder); the hon. the member for Grand Bank (Mr. Thoms); the hon. the member for Eagle River (Mr. Hiscock).

So moved, Mr. Speaker.

MR. SPEAKER: (Simms) The hon. the Leader of the Opposition.

MR. JAMIESON: Mr. Speaker, like the Premier, I have no intention of debating this matter today. I think it is quite appropriate to just put this Committee in place. Such discussion as there may be will undoubtedly occur before the Committee itself, and when the fruits of their labours are returned to this Chamber. Given the one anecdote used by the hon. the Premier, I have one which has caused this matter to be in my mind ever since, indeed, we said good-bye to Lester Pearson. And it is rather appropriate that it should come at this particular time when, indeed, twelve years later, the same kind of process is underway.

MR. JAMIESON: My daughter was chosen, as a young person, to carry the provincial flag. And I recall the ten others - or eleven, including the two territories - all having something and her quite awkward and rather embarrassed situation when she had to keep explaining that there was nothing there that showed that this was from Newfoundland. It has been in the back of my mind ever since. In addition to that, of course, in my travels about the world, it has always been somewhat difficult to explain the situation. So therefore, from a personal point of view, I think it is wise. I think the time has come for us to get this matter settled, and I am delighted to second the motion.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Simms) It is therefore moved and seconded that Motion One be adopted. Is it the pleasure of the House to adopt the said motion? Those in favour, 'Aye', contrary, 'Nay', carried.

It is understood that the names of the Committee members, as presented, would be included in that motion. Agreed?

SOME HON. MEMBERS: Agreed.

MR. MARSHALL: Order 2, Bill 1.

MR. SPEAKER: Order 2, Bill 1, continuing debate. Committee of the Whole on a bill, "An Act To Reform The Law Respecting The Property Of Married Persons."

On motion, that the House resolve itself into Committee of the Whole, Mr. Speaker left the Chair.

COMMITTEE OF THE WHOLE

MR. CHAIRMAN: (Mr. Baird)

Order, please!

Yesterday a point of order was raised in relation to Bill No. 1. The point was made that Clause 44 of the bill was not in order because it did not come within the ambit of the bill. With reference to this point, I quote from May's Parliamentary Practice, page 477, "In preparing bills, care must be taken that they do not contain provisions which are not authorized by the notice of presentation or the order of leave. The title of the bill must correspond with the notice of presentation and the bill itself must be prepared pursuant to the order of leave and in proper form. If it should appear that these rules have not been observed, the bill must be withdrawn. Such objections, however, should be taken before the second reading". In this case, I do not think that Clause 44 goes beyond the scope of the bill, the bill was introduced as a bill, "An Act To Reform The Law Respecting The Property Of Married Persons". Clause 44 amends this section of the Intestate Succession Act that provides for what happens to the estate of a spouse with no children. This clause results in the reform of the law respecting the property of married persons, the ruling is there is no point of order.

Shall Clause 44 carry?

MR. E. ROBERTS:

It is arguable but I believe the

ruling has settled it.

On motion Clause 44 carried.

On motion Clause 45 carried.

MR. CHAIRMAN:

Shall the short title carry? Carried.

Shall the enacting clause carry? Carried.

"A Bill An Act To Reform The Law Respecting The Property Of Married Persons". Shall the long title carry? Carried..

On motion, Bill No. 1 carried with amendment.

On motion that the Committee rise and report Bill No. 1 passed with amendment and ask leave to sit again, Mr. Speaker returned to the Chair.

November 23, 1979

Tape No. 1321

SD - 2

MR. SPEAKER: (Mr. Simms)

The hon. member for Humber West.

MR. CHAIRMAN: (Mr. Baird)

Mr. Speaker, the Committee of the Whole has considered the matters to them referred and has directed me to report Bill No.1 with amendment and ask leave to sit again.

MR. SPEAKER: (Mr. Simms)

The Chairman of the Committee of the Whole reports that it has considered the matters to it referred and direct him to report Bill No..1 with some amendments.

On motion, report received and adopted.

On motion, amendment read a first

and second time,

MR. SPEAKER:

time?

When shall the bill be read a third

SOME HON. MEMBERS:

Now, by leave.

MR. SPEAKER:

Now, by leave.

It is moved and seconded that the said bill be now read a third time. Is it the pleasure of the House to adopt the said motion.

MR. D. JAMIESON:

Mr. Speaker.

MR. SPEAKER:

The hon. Leader of the Opposition.

MR. D. JAMIESON:

I hope that there is no fear and trembling on the opposite side that we are going to launch into a whole series of lengthy interventions or

Mr. Jamieson: comments upon this bill. I think, however, it is an historic bill. And, I think, the House is to be congratulated, members on all sides, for the manner in which this debate has been carried on. I want particularly, as Leader of this Party, to express my appreciation to the hon. member for Grand Bank (Mr. Thoms) and the hon. House Leader (Mr. Marshall), who, I think, demonstrated in a most clear and concise way the importance, indeed, of clause by clause study, and the ability of this process to bring out things, which even the most skilled minds and even the most competent legal talent do not always find.

And it is only on that one single point that I wish to say a brief word during this third reading debate, and I want to reassure the House that it will not be lengthy and it will not be in any sense contentious. The thing that has concerned, I believe, members on all sides of this House from private conversations and from the speeches that have been made, is, first of all, the monumental nature of the legislation. We have talked about it as being a turning point, we have talked about it as being a major reform, and, I think, all of these are unquestionably correct definitions or correct assessments of what we have done here.

The second point, of course, is that there is scarcely a person in Newfoundland, certainly when someone said there is not a married couple, it was interjected that there is scarcely a person, an adult in the Province, and indeed, I suppose, one could go so far as to say, the children too are affected in a very real way by this bill. And I would hope that it will be in a beneficial way.

What is of the deepest concern to me, and I say it because I know that it is something which others are worried about as well, is the fact, that perhaps because the bill is so complex, and also, perhaps, because even though there may have been some frustration here that time was taken, we are still only two weeks into this session with all of the other matters that have been discussed, therefore, it

Mr. Jamieson: is clear to me that, except for those with a very special interest in the bill, except for those who have had the opportunity and perhaps, indeed, an interest in following it through, that it has not been widely publicized, it has not been totally outlined or explained.

I can understand all of that. I have some regrets that, in fact, first of all, that for whatever reason the media have not really given it the kind of specific point by point coverage. Also, it is a matter of regret to me, as well, and I suspect regret shared by all members of this hon. House that, in fact, the public's interest in it is not as great as it ought to be or as great as it ought to have been. I have had the experience and I would suspect and, indeed, I would defy any member on this or the other side of the House, particularly those who are in rural constituencies, to go into their constituencies on this weekend and to generate an intelligent discussion upon these measures. The fact is that they are not well-known to the vast majority of the people of this Province. And in some instances at least, and certainly it is not an anti remark with regard to the bill, in some instances at least, when I have sought, and I hope I have demonstrated in the debate that I can be objective about it, when I have sought to outline many of its provisions I can only tell hon. members opposite, and incidentally, again, I believe, share with them that there has been a reaction from those people to whom I have been speaking, which has said, in effect, "When did all of this happen?" And, unfortunately, we are going to have to do a great deal more by way of putting this in good simple, solid, straightforward language. Because if that is not done, and incidentally I will come to the comments that were made by the Minister of Justice (Mr. Ottenheimer) in just a moment, but if that is not done I know and I have had, like many colleagues in this House, the experience on other matters of law of suddenly finding at a moment of crisis and, particularly, at a moment, say, of bereavement or immediate post-bereavement, I have found good, honest, decent people who were completely unaware and who suddenly discovered themselves in an

November 23, 1979

Tape 1322

PK - 3

Mr. Jamieson: intricate situation which was going to cause them considerable difficulty and they simply did not know what to do about it.

MR. JAMIESON: I have no intention, I emphasize this morning, of rehashing the specifics or anything of that nature, I think we have all demonstrated within this party that the principle of this bill, and indeed now the clause by clause study of the bill, has been comprehensive. There are reservations, let us not delude ourselves for a moment, and they are not all shared by one particular group of citizens, whatever their sex or whatever their status. There are real reservations about this bill. Let us hope that most of them come from ignorance or from a lack of knowledge. Let us hope that that is what it is.

But what I want to say in conclusion, Mr. Speaker, is that it is not going to be good enough to wait until this bill becomes law, which I believe is either the 1st. or the 31st. of July, in any event in six months time or so. It is not going to be enough to wait until it is proclaimed and is actually in operation to have, and I do not think I am using an excessive word here, a massive programme, a massive programme, of informing people of what is happening.

I know myself, and I am honest enough to admit it, that I have not a clue what this is going to do in my own personal case. I do know this, that it is going to change totally all of the planning and the skillful planning which lawyers and others have done on my behalf. I know that. But it is going to take some time for me to sit with the various people who do these kinds of jobs for me and say, "All right now, where do I stand?" And that comes, by the way, from a man, let me assure you, without being in the least emotional or sentimental, who if his wife wanted the whole works, I have enough appreciation of her that there will never in my judgement be any problem between me and her with regard to cost sharing or anything of that nature.

MR. JAMIESON: After thirty odd years that is not the problem. There are not going to be any great rows in the Jamieson household. But she herself, if I can for a moment be personal, says, "What do I do now? What is the situation? Where do we go?" Now, if that is so, of someone who has participated in this debate, if that is so of someone who has had the opportunity, over the years, of skilled advice in dealing with these matters, I emphasize with all of the enthusiasm that I am capable of, that there are hundreds of thousands of Newfoundlanders who are going to be caught unless we do something more than just simply say, "Here is a little brochure," or "Here is an ad in a newspaper," or "Here is a thirty second or a sixty second clip on the radio." This is something which is going to require, I suggest to hon. members, very careful and immediate attention. Because, I believe it was my friend from the Straits of Belle Isle (Mr. Roberts) who mentioned it, it does mean that an enormous number of wills, for instance, are going to have to be changed. I cannot, as indeed I had done, leave certain properties by total agreement of the family. I have had over the years a splendid family relationship and we sit and discuss and we had our own plans which, insofar as I personally was concerned, were satisfactory and were satisfactory to them. Now, I have to go back over that ground, and forgive me for using my own example, but I think it is the best way I know to bring home to this House and to the public of Newfoundland that this is a very major change that has taken place. It not only, as my hon. friend from LaPoile (Mr. Neary) said, and I think said with reason, it not only flies in the face of the legal traditions of this Province, it makes significant and massive changes in what I might describe as the traditional attitudes of this Province. And I have no quarrel with that. We must not be dragged screaming into the twentieth century, as somebody once said in terms of the acknowledgement of the balanced rights of individuals of whatever sex or whatever status, but at the same time we cannot delude

MR. JAMIESON: ourselves. Indeed, I was surprised not merely in discussing this with what I might describe as my rural constituents, how little was known about it, I had occasion a few nights ago to attend a function here in St. John's of, I would say, some of the (a) best informed, and (b) best heeled people of this Province, and I was again surprised to discover that it has, for all practical purposes, gone over the heads of a great many of them. And without wanting to be in the least bit alarmist, I honestly believe that the government has no bigger responsibility in the social field, and by the way, I suppose one could even argue that this is an economic measure also, and no bigger

MR. D. JAMIESON: responsibility in the social field in the immediate future, than to have a thorough, in the best way in which they know how, a thorough capacity to let the public of this Province know. And incidentally, Mr. Speaker, the reason I say this and the reason I believe that it must happen now is because, by the very nature of this Act, in many cases it will start to have an impact almost the instant that it comes into effect. I do not quite know how the transition is going to take place. If, for instance, a spouse were to die on the second, third or fourth day after this has happened - I am not getting back into the nitty-gritty of the Bill - where is the provision if they say, "We have not done this and what is going to happen?" Again forgive me, but it is so deeply embedded in me, this conviction about this, that I want to illustrate one or two points. I know in my own constituency of a family with two retarded adults in their twenties and there is an agreement to which the wife totally subscribes, that one of the children is to get the home on the understanding, for instance, that they are going to look after the two retarded children and that they will ensure that they are taken care of. I am not saying the Bill prevents that, what I am saying is that that family - I must be able to say to them or someone must be able to say to them, 'Look, here is the way in which you ensure that your intentions with regard to your property are met'. I emphasize once, again I am not interested in the least in going back on the principle of that but these are the sorts of questions, and in these two weeks alone that I have been involved here, I have encountered at least, and I will not exaggerate, seven or eight cases all of which can be classified as being separate and distinct, that will need to have the public, in those cases, informed.

Now, my final point is I would ask the government if it is not perhaps sensible in the first instance not only to have a, what I would describe as, massive publicity campaign but that it might not be a bad idea, even if it is informal, we do not, perhaps, have to strike a committee of this House, but we are all men and women of good will and it might not be a bad idea for a non-

MR. D. JAMIESON: partisan group of members who will share the same problems in terms of their constituencies, to sit down and perhaps offer to ~~some~~, whichever minister it is going to be who is responsible, some ideas as to how this might best be done. Because I do not feel for a moment that we are now through with this measure. I think that we have made the historic point, we are quite prepared, as I have indicated from the beginning, to allow third reading without any additional debate, but I caution the government and I caution it in what I describe as the kindest possible way, the least partisan way I can think of, that if it does not wish to have a tremendous problem on its hands in a very short period of time after this measure is introduced, that I hope that they will take my words to heart, and that during the next days and weeks and as soon as possible that we would put together a plan through which we can ensure that every last person in Newfoundland knows in simple language, not this - you cannot put a Bill alongside the family Bible in the parlour and expect that the ordinary Newfoundlander is going to understand it. It has got to say, 'Look, here you have a will and this is what you must do or must not do, or, you have committed the house to somebody else. This is what you must do'. Do not assume they are all against it but tell them in the clearest language what is necessary if this measure is to have in the last analysis the impact and the positive impact that we all want for it. If this is not done, Mr. Speaker, if this is not done and done now, then what we have thought about as being positive and progressive and forward looking legislation may turn into, not only a nightmare but one of

MR. JAMIESON: the most ghastly mistakes that this government or any other government of this Province could possibly make.

Thank you.

MR. ROBERTS: Well said.

SOME HON. MEMBERS: Hear, hear!

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

MR. MARSHALL: Mr. Speaker, I would like to address a few words to what the hon. Leader of the Opposition said. First of all, in his initial remarks I would like to agree with him that the debate on this bill has been a very good and far-reaching debate in the House itself, and the speech that the hon. Leader of the Opposition (Mr. Jamieson) gave a moment ago was, I think, one of the high points, really, of the debate itself and I think the remarks were very well made and certainly, as far as government is concerned, government will be bearing them in mind.

There is no doubt, Mr. Speaker, that this is a monumental change with this bill. It has been styled as revolutionary but I would not really feel that it is -

MR. ROBERTS: Evolutionary.

MR. MARSHALL: I know, I would even say evolutionary but the very long deferred process of evolution. And it is, in our view, and sincerely in our view, a very beneficial measure that has been now enacted into law without getting again into the principle of the bill. And prior to the enactment of this bill, matrimonial assets could be owned all by one person unless there was an agreement. All this bill, well, it says other things, but the very gist of this bill says now, instead, matrimonial assets will be owned equally unless there is an agreement. I think that is something that can be borne in mind.

MR. ROBERTS: Prior to this if there was bad faith, one party could (inaudible)

MR. MARSHALL: That is right.

Now, you know, the provisions are complex as we have seen. There is no doubt about that and there is no doubt about there is a need for - of all the bills that have gone through the Legislature in recent times, you know, really affecting the rights of individuals, I would say this is one which affects them the greatest, that publicity needs to be given to the bill. We have already attempted to do this. Eighteen months before it was brought in there was information given with respect to the intention. I do not need to go through the various attempts that have been made to publicize the bill over the past few weeks, and few months, and over the past year, the House is aware of it. We are also aware of the fact that people - there is a surprising lack - not surprising, I think surprising is a wrong word, people just do not pay attention to matters such as this until the full import and effect of them are visited upon them and this will not occur until July 1st.

So we are very, very much aware of the necessity to publicize and we intend to publicize the effects of this bill in the most efficient manner possible and, of course, we will value any suggestions that any member of this House, as a matter of fact any person, may make to assist us in getting this message across in the most effective manner possible.

I think the hon. Leader of the Opposition (Mr. Jamieson) will realize, probably better than all of us, through his experience in the field of communications, how difficult it is to communicate messages of this nature to the general populus, but certainly it is the intention of government to do so. So with these remarks, Mr. Speaker, I conclude and thank all members of the House, particularly the members opposite and the Leader of the Opposition, the member for Grand Bank (Mr. Thoms), and the

MR. MARSHALL: member for the Strait of Belle Isle (Mr. Roberts), particularly, for their constructive contributions to the debate in this matter.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act To Reform The Law Respecting The Property Of Married Persons," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 1)

MR. SPEAKER (Simms): Order 32, Bill no. 58, second reading of a bill, "An Act To Amend, Revise And Consolidate The Law Relating To The Establishment And Administration of Municipal Government In The Province."

Hon. members will recall that the last day this was debated there was an amendment proposed. I have since ruled the amendment was in order and debatable. I would like to, before debate begins, just read the motion so we have it on the paper.

It was moved by the hon. member for the Strait of Belle Isle (Mr. Roberts), seconded by the hon. member for Fogo (Mr. Tulk), an amendment that all the words after "that" be deleted and subsituted with the following, "Bill 58, "An Act To Amend, Revise And Consolidate The Law Relating To The Establishment And Administration Of Municipal Government In The Province not now be read a second time but that it be read a second time this day six months hence."

The hon. member for the Strait of Belle Isle.

MR. ROBERTS:

Mr. Speaker, the amendment which Your Honour just read is commonly known as the six month hoist in parliamentary terms and it, as Your Honour has ruled, is a legitimate -

MR. SPEAKER: (Simms)

Order, please!

If the hon. member would give me about thirty seconds, I would like to just check a reference related to the ruling that I made the other day.

MR. ROBERTS:

Is something happening? I mean, it is -

MR. SPEAKER:

Yes.

Order, please!

There is a question arising as to whether or not the mover of the amendment, if he has already spoken on the main motion, may speak on the amendment again. I believe I gave a ruling the other day that he could not if he had already spoken on the main motion.

MR. ROBERTS:

Mr. Speaker.

MR. SPEAKER:

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

MR. ROBERTS:

I am sorry, Your Honour, I was not here the other day when that motion was made.

MR. SPEAKER:

It was not a motion, it was a ruling.

MR. ROBERTS:

I am sorry - when that ruling was made. But was that the ruling that was given?

MR. SPEAKER:

I do not have it right at my hand.

MR. ROBERTS:

I cannot quarrel with the ruling, but I would say I would consider it unusual. The precedents of this House are more than clear that a person who moves an amendment has the right to speak on that amendment.

AN HON. MEMBER:

Yes.

MR. SPEAKER:

I would like to adjourn for a couple of moments just to check the ruling that I did make. I want to be clear in my own mind.

MR. ROBERTS:

Sure, okay, but, I mean, was the matter argued out here?

November 23, 1979

Tape No. 1326 EC - 2

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER: (SIMMS)

Council.

The hon. the President of the

MR. MARSHALL:

If it would help, Mr. Speaker-

Your Honour may like to recess for a moment to consult the rulings for your own mind - but it is my impression that if somebody moves an amendment, even though he has spoken in the debate, in the course of speaking, he is allowed to speak to the amendment.

MR. ROBERTS:

Yes, that has always been my-

MR. MARSHALL:

Maybe the Speaker wishes to adjourn.

MR. SPEAKER:

I do not wish to hear more debate at this point. What I would like to do is take a couple of moments just to check what the ruling was. Is that agreed?

MR. MARSHALL:

I just wanted to make it clear, not make an issue.

MR. ROBERTS:

NO, and I was not even aware- Had the point been argued?

MR. SPEAKER:

I will adjourn for a couple of moments.

MR. SPEAKER: (SIMMS) Order, please! I wish, first of all, to apologize to hon. members but I did want to check Hansard for the ruling that I made the other day. I found out that my ruling was correct but that my mind was not really certain of what the ruling was. The ruling is that the hon. member may not speak to the main question again having spoken to the amendment. The hon. member for the Strait of Belle Isle may carry on.

MR. E. ROBERTS: Thank you, Your Honour. And not only have I no right to speak to the main question again and so I will not but I will be quite brief on what little I have to say at this point in time.

And, of course, there is a very technical point which I think Your Honour would appreciate. My learned friend for Waterford - Kenmount (Mr. Ottenheimer) once tumbled into a pitfall that hon. members would be well advised to avoid when it comes to moving amendments. The other day when I moved the amendment I said that I was seconded by my hon. friend from Fogo (Mr. Tuik) and my hon. friend from Fogo was smart enough not to say 'I second it', because if he had said, 'I second it', that would have been his speech. And as I recall it when the Minister of Justice (Mr. Ottenheimer) was Leader of the Opposition many, many years ago, many Leaders of the Opposition ago, he once seconded a motion made by one of his colleagues and that was held to be his contribution to the Throne Speech debate which was technically correct, it may have been a little narrow-minded but be that as it may.

Mr. Speaker, now that we have ruled that (a) the motion is in order or the amendment is in order (b) that it is debatable, (c) that I may speak for a few moments, I think I would be allowed thirty, in fact, but I will not take the thirty. It is necessary for me to say a few words. The amendment, as I began initially by saying, is the six month hoist. If it were to be accepted by the House and I predict that it will not be, I think the minister has made it clear that he and his colleagues without any difficulty have decided not to support this amendment and since there are more

MR. E. ROBERTS: of them than there are of us the amendment will die. In fact, it may not even be necessary to put it to a vote. But the amendment, even if it were to be accepted, would not defeat the Bill, it would delay its passage by the House. That is not the same as delaying its coming into force, The Bill provides in section 648, from memory, that the Act is subject to proclamation. I am not sure if the minister has indicated at what point the Act will be proclaimed but if he has not I think it is a matter to which he should address himself and I hope he will make some statement of the government's position.

Some of my colleagues are going to speak and they will speak with considerably more detail and considerably more knowledge, in fact, than I do on this particular point. But I understand that there are going to be very real, not difficulties, but very real matters to be discussed and dealt with in implementing the changes under this Bill and that is only to be expected. The Bill is a major administrative change, there are some policy changes in it as well and I think we on this side are very much concerned.

Now, Mr. Speaker, I do not intend to go on at any greater length as to whether the Bill ought to be accepted now or ought to be put off until later. Our reason for moving the amendment was to ensure that all of us on this side had the opportunity to debate it and that we accomplished. The government chose not to proceed with the Bill on Tuesday, they chose instead to go ahead with the Matrimonial Property Act and that was dealt with by the House. If we had known that and I will go on to say that we did not ask, but if we had known it it might have been necessary not to deal with the amendment. We had the impression the government were going to try to close up debate as quickly as could be because nobody on their side rose to speak, Sir, Speaker after speaker on this side rose and said as I did I believe, when I began, Mr. Speaker, 'If anybody on the other side wishes to speak I will let them go ahead and I will speak later,' a yield in the first sense of the word in which Your Honour made the

MR. E. ROBERTS: ruling yesterday, a yield in the sense
of not give up my right to speak but give up my place to speak.
Nobody on the other side rose to speak so we got the impression,

Mr. Roberts: quite naturally that the government were trying to railroad it through and put it through without any further discussion. Since -

MR. J. CARTER: quite erroneous though.

MR. ROBERTS: I am sorry?

MR. J. CARTER: quite erroneous !

MR. ROBERTS: My hon. friend for St. John's North (Mr. J. Carter) says, "It is quite erroneous". I would venture the opinion, Mr. Speaker, with some trepidation, but with great certainty, that the hon. gentleman for St. John's North is the last one in this world to know what the government have in mind. He really is.

MR. NEARY: He got the Royal Order of The Boot
(Inaudible) years

MR. ROBERTS: And I know he will understand the quiet kindly way in which I say that, and I know he will agree with the merit as well as the substance of what I say.

MR. CARTER: It might have been true some years ago.

MR. ROBERTS: I am sorry?

MR. CARTER: It might have been true some years ago.

MR. ROBERTS: Mr. Speaker, the hon. gentleman said it might have been true. It was true when the hon. gentleman was in the Cabinet. It is true that the hon. gentleman - now that the hon. gentleman is no longer in the Cabinet he may again be in the Cabinet. I am sure he would be an ornament to it. He would add lustre, dignity, distinction and generally earn his keep in a number of ways. And he might then tell us about school buses.

MR. SPEAKER (SIMMS): Order, please!

MR. ROBERTS: this is not in order I think it is probably a little ways away from the Community Council section of this Act, but it might be close to Regional Government, Sir, because the question of the savory farm on Mount Scio is one that a regional government could constitute under - Mr. Speaker, it is not difficult to bring almost anything within the bounds of relevancy I assure you.

Mr. Roberts: Mr. Speaker, the point I was making before my hon. friend for St. John's North (Mr. Carter) led me astray, tried to take me up the garden path there to dally with him, amidst the savoury bushes - do they have bushes for savoury? What way does savoury grow?

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: Anyway, Mr. Speaker, the point is -

MR. JAMIESON: - come under Matrimonial Act

MR. ROBERTS: The point is that

MR. RIDEOUT: Cohabitation.

MR. ROBERTS: The point is that we on this side wish to speak, and the major purpose, to be quite candid, for moving the six month hoist amendment was to ensure that we on this side had the opportunity to speak. A number of my colleagues who were about other matters of public business earlier this week, serving the public well, serving Canada well, serving the Nation well, serving this Province well, have now returned to the House to continue to serve well by speaking in this debate.

MR. WARREN: I am going again this week.

MR. ROBERTS: We also want to see - yes, my hon. friend for Torngat Mountains says, "I will be gone again this week" and, again, serving the Province well. And hopefully, and I think with some reason, confidentially, that the result; justice will triumph once again and that right will be done.

Mr. Speaker, there is another reason why this House ought not to rush through this debate and I think it is a very cogent and a very important reason, it is the same reason-or the same reasoning, I would suggest, could have been applied to the Matrimonial Property Act.

We, in this House, ought never to forget, Sir, that we are sent here primarily to be legislators. We have other functions, a member of the House is a welfare officer, and he is a complaints officer, and he may be many things. And some members of the House are members of the Executive Government, members of the

Mr. Roberts: Cabinet. They are members of the Cabinet not simply because they are members of the House, it is possible to be in the Cabinet without being in the House, and it is certainly possible to be in the House without being in the Cabinet.

We sit here as a Legislative Assembly and, in fact, every bill which we enact begins with the words "Be it enacted by the Lieutenant-Governor and House Of Assembly in Legislative Session convened" and we deal with many kinds of legislation. All of it takes the form of Act, but I think it is fair to say that some Acts are more important than other Acts. All Acts are not equal. And some of the bills that come before this House, I would think it fair to say, are of no real importance when all is said and done. They are necessary. They must be enacted into Law. And they are. I could take the Order Paper and point out that of the sixty bits of legislation or whatever it is that stand there today, you know, probably all but a half dozen are really of no long-term consequence in any major sense of the word.

I do not think, for example, well, there is an Act To Amend The Pharmaceutical Association Act on the Order Paper, and as I recall it, that is simply to add a word or two to allow them to expand their council somewhat. Important, but hardly urgent, hardly crucial, and yet it must be dealt with and will be dealt with.

But then we come, Mr. Speaker, to a bill such as this one and bills such as The Matrimonial Property Act which has just been given its third reading by the House. And these, Sir, are major bits of legislation. They may or may not be great reforms, that is a matter of opinion. They may or may not be urgent, that is a matter of opinion. But there could be no argument with the fact that these are major, substantive legislative changes and as such, Sir, it behooves us in this House to examine them thoroughly,

MR. ROBERTS: first, to improve them where we can, secondly, to make known our opinions and thirdly, to ensure that they are debated thoroughly. It is a matter, I would think, where most people outside the House would be quite aghast to realize how little attention is paid to legislation in this House. I would venture to say that of the - I do not know how many bills were on the Order Paper. The Order Paper now has forty-six items on it, forty-five bills in various stages, the forty-sixth item is the Address in Reply - that of those forty-five bills, I will venture to say that there is not more than one or two members who have read every one of them. There may well be members who have read none of them, but be that as it may.

The point I am coming to in my convoluted way, quite an important point, one which I think we all ought to remember, one which I think we all ought to take into account, is that not only ought we to debate matters in this House for the purpose of trying to improve them and expressing our opinions, we ought also, to debate matters in this House so that the people of this Province can be aware of what is being done.

This bill, Sir, the one now before the House and the Matrimonial Property Act, both will have wide-ranging effects, in fact, it is probably fair to say there is no person living in this Province today who will not in some way be affected by the provisions of these bills. One of the reasons to debate them in the House is to let people know what is happening, and I think anyone who observes will agree that it takes a number of days for the press - I am not going to go on an anti-press kick, but I will say that out of my thirteen or fourteen years in the House, the press coverage given this session has been by far and away the worst. And I realize I have probably been in the press more than most members, that may be the explanation for the fact, but the press coverage is abysmally bad. I do not think that anybody who relies only on the press would have any idea of what this House of Assembly is doing.

AN HON. MEMBER:

There is nobody up there.

MR. ROBERTS:

I do not care whether they are up there or not. They are in there listening. In fact, they have probably turned off now because the 1:00 P.M. newscasts are written around Question Period and, you know, we could go on as sort of 'sweet perfume on the desert air' for all the good it does, and yet the fact remains we are in this House making laws that will affect everybody in this Province. This bill will affect 300 and some municipalities in which live, I would gather - What? - eighty per cent of the people of this Province live within the boundaries?

MR. N. WINDSOR:

Eighty-five.

MR. HOLLETT:

Eighty-six.

MR. ROBERTS:

Eighty-five, the minister says, and my friend from Burin - Placentia West (Mr. Hollett) says eighty-six, and he is doubtless, more correct even than the minister. He certainly knows more. But it is a very high percentage.

The Matrimonial Property Act again -

I am not criticizing the press, they do what they believe best and that is their job, but I would think that anybody in the Province who follows only the press would have no more idea now than a Dutchman's uncle as to what has been done by this House.

One of the reasons to make sure that debate is extensive is that eventually it does percolate through. If we are here long enough it begins to percolate through that we are doing something that affects people, and this bill, Sir, is that kind of bill. It is one that is not widely known. I know the Federation of Municipalities and my good friend, my colleague - we have worked together on a number of matters, some of them political - Aubrey Smith says, I gather, that we should go ahead and put it through immediately. Well, I say to Mr. Smith with all respect - and he is a friend of mine and will be, I am sure, and I hope, for many years - that this bill is not simply a matter between the government and the Federation of Municipalities, with all respect to them, this bill affects a man or a lady living in, say, the community council

MR. ROBERTS: area of Raleigh just as much as it does the President of the Federation of Municipalities, but there is one difference between them, the President of the Federation, or his predecessor - I mean, the Federation as a group - have had the opportunity to be consulted, the gentleman living in back harbour Raleigh has not. And I do not think this House exists simply, Sir, to serve as the agent of ratification of agreements come to between organizations, no matter how representative on one hand and the government on the other, this House exists to make laws. This House exists to enact in the law, matters which we, as members, think ought to be enacted in the law.

So we make no apology for moving the six month hoist. The Federation of Municipalities are entitled to their view - I think their view is wrong.

MR. E. ROBERTS: I think that it is very much in the interest of everybody in this Province that this matter be thoroughly debated and that hopefully it will percolate through the people in the Province exactly what it is that is going to be done, the changes that are going to be made and then people can decide for themselves whether they like them or not. But the real danger, Sir, is about two years down the road which is probably the kind of time it will take to put this bill fully into effect.

AN HON. MEMBER: (Inaudible)

MR. E. ROBERTS: I am sorry!

MR. J. DINN: Probably five.

MR. E. ROBERTS: Probably five. The hon. minister and his colleague a former minister, now the Minister of Labour (Mr. J. Dinn) say five, my friend from Burin - Placentia West (Mr. Hollett) says, "Maybe ten". It will take a while. Somebody is going to wake up and say, "Holy blank, when did they do that in the House". I gather this has not even been sent to every municipality and I will bet that when it is, as I assume it will be, there are very few of the councillors in Newfoundland and Labrador who will read the 244 pages and the - 650 is it? - 650 clauses that are in that bill. And I venture to say that even fewer of those who read it will understand it. It is like any piece of legislation, it is intricate, complicated and a very, very difficult piece of work to understand in its full spread, its full complexity.

So, Mr. Speaker, we think that the debate should carry on for a while. I do not think that we on this side are particularly upset whether the bill is deferred for six months or not. We are not trying a parliamentary maneuver to defeat the bill, we did that last year in a brilliant piece, an absolutely brilliant piece of parliamentary maneuvering and I can say that with all the more pleasure because, although I was present for the vote and did vote for it, I had no hand in conceiving it or in executing it. I think it was a brilliant piece of parliamentary gamesmanship using the rules and using them properly and effectively. But we, on this side,

MR. E. ROBERTS:

Sir, are concerned that this act has not been widely disseminated, that its effects are not fully understood, they are not fully comprehended by the people upon whom it will have the most direct bearing and that is why we moved the amendment, that is why we are going to carry on with this debate not for any inordinate length of time. We are prepared to see matters go through quickly. We put the flag thing through today by agreement between the Premier and the Leader of the Opposition, it could have been debated at nauseating length. I can assure hon. gentlemen there is nothing that could touch off a longer debate, in my opinion, than a debate on the flag but we will debate it when it comes back, because the report of the committee will come back, and I have no doubt it will be a good debate. We are anxious to see the work go through as quickly as it ought to go through and this bill, Sir, No. 58, we think requires further discussion by the House and we on our side intend to ensure that it does get that further discussion and that is why we moved the amendment.

Mr. Speaker, one final word before I sit down. There may be some hon. gentlemen opposite, not the leadership people, there may be some who feel that we should be terrifically relevant and since this is a six month hoist amendment that any speech that is made has simply got to be with relation to the six months. Now, I agree with the relevancy rule, it is there whether I agree with it or not but I do agree with it but I will simply point out, Sir, that that kind of objection, if it were to be raised, is really a very self-defeating one. It is quite in order on a six month hoist to give reasons against the bill, against the principle of the bill that, Sir, is the whole purpose of it and all any hon. member has to do, if somebody feels he is not being relevant, is simply stick in the words, 'I am against the bill' and that is why I think we should vote for this amendment six months down.

I think the debate will go very much more quickly if hon. members on either side as they wish but certainly on this side, speak without any of that kind of nonsensical harrassment.

MR. E. ROBERTS:

As far as I know my colleagues do not intend to speak twice on this bill. They could if they wished, if we really wanted to hang her down and we can do it again on third reading, you know, we could hang her down for days or weeks.

know that hon. gentlemen opposite will agree that we have on this side more than enough talent - my hon. friend from LaPoile alone, could probably hang her down for a month and then the others can go along and we could add to it. We are not trying to hang her down but each of my colleagues, I believe, or certainly many of them wish to speak on this bill and each of them will speak who wishes to speak according to the rules. They do not intend to speak twice and I say that to the minister who may be worried or concerned that possibly we are in for that kind of thing we are not. And unless the government provoke us to that we are not going to do it. I say that because some of the speeches may not be as quite as relevant to the six month as they might be to a second reading debate and I know the

MR. ROBERTS: minister will not raise any objection and I hope he will be able to restrain any of his colleagues who feel that they should show a half knowledge, which is all they would be showing, of parliamentary rules by trying to raise an objection.

Finally, I want to read a note passed to me I guess by my friend from Torngat Mountains (Mr. Warren) a former member of the Council of Happy Valley - Goose Bay, before he was elected to this Chamber, and, you know, with reference to the Federation of Municipalities I think this is appropriate and relevant and interesting that a telegram has been sent today to the minister. I do not know whether he has it or not as yet, from the Council of Happy Valley - Goose Bay, the mayor of which I understand is a Vice-President of the Federation of Municipalities. Who is the Mayor 'Gar'?

MR. WARREN: Kelland.

MR. ROBERTS: Mayor James Kelland, Vice-President of the Federation of Municipalities, and they have apparently gone on record as saying they want the bill deferred six months. Now, that is their opinion. All that proves, I think, is the point I was making that the statement of the President of the Federation of Municipalities ought to be regarded seriously and regarded with respect, as we do, but it ought not to be regarded as conclusive. The Federation of Municipalities do not make the laws in this Province, they certainly have a right to be consulted, they certainly have a right to be involved and we would welcome that and congratulate the government for what they have done in involving them in it.

But, Sir, we on this side, just as the government on their side, are not going to be guided in our legislative duties solely by what any outside body thinks, we are going to be guided by what we believe is best for the interest of the people of this Province and we are going to act accordingly and then when the time comes stand up and answer for what we have done in the way that everyone of the fifty - well, at present fifty-one, soon to be fifty-two members of this House do.

MR. ROBERTS: Mr. Speaker, that is really all I had to say on it. I do not know if the minister wishes to bring the matter to a vote. We will in due course. I would suggest to him if he does not feel any need to have a recorded vote, for our part we are quite willing when the debate concludes to let the matter go and then if he wants to bring - when I said to a vote, I mean the amendment. If he wants to bring that to a vote, of course, any member has the right to do that. If on the other hand he simply wants to let us speak in the debate as we wish, I do not think anybody who has spoken wishes to speak again. There may be one or two who will need to at some point, then we will go ahead and polish off the second reading. And I do not know how long in committee. It is an immensely massive bill. I would suggest we probably should do in this bill what we have done before, and that is take the sections by groups. Because simply to have the Clerk call, numbers 1 to 650 is a needless exercise. So with any luck we may have this bill through - today is Friday but, you know, by Monday, Tuesday, possibly Tuesday or even Thursday of next week it should be through all stages. But I think it will be advisable to take that extra time to ensure that its principles and its practices are as widely disseminated as possible.

Thank you, Sir.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Simms):

The hon. Minister of Municipal Affairs and Housing.

MR. WINDSOR:

Thank you, Your Honour.

Mr. Speaker, I just rise briefly to respond to what the hon. gentleman opposite has just said in relation to the bill. First of all, I do not feel that the debate need be deferred for a six month period. As the hon. gentleman himself has indicated, many of the provisions in this particular act will not actually take effect for quite some time. It is going to take us quite a period of time to phase in many of the provisions here. Nevertheless, of course, many of them take effect immediately,

MR. WINDSOR:

as soon as the bill is proclaimed.

There will be every opportunity for discussion and I have already indicated to the Federation, indeed, that I look forward to exhaustive discussion with the Federation and with individual municipalities over the coming months and years on this particular piece of legislation.

It is my personal intention as well, Mr. Speaker, to, at least when the House of Assembly is not in session, to travel as much as I can to meet with various groups. Indeed, I have already done that, as much as possible, over the past number of weeks. For instance, I think it was the Saturday before last I spoke to the Humber Joint Councils in Corner Brook. There were some seventeen town councils represented at that particular meeting. We spent, I think, something like three and-a-half or four hours discussing the various provisions of this bill. It was an

MR. N. WINDSOR: extremely interesting discussion and I enjoyed it very much. And the reaction I received from those people was that they enjoyed it as well and, indeed, gained a great deal of information from that sort of discussion. I think that is the method by which the information will best get out to these people. I do not think that newspaper reports or even brochures sent around would really disperse to the municipalities the depth of information and the understanding of the information that they need in relation to this particular piece of legislation.

As the hon. gentleman said, also, it is quite a sizeable document, there are almost 650 provisions in it. Many of them are very, very similar to existing legislation. As was said, again, this bill is, to a great degree, a consolidation of previous bills, putting them all together in a more easily readable form and much better language for the layman. So many of the provisions in this particular piece of legislation are not new. There are a few major changes which have been debated - and rightly so - in this hon. House, and I think most of those major provisions have been outlined to municipalities by way of the address that I made to them in the Federation meeting in Gander on October 6th. And we spent that whole weekend, of course, discussing the various principles with the various representatives there.

So I look forward over the coming months and particularly next Summer when the House of Assembly is closed and we are in a position to do some more travelling, to get around to as many meetings, such as I did last weekend in Corner Brook, to discuss with the municipalities the provisions in the bill, to explain to them as best I can, with officials from the department, the provisions of the bill and the ramifications of them, what effect it will actually have on each individual municipality. I certainly welcome that sort of thing and we will do everything in our power to get what information we possibly can out to them.

Basically, Sir, I am at the disposal of hon. gentlemen. If hon. gentlemen opposite wish to speak on the amendment

MR. N. WINDSOR: then, of course, they are entirely free to do so. If, however, as is indicated by the House Leader opposite (Mr. Roberts), then I would suggest that we take a vote on this amendment and dispose of it and get on with the general debate on the principles of the bill and second reading.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Simms) A question on the amendment then?

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, the hon. minister, in his concluding remarks, said, 'Let us vote on the amendment, get it over with,' ram the bill through the House and forget about it. Well, that may be a noble thought on the part of the hon. gentleman, but we happen to feel on this side of the House, Mr. Speaker, that the bill should be delayed for at least six months in order to give, not the members of town councils and community councils and municipalities throughout this Province - not to give them an opportunity to let the bill sink in, but to give an opportunity to the ordinary person in this Province that the government seems to have no regard for at all. The ordinary people are the ones that we are trying to get at. In due course, the members of town councils will get copies of the legislation and they will study it. It will probably take them six months or a year before they even get down to brass tacks and find out what the ramifications and what the far-reaching effects of this bill really are. It will take them some considerable time. But it is the ordinary people that we are concerned about. Because, Mr. Speaker, as we have indicated on a number of occasions during the debate and was confirmed last night by the minister when he was being interviewed on C.B.C. television, this bill automatically brings in the property tax Province-wide - a Province-wide property tax for all municipalities. It is an outright move on the part of the government to implement the property tax and then try to blame it on the town councils. We are going to have the property tax in Newfoundland when this bill goes through and there is no way, as far as I am concerned,

Mr. Neary: The government will have the responsibility for implementation of the property tax in this Province and it will have to rest squarely on the shoulders of the members of the Cabinet, members of the Government, and members who are supporting the Government. It is just as simple as that, Sir.

And it is going to take some while, Mr. Speaker, some time with the reporting from this House, reporting by the media that we have heard so much about this morning, it is going to take some time before that word filters through. And I do not believe we should be in a rush to push legislation through the House, unless the people understand it.

AN HON. MEMBER: That is right.

MR. NEARY: It is one thing for the Federation of Mayors and Municipalities to understand it but is another thing, Sir, for the ordinary people to understand. And that is what has been concerning me ever since we have had this born-again government, born again Premier, that they have no regard - the arrogance, Mr. Speaker, the arrogance of the minister last night and the arrogance of the Premier, and the arrogance of his administration as far as the ordinary people are concerned is frightening. It is frightening! Ride roughshod over them, who cares?

We are riding the crest of a wave right now, we are in the driver's seat, our popularity will never be as good as it is at the moment, so let her go! Who cares whether the ordinary people understand the kind of legislation we are putting through the House? Who cares?

AN HON. MEMBER: (Inaudible).

MR. NEARY: Mr. Speaker, I have been around a little longer than the hon. minister -

MR. JAMIESON: And more consistent.

MR. NEARY: That is right, Sir, six general elections, starting my eighteenth year, but I can tell the hon. gentleman that the people in this Province are pretty shrewd, pretty shrewd, and when the

Mr. Neary: word gets out, it takes a little while some times -
I have to congratulate the reporter from The Evening Telegram who went to the minister's office looking for a follow-up on the answer to the question that he gave me that I put on the Order Paper. I have to congratulate that particular news reporter. There will be other questions. The hon. minister in answering the questions created more questions than he answered.

AN HON. MEMBER: Is there anything wrong with them.

MR. NEARY: Yes, there were all kinds of things wrong with them. But we will deal with that matter in due course. There will be a few other questions for the hon. minister.

But the point I am making, Mr. Speaker, is that it takes so long. There was one example of where some newsman did his homework. But we have so many examples in this House, especially in connection with this bill. Why, the whole point is missed completely -

AN HON. MEMBER: By the media.

MR. NEARY: - by the media.

You know, Mr. Speaker, I get so discouraged sometimes, so discouraged in this hon. House at the apathy and the complacency on the part of our people sometimes. The disinterest on the part of the people sometimes is awfully discouraging, Sir, to me as a senior member of this House. They sit back, let the damage be done and then they start to kick up a fuss. And that is what I am trying to avoid in supporting this amendment. I would say let us kick up the fuss first, not do the damage as the government is going to do in connection with this bill - ride roughshod over everybody - let us make sure that people understand it. And what is wrong with that? Why make an arbitrary decision to ram the thing through in a dictatorial manner, force regional government on the people, not give them a chance to vote for the members of the Board?

AN HON. MEMBER: (Inaudible).

MR. NEARY: Pardon?

AN HON. MEMBER: You are always playing games.

MR. NEARY: Oh yes we are always playing games, Mr. Speaker. The other crowd never play any games at all.

MR. JAMIESON: No, no!

MR. NEARY: Never play games at all. We are always playing games. Well, I can tell the hon. gentleman that I am not playing any games, that I am quite sincere in what I am saying, especially after I saw the hon. minister last night. I never saw a minister since Confederation who was so arrogant, and so determined that he was going to push this piece of legislation through, that he was going to impose the property tax on the ordinary people of this Province, that he was going to force regional government on people whether they liked it or not. That was the impression that I got from the hon. minister last night when he was being interviewed. I could not believe it. I was completely flabbergasted

MR. S. NEARY: at the arrogance, Some of the Premier's arrogance is rubbing off on his ministers and they just do not seem to care whether people understand what it is all about, whether there will be hardships created, whether democracy will prevail, it does not make any difference, the minister has got a bee in his bonnet, he has got something in his head and that is it, and he is going to ram it through the House whether it is good, bad or indifferent. Whether the ordinary people understand it or not is completely irrelevant. How arrogant can you get, Mr. Speaker? And that is why we are asking for a six month postponement, or, as my hon. friend says, a six month hoist.

MR. D. JAMIESON: Another way of increasing tapes (inaudible)

MR. S. NEARY: Well, that is right. The hon. Leader of the Opposition just made a very valid point. This crowd went around before the last election saying that we are not going to increase taxes. Now, what would you call that, Mr. Speaker?

AN HON. MEMBER: (Inaudible)

MR. S. NEARY: Income. Oh, I see now they are qualifying it. They left the impression with the people throughout the Province there would be a freeze on taxes, no increase in taxes period!

MR. J. DINN: (Inaudible) the people (Inaudible)

MR. S. NEARY: The people, Mr. Speaker, in Pleasantville must be awfully stunned.

MR. J. CARTER: The hon. gentleman is worried (inaudible).

MR. F. ROWE: That is the guy who was going to resign.

MR. S. NEARY: That is right, going to resign. This crowd went around the Province, Sir, and said they were not going to increase taxes. Well, they have managed to increase every tax, every fee, every amount that you pay for a permit, they have increased the license fees and now, Mr. Speaker, they are going to force the property tax on the people who live in certain municipalities in this Province. They have increased everything from the dog licenses up and now they are qualifying their commitment and their promise to the people for

MR. S. NEARY:

not increasing taxes saying, 'Oh, we did not increase the income tax or the sales tax.'

Mr. Speaker, I am going to support the amendment not that I want to play games, I do not want to play games, but I want the ordinary people of this Province to understand what it is their government is doing. I want to make sure that the provisions of this Bill and the effect that they will have on people who live in the municipalities where the property tax will be automatically implemented and regional government will be forced on people in certain parts of the Province, that they will understand that it is their government, that is the Cabinet that is doing this and not the town council or the municipality. I did a survey of town councils back in 1976, and one of the big complaints about town councils at that time was the fact that bad decisions had to be announced by the council. The councillors had to take the blame for all the bad things that were done but the member and the government would make the announcements about all the good things that were going to be done. And that is still happening, by the way, Mr. Speaker, but only happening on the government benches. I have heard backbenchers over there are slipped little bits and pieces of information by the minister and they go off and make the announcements, upstage, scoop the town council. Well, nothing sets the devil in the mayor and councillors more. They work so hard on a project, work for years sometimes on a project and the next thing they hear a government member or a minister on the television and radio making the announcement and he probably did not even know it was being done until the minister slipped him a little bit of information or wrote him a memo and said, 'here you had better make an announcement on this, whether it would be water and sewer or a fire hall or a town hall or what have you.'

MR. NEARY: Nothing sets the devil in the town councillors and the mayors more, Sir, than to have members of the House trying to upstage them to make the good announcements, to announce the goodies and let the town councillors take the rap and the blame for all the bad decisions that have to be made. But this is one time, if we have anything to do with it on this side of the House, Sir, this is one time when the ordinary people of this Province will know, will be aware, that it is the government that is imposing the property tax, and not the mayors and town councillors. And the little carrot they are dangling in front of the mayors and town councillors is that now there is a provision in this bill whereby you can receive remuneration. And the government hopes, I suppose, that the mayors and councillors will encourage the government to pass this bill, rush it through, so they can all go out now and get paid.

The government is dangling that little carrot and that is only if the revenue permits. That is the carrot the government is dangling in front of the municipalities.

But it will not work, Mr. Speaker, it will not work. I intend to send out a householder mailing, where we have incorporated communities in my own district, indicating to the people who is responsible, who is responsible for this legislation and I will do a summary of it, and then if the people want to - of course, they do not because that was indicated in the last federal election, they will never want to vote for this government, for the Tories.

LaPoile came through loud and clear, solid Liberal for Simmons in the federal election.

SOME HON. MEMBERS:

Oh, oh!

MR. NEARY:

No, I can understand - you know,

Mr. Speaker, I can understand why the hon. gentleman is not concerned about by-elections, because if the people of Harbour Grace when they

MR. NEARY: find out there is going to be no superport, if there was a by-election I am afraid the hon. gentleman would not be around very long.

MR. YOUNG: (Inaudible).

MR. SPEAKER (Simms): Order, please!

MR. NEARY: The hon. gentleman pulled the wool over the eyes of the people in Harbour Grace.

MR. SPEAKER: The hon. member for LaPoile (Mr. Neary) seems to be drifting a little away from the amendment. I would ask him to continue to speak on the amendment.

MR. NEARY: Thank you, Mr. Speaker.
So, I do not want to take up any more time except to say that I am terribly concerned about the attitude of this government in bringing bills into this House of major importance, bills of such a magnitude as we have seen in this session of the House, the Matrimonial Property Bill and now in this municipal bill, wanting to ram the legislation through in a few days without the people knowing what the legislation is all about, legislation that will affect the everyday lives of every man, woman and child in this Province. And if we can only get the message through, Mr. Speaker, I would be satisfied, if we can get the message through to the ordinary people. I do not know how we can do it. I am going to do it in my own district. But if we can only just get the information out to the people that the government is bringing in, now, a measure to force the property tax on every municipality in this Province, what they could not do last year in the House, with the Regional Government Bill, they are now trying to do with this municipal bill and that is to force regional government on the people without giving the people an opportunity to determine in a democratic way whether or not they want regional government.

These are only two bad features about this bill. I contend, Sir, that we should postpone the second reading

MR. NEARY: for six months. Let the word filter out, let it sink in what it is the government is doing, not allow the government, Mr. Speaker, not allow this government to adopt the philosophy and the policy of making all the unpopular decisions in their first six months or in their first year and that as we come down the home stretch towards an election, then start to throw out a few goodies hoping the people will be conned.

MR. S. NEARY: That is the game they are playing, Sir, they have been playing that game now since June. 'Let us make unpopular decisions now, get it over with and then when we are getting near an election we can make all kinds of good announcements and the people will fall for it.' That is what they are up to, Sir, and that is cruel in my opinion, cruel indeed. So I think the amendment is fair and reasonable and I hope, Sir, that some of the members on the government side - the member for Bay of Islands (Mr. L. Woodrow) has a few municipalities down there in his district, is the hon. gentleman going to go back and face the people and say, "Well, I supported this measure to force the property tax on you"?

MR. WOODROW: Can always (inaudible)

MR. S. NEARY: Yes, the hon. gentleman can -

AN HON. MEMBER: My conscience is clear.

MR. S. NEARY: Yes, that is right, conscience is clear. You can only, Mr. Speaker, you can only fool the people for a certain length of time and then you are going to get caught and I am afraid this government now is getting caught, they are boxing themselves in.

MR. WOODROW: (Inaudible) or twenty years.

MR. S. NEARY: I beg your pardon.

MR. WOODROW: We are good for fifteen or twenty years.

MR. S. NEARY: Well, that is not the way I heard it. The honeymoon is over, Mr. Speaker, the honeymoon is over. The bloom is gone off the rose.

MR. YOUNG: Where is your leader.

MR. S. NEARY: We have got a leader.

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: Mr. Speaker, the next time around with this kind of legislation, with the behaviour of the government, with the arrogance of the government, the next time around, three years from now, they will not be able to change their leader and say,

MR. S. NEARY: "We are a new party and forget the past and let us go on and win the election". They will not be able to work that again, Sir, that only works once.

The hon. member for St. John's East (Mr. W. Marshall), the Government House Leader, who boasts about the fact that he was the mastermind behind this, must surely know by now that the honeymoon is over and this will only work once, people will not fall for it again. And so the blame, the responsibility for the property tax, and I am not arguing for or against the property tax, Mr. Speaker, but I think the people who live in the municipalities are the ones who should decide that, not this House or this government or the Minister of Finance (Dr. J. Collins) or the member for St. John's North (Mr. Carter) or the member for Gander (Mrs. H. Newhook) or the member for Harbour Grace (Mr. H. Young), we should not be deciding that, let the people decide it in a democratic fashion.

AN HON. MEMBER: Have a referendum?

MR. S. NEARY: Mr. Speaker, the hon. gentleman may be joking but it might not be a bad idea to let the people decide on a piece of legislation, on a law of this magnitude, it might not be a bad idea.

AN HON. MEMBER: You must like the parliamentary process?

MR. S. NEARY: Oh, Sir, I like the parliamentary process but I also like Governor Brown's philosophy in California, I also like that. It is too late, Mr. Speaker, when you are making laws that so drastically affect the lives of the people then I believe there should be more referendums and there should be more input from the people. The input that I am getting on this bill, Mr. Speaker, the input that I am getting -

MR. D. JAMIESON: If we went on that.

MR. S. NEARY: - if we went on that, if the hon. gentleman - I do not know what input the hon. gentleman is getting in his district I do not know if he bothered to find out.

AN HON. MEMBER: Tremendous support for (inaudible)

MR. S. NEARY: Tremendous support for things like regional government, well -

MR. RIDEOUT: Property Tax, routine.

MR. S. NEARY: Tremendous support for Property Tax

MR. S. NEARY: and tremendous support for
doctors charging what they like outside of M.C.P. -

AN HON. MEMBER: do not forget (inaudible)

MR. S. NEARY: tremendous support for in-
creasing electricity rates , tremendous support for the high cost
of eye-glasses, tremendous support for the high cost of living

MR. SPEAKER: Order please, the hon.member
for LaPoile is being irrelevant and I would ask him to direct his
comments towards the amendment which is being discussed.

MR. S. NEARY: Mr. Speaker, you talk about
an honorable crowd Sir, who have lost contact with reality and lost
contact with the ordinary people of this

MR. NEARY: Province. If that is what they think, if they think that people are going to welcome regional government, welcome the passing of this bill, welcome the property tax and all the other measures in this bill with open arms, well, then, Sir, I would say they are in for a very rude awakening. I think the only fair way to do it, Sir, and the only democratic way to do it, the only constitutional way to do it, is to give the ordinary people - we are not concerned about the municipalities, they will find out in due course and even some of the members of town councils will be awfully disillusioned when they see this bill, when they see themselves placed in a position - I would say you will see more resignations, Sir, from town councils when this bill is forced through this House, because they will be in the firing line. They are the ones who will have to impose the property tax and do all the other things that the bill calls for. They will be in the firing line, and if you think we have seen resignations in the past, just wait until the mayors and councillors who are volunteers, living in communities where you have high unemployment, wake up some morning and have to tell their people, 'Well, look, we are going to impose a property tax.' Mr. Speaker, unlike the policy of the former administration, we felt that before you started socking it to the people of this Province that the regional disparity had to be eliminated. In other words, we felt that water and sewerage and the other amenities of life that we take for granted in some of the urban centres, water and sewerage and all the other things had to be implemented first before you started - not make the people pay for them, make the Government of Canada and the Public Treasury pay the larger share of the cost before you started socking it to the people. That was our policy. And that should be still the policy. That should be the policy of members of this House; wipe out regional disparity in this Province, put in the modern conveniences, not sock it to the people before you put it in. Put in the modern conveniences. Newfoundland is behind Canada. You have communities in Newfoundland behind St. John's and Corner Brook who cannot afford it. Now the government is going to sock it to them

MR. NEARY: and make them pay for it. And as a result of this negative approach, you will have dozens and dozens and hundreds of communities in Newfoundland that will never get water and sewerage if we follow this new policy, make them pay for it first. We should put it in first, Mr. Speaker, do as the Liberals did. We were striving to eliminate regional disparity from one end of this Province to the other.

AN HON. MEMBER: (Inaudible).

MR. NEARY: Mr. Speaker, I am supporting the amendment because I feel, Sir, that it is necessary, and the media, obviously, are not going to do it, to get the information out to the people about the legislation so they will know all about it, so they will know what we are doing in this House, and then let the people decide over the next six months whether they want to have input or whether they are for or against it, whether they will offer any suggestions for improving the legislation. What is wrong with that, Sir? What is the hurry? There is no hurry, Mr. Speaker, except that the minister hopes to make his mark by ramming through this bill which he thinks is a magnificent reform, when in actual fact, it is going to do more harm than good throughout this Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Simms) The hon. the member for St. John's North.

MR. J. CARTER: Mr. Speaker, now that Dr. Goebbels, the self-styled minister of propaganda, has quite finished with this bill, I would like to say a few words about it.

It is too large a bill to comment on in detail, so I am going to stick to one particular part of it, although this probably should be under the clause by clause discussion. Still, I would like to make a few comments about why I feel this bill should not be delayed for six months. And I hope that the minister, when he gets up to conclude the debate, will address himself, among other things, to this

November 23, 1979

Tape 1337

MB - 3

MR. J. CARTER: particular clause, and it is
clause number 644, it deals with expropriation. It is

MR. J. CARTER:

a very general clause, very little is specifically said about expropriation, but I think that perhaps one of the fears of people all across Newfoundland is that of municipalities or agencies expropriating not so much property that they may own but property that they occupy and live in. It is not always expropriation itself that they fear, it may be an easement for a water line or a power line that goes through or near their house, it may even be an actual disruption of their house which is repaired shortly afterwards. I would like the minister to specifically address himself to the matter of compensation. It has always seemed to me that where an individual is disturbed for reasons of the greater good of the municipality or of the Province, where the family home itself is threatened, that there is where the government should speak with a clear voice and, I would think, make it possible for the person so disturbed to be able to get a house for a house without any extra cost. This is a bastion as far as I am concerned of Conservative policy, to see that the little man is protected against the overwhelming power of the state or municipality or Province, so I would like the minister to address himself specifically to that. There are many other concerns that we all have, but perhaps the best time to discuss them is after this particular amendment has been disposed of, so without further ado, Mr. Speaker, I will take my place.

MR. SPEAKER: (Baird) Hon. member from Grand Bank.

MR. THOMS: Mr. Speaker, I as well would like to have a few words in connection with this particular act, hopefully from a constructive point of view. I have not had an opportunity, of course, to go through the act clause by clause and to give it the full attention that I think one should give a bill of this nature. There are certain revisions - the consolidation, of course, there is no problem with - but certain revisions to the municipal law in this Province that I am going to leave to people more capable of talking about this sort of thing on this side of the House and, as well, on

MR. THOMS: the other side of the House - the question of regional government, the question of the property tax that is being imposed here. However, I have had an opportunity to give a cursory reading of the act and there are some flaws that bother me. There is one in particular and I think - I do not blame him for this, but I do not think the Minister of Lands and Forests (Mr. Morgan) has had an opportunity to read this act as carefully as most of us would like to read the act. I would like to, if I may, in speaking to this amendment, show that some of the clauses should be changed. On November 13th of this year the Minister of Lands and Forests, who was the former Minister of Transportation and Communications, filed with the Public Accounts Committee a statement. Now, this statement has been filed with the Public Accounts Committee, which may, in effect, be the same as being filed with the House, but I do have a copy if it is required to be filed in this House. I would just like to read, before referring to the section in the act that I am talking about, I would like to read what the Minister of Lands and Forests had to say about the Public Tendering Act, and I think then when we look at the section we will see the problem. The Minister states that the Public Tendering Act states that the minister, having control of or charge over a department, shall invite or cause to be invited tenders for the execution of the public work, except in cases where the public work is an extension of an existing highway contract at the same, same unit price as that provided in the highway contract to which it constitutes an extension. I think this will jog the memory of the Minister of Lands and Forests. The minister goes on in that particular statement to say, "Because the Public Tendering Act would not allow the department

MR. THOMS:

to negotiate for lower prices, the extension had to be in accordance with the contract that had already been awarded to Southern Construction sometime earlier, for the construction of the road from Renews to Cappahayden." Then he goes on to say, "In other words, it was a straight forward extension on existing contract prices. However, this was not to the satisfaction of the senior staff of the department, especially the then Deputy Minister, Mr. Gordon MacDonald, and the then Assistant Deputy Minister, Mr. A. L. White, and, in fact, not to myself, because as per the Public Tendering Act we were unable to negotiate lower prices. The tendering act," the minister goes on to say, "prevented any negotiation on the unit price as stipulated in the earlier contract, and therefore, prevented a further savings of taxpayers dollars, and it is in such cases as this that I am convinced there is a need for a review of the tendering act. to take into consideration such situations."

Now, Mr. Speaker, the relevancy to the Municipal Act, if we look at section 430 which deals with public tendering by councils, and we look at subsection (d), it says "Where a public work awarded by public tender is extended at the same unit prices so long as the extension is not more than fifty percent of the value of the initial contract." If this act goes through unamended we are going to have exactly the same problem as the problem that the Minister of Lands and Forests found himself in with the extension to the contract that I referred to. Now, this I believe, and I said this before the PAC, I believe that this can be taken care of if we just said, instead of saying the same unit price, if we just said 'at the same or lower unit prices'. I think that simply might take care of the problem.

Mr. Speaker, there are other clauses in this act. Section 21 of the act gives me a bit of a problem in that it says, "Where vacancy occurs in the office of the mayor, whether

MR. THOMS: elected by separate election or by council, the deputy mayor shall assume the office for the remainder of the mayor's term, and has all the powers and shall exercise his duties." Now, the only question I have with this one is - What happens if the deputy mayor refuses to accept the position? Will it then just be simply a decision of the Minister? Can he appoint another councillor? What happens? To me it seems that the question is left up in the air. Although here it says 'shall assume', now, am I to assume that once a person accepts the position of deputy mayor he is also accepting the position of mayor in case of a vacancy in that office? Is that a compulsory thing that is going on here?

Under section 61, subsection (1) of the act, Mr. Speaker, this is the one that says that a town manager, a town clerk, or a department head, where a council is of the opinion that one of these three has grossly misconducted himself in office - now, up until this point I think, there were probably only two classes of people who had to grossly misconduct themselves before they got fired, one, the judges of our court - for example, the judges of the Supreme Court of Newfoundland can be only relieved of their duties where it can be shown that they grossly misconducted themselves. The other ones, of course, are university professors who have tenure, something I never agreed with after serving six years on the board. I think they should hold their position from a merit point of view and not have tenure. Again, university professors,

MR. THOMS: who basically have to grossly misconduct themselves before they can be relieved of their positions. Now here we have - in effect, what we are doing here, we are giving tenure to town managers, town clerks and department heads. What is meant by grossly misconducting themselves? What do they have to do to come within the definition of grossly misconducting themselves? Again it leaves it wide open. Again, maybe these provisions were in the original act, I do not know, I have not had an opportunity to compare this one with the original act. I think that is a provision, though, Mr. Minister, that I would like to hear some comment on, exactly why town clerks, town managers and department heads are given this tenure. They can only be dismissed if they grossly misconduct themselves. And if you are going give it to the department heads why not go all the way down and say every employee of a council or a community council has to grossly misconduct himself before he can be let go. Another section of the act, which I understand was in the previous act, Mr. Speaker, is Section 92, and I do not think you will ever have to worry about me running for municipal office when I look at this particular section. This particular section says that in any case where monies are spent by a council contrary in any way to the prior approval of the minister, then the councillors are jointly and severally liable. In other words, if an action is brought because of - it does not say misappropriation of funds, it is not talk about embezzlement of funds - but if it is found that monies borrowed, okay, are used for any purpose other than that approved by the minister then an action can be brought against the councillors jointly and severally, which means to say that if there was \$100,000 spent that did not have the prior approval of the minister then you could not only sue all the councillors for that amount of money but it is a joint and several liability. In other words, if I am a man of substance and the next councillor is a pauper, then you can come against me for the whole amount. My recourse is to go against the

MR. THOMS: other councillors. Well, in this way you are certainly discriminating against somebody who can afford, maybe, to sit on council and some of our wealthier councillors in the Province. I mean, my advice to Bruce Buffett in Grand Bank at this point in time would be to get off Council as fast as he could, and he is a good citizen of that town. There is another point under this particular section that bothers me, and that is how long after the term of a councillor expires does this obligation exist? I mean, maybe there was money spent at the beginning of a term of a councillor. After four years he decides not to run for council again, but it is decided two years after that that there has been money spent without the approval of the minister. Can that councillor then be sued, even though he is no longer a member of the town or community council? Now, Mr. Speaker, I believe that we should extend the same courtesy to town councillors, most of whom are volunteers, that we extend to, for example, members of the Board of Regents of Memorial University. I believe - I

Mr. Thoms: do not have it in front of me - but I believe that an amendment went through this House some two or three years ago, whereby they were exempted from any liability for any decision that they made as a board.

MR. MARSHALL: I wonder if the hon. member would permit the Minister of Finance (Dr. Collins) who wishes to make an important statement (inaudible) unless he is going to bring, normally, his remarks to a near close. I mean, I would not want to interfere, but it is important that we do it fairly shortly, you know.

MR. THOMS: I have another fifteen minutes, but I am just not sure of the procedure right now -

PREMIER PECKFORD: You can adjourn the debate and you will get your turn when we come on this bill again.

MR. THOMS: Can I just adjourn the debate?

MR. MARSHALL: Just move the adjournment.

MR. THOMS: Mr. Speaker, then I would ask that debate be adjourned.

MR. SPEAKER (SIMMS): It was agreed, I believe, earlier by leave to allow the Minister of Finance (Dr. Collins) to make a ministerial statement at this time.

The hon. Minister of Finance.

SOME HON. MEMBERS: Hear, hear!

DR. COLLINS: Mr. Speaker, on behalf of the Premier and this government, it is my pleasure to make an announcement, I believe, of considerable importance to our Province.

Mr. Speaker, the Province has successfully completed negotiations for a borrowing program from the Alberta Heritage Savings Trust Fund. The Government of Alberta has agreed to provide loans totalling \$150 million secured by debentures at an annual interest rate of 11.25 per cent.

SOME HON. MEMBERS: Hear, hear!

DR. COLLINS: Mr. Speaker, the debentures securing the loans will be purchased by the Alberta Heritage Savings Trust Fund and will be priced to yield 11.65 per cent to maturity. These interest rates are equivalent to the lowest rates obtainable by the most credit worthy of any Canadian province from the Canadian Public Bond Market, which is the same as saying, Mr. Speaker, that for the first time Newfoundland has borrowed at AAA credit rates.

SOME HON. MEMBERS: Hear, hear!

DR. COLLINS: Mr. Speaker, perhaps I could give a figure here just to indicate what that means in actual dollars. For the current year, this implies a saving to the Province, a saving over and above if we had gone to the regular bond market, it implies a saving to the Province of just over \$2 million, and throughout the term of the loans it will be an annual saving of over half a million dollars.

Mr. Speaker, this borrowing program will essentially satisfy the capital requirements of the Province and of the Newfoundland Municipal Financing Corporation for the current fiscal year. Three separate loans are involved. A loan amounting to \$50 million with a term of 8 years to the Province will be utilized for general budgetary purposes. A loan of \$25 million with a term of 20 years will be used for the purpose of financing municipal capital projects through the Newfoundland Municipal Financing Corporation, and a third loan of \$75 million, also for a term of 20 years, will allow the Newfoundland and Labrador Hydro to finance on a long-term basis the entire Hinds Lake Project.

SOME HON. MEMBERS: Hear, hear.

DR. COLLINS: Mr. Speaker, this borrowing program by our Province marks the beginning of a new policy on the part of the Province of Alberta for provincial loans from the Canadian Investment Division of the Alberta Heritage Savings Trust Fund. From this day forward new loans to provinces will be priced to reflect the interest

DR. COLLINS: rate at which provinces with the best credit rating will borrow from the Canadian Public Market. By this means, Alberta is demonstrating in a singular tangible manner, a true spirit of co-operation and confidence in the Canadian Federation. We in Newfoundland are the first to derive benefit from the lower interest rate implicit in this new policy, and Alberta's decision reflects the growing confidence with which others beyond our shores are coming to regard the economy of our Province.

DR. COLLINS: Mr. Speaker, this Alberta initiative is an unprecedented action for any single Canadian province to have undertaken, and we in Newfoundland are proud and happy to have played a part in its initiation.

Mr. Speaker, by leave of this House, I am making this announcement at a time to coincide with a similar statement being made by my provincial colleague, the Treasurer of Alberta. In the name of all Newfoundlanders, I take this opportunity of sending a message of goodwill to the government and people of Alberta, in which province at this very moment a large number of our young men and women are helping to exploit the natural resources which makes this remarkable gesture towards Confederation possible.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: (Simms) The hon. the Leader of the Opposition.

MR. JAMIESON: Mr. Speaker, there are two old phrases that come to mind when hearing the minister's announcement, and may I first of all thank the Premier for advising me early this morning of his intentions and the Minister of Finance for not only making a copy of the statement available to me but also for indicating to me that there would be some slight change in its wording. Having said that, the two phrases that come to mind are, first of all, 'You cannot look a gift horse in the mouth'. Therefore, anything that will reduce the cost of the enormous debt load of this Province is obviously welcome. But, Mr. Speaker, the second phrase is 'You scratch my back and I will scratch yours', and that I think is the one that is going to become most evident as we examine in more detail precisely what has happened here. The third point is that the Minister of Finance (Dr. Collins) is obviously putting the best face that he can on this - and I do not blame him for saying it in that fashion - but you have to get down to the last paragraph on page one before you realize, of course, that there is nothing here

MR. JAMIESON: that represents any kind of special relationship between Alberta and Newfoundland. They are not doing anything (a) for Newfoundland, obviously, that they are not prepared to do, presumably, for any other province or any other, I guess, utility of a province, and the second thing is that it is blatantly, I suggest, a misrepresentation to reflect this as being some indication that the stature of the Province in the borrowing markets of the world somehow had been improved by this particular process. That simply is not the case. I am going to ask a number of question of the Minister of Finance (Dr. Collins), if I may, in just a moment. The third point, of course, is that what we must now await, and we will be awaiting it with a good deal of interest and a good deal of suspicion, is for the dropping of the other shoe. Because if we are saving \$2 million by this process over what it might cost us in terms of the open bond market or other forms of borrowing, what we have to find out when that other shoe is dropped is what are giving to be the oil pricing policies, which it appears clear that the the Province of Alberta is going to dictate to the rest of Canada. By comparison with what consumers in this Province are likely to have to pay, by way of increased costs in the next months and years, this \$2 million saving or the cumulative saving may amount to only a drop in the bucket and a relatively small drop at that. So, therefore, while I can understand - and to some degree I think it is a good gesture that Alberta is moving in this direction - let us not have any illusions about the fact that this is unmistakably and clearly a part of the strategy of the Province of Alberta, which this government supports, to increase prices as fast as possible - I have heard many varieties of places where they are to go - to 90 per cent of the Chicago price or close to world price or whatever the case might be. And the end result of that process, which I emphasize once again this Province is supporting, means clearly that there is going to be in that Heritage Fund a great deal of money, much of it coming directly or indirectly from the pockets of the consumers of this Province. So, ladies and gentlemen of this hon. House, let me emphasize once again

MR. JAMIESON: that while clearly we can get \$150 million at this particular point in time at a lower rate than would be the case if we were on the open market, then members on this side and, obviously, all Newfoundlanders will be delighted to hear that that is the case. Any time you can get a dollar at a lower rate than otherwise is fine, but I emphasize once again that a good deal of this statement where it goes on to talk about the Alberta initiative and unprecedented action for any single Canadian province to have taken, of course it is, because it is probably the first time in the history of our country which, through no particular act on the part of the Province of Alberta other than the fact that they have the oil in the ground, puts them in a position in which no province of Canada has ever been before. While it is unprecedented and while in some respects - I am not sure if I can find the exact words here, "The goodwill to the government and people of Alberta", that is fine, there is nothing wrong with doing that either, but let us not either underestimate the dangers and the problems that are present for Confederation if this process is going to continue at a very high level. We find that there is a single province of Canada which is turning out to be one of the major bankers for many of the other provinces of Canada, and this will unquestionably cause, over a time, an imbalance in the whole relationship in terms of one province or the other. Because I have used two old phrases, I would like to use one more, and that is that "He who pays the piper calls the tune". I am very much concerned, as I am sure every Canadian ought to be - everybody in this House ought to be - that we know what the rest of this energy package is going to be. If Alberta is saying, in effect, we are now showing ourselves to be generous to the rest of Canada, therefore, we want to get the maximum price out of Canadians for our oil and for whatever produce we have related to the oil industry, if that is the quid pro quo and if that is the way the process is going to go, then it seems to me that the end result of this is extremely worrisome and we ought to be concerned about it.

MR. JAMIESON: Now I have a question or two if the hon. the Minister of Finance (Dr. Collins) will permit. First of all, and I will not, I assure him, get too complicated in terms of questioning this day but hope that he would be available later for another session of the House in which further questions might be asked in relation to this process. He makes the point that the \$150 million will essentially satisfy the capital requirements of the Province and of the Newfoundland Municipal Financing Corporation for the current fiscal year. May I ask him, in that connection, what other borrowings the Government of Newfoundland is going to do other than from the Province of Alberta, and what the rate on those borrowings, which were authorized in this House in either July or August, what rate is being paid upon those borrowings? May I ask that question first, please?

MR. SPEAKER: (Simms) The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, we are in 'Statements by Ministers', it is clearly not a time to get into any sort of debating stance. I think the hon. Leader of the Opposition came quite close to that, but I understand that this is not to indicate that we should become a debating session at this point in time. I will merely state, though, first in response to his general remarks, is that this was a very, very good, excellent, noteworthy, considerably beneficial business deal struck between the Province of Newfoundland and the sister Province of Alberta. We looked upon this as a situation where one sister province was helping another sister province. The negotiations and the consideration for this action goes back many months, Mr. Speaker. It was not something that was done a short time ago. This consideration came before the Committees of Cabinet, it came before Cabinet, it came before Caucus over a period of many months, and we looked forward to looking to the goodwill of a sister province to assist us at this time, when borrowing in the capital market is extremely difficult, and it is not at all likely that the Province of Newfoundland could have actually met its capital requirements if it had not been for the goodwill and the co-operation of the Province of

November 23, 1979

Tape No. 1343

GH-3

DR. COLLINS: Alberta. There are other provinces and other provincial agencies with much better credit ratings than ours who had to hold off on their capital borrowings

DR. COLLINS: and actually had offered some borrowings and had to withdraw them. It is not at all clear that we would not be in a very difficult situation if many months ago we did not begin to undertake conversations and plannings to take care of what we were sure would be the goodwill and the co-operation of a sister province.

Now, Mr. Speaker, just in responding to the particular question put to me by the hon. Leader of the Opposition, I think hon. members will recall that in the Budget the loan bill did permit, if I remember correctly, the government to borrow \$165 million in the current fiscal year. Up to the present time, except for some borrowings which are almost routine - go on all the time from the Canada Pension's fund and, also, very short-term borrowings which, again, have been going on for a number of years in terms of Treasury bills, there have been no other borrowings of any note. There may have been - I think there are a few smaller borrowings and some very short-term borrowings just through the banks but we have not gone to any other capital market, this is the first time we have gone in this year. Now, Mr. Speaker, the reason why we have done that, the reason why we have held off as much as possible, the reason why we are borrowing to the absolute minimum - all hon. members will realize that this is not a good time to borrow in any market and certainly not on the general capital market. The rates are very high indeed, as all members know, and, as I say, it is difficult to place issues on the market in any case. We are hoping, but we are also expecting, that we will be able to get by the rest of this year with just this borrowing plus, as I say, the borrowings that have been done through the Canada Pension Plan and also through the Treasury bills.

MR. JAMIESON: I thank the hon. Minister of Finance for his statements, but I find them a little disturbing and alarming, even though I quite understand that he would not wish to go to the ordinary markets if he could possibly avoid it. And in that sense, this process has turned out to be, I think, a real windfall for the

MR. JAMIESON: hon. the Minister of Finance (Dr. Collins), but may I ask him is he saying that, in fact, it would not be possible, even though this House back in August authorized the government to borrow to a particular figure, I recall, by the way, saying at the time that the extra margin we allowed seemed to be abnormally high - I was looking for the figures but there was not time for me to get to them - but is he saying that had Alberta, in fact, not been in the act that we would not have been able, in his judgement, to borrow what was authorized by this House earlier this year? Is the state of the finances of this Province such that, given the higher interest rates and the like, we would not have been able to borrow in the market? Is that his reading and is that the judgement that he is getting from the new financial advisors that he has recently appointed?

MR. SPEAKER: (Simms) The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, you know, one can put a number of interpretations as one wishes. What I stated and what I indicated by example was that it is very difficult for any person, any province, any provincial agency, going to the capital markets now. As hon. members may know, the Hydro Quebec, with a much credit rating than ours, because of the unusual circumstances which have come into place since August, going back just a month or so, had to withdraw its issue put on the commercial capital market, and, indeed, in place of that had to approach the Alberta Heritage Savings Trust Fund as we have done. So, what I am saying is just what is common knowledge where large amounts of money of necessity have to be raised in capital markets.

MR. SPEAKER: Order, please! If I might interrupt the hon. Leader of the Opposition at this point in time. Since the matter has been referred to, I believe I should point out clearly for the benefit of all hon. members in this House that upon the Ministerial Statements part of the routine business in the proceedings, the Standing Orders are clear and certainly the precedents and traditions

MR. SPEAKER: (Simms) are extremely clear, in that the person responding to a Ministerial Statement is entitled to ask for clarification, make a few brief comments and ask a few questions, and that certainly has been the precedent and the tradition. I fear somewhat that we may be getting more into the order of oral questions here, and this certainly is not the time for that. I should point that out.

The hon. Leader of the Opposition.

MR. JAMIESON: Thank you, Mr. Speaker, and I, of course, accept your ruling without question. I do not believe that my rhetoric was any stronger than was in the statement. That is the only reason that I approached it in the manner that I did. Bearing in mind, strictly your point, for clarification, because I suggest it is important, is there a ceiling that you are aware of with regard to the amount that the Alberta Heritage Fund, or whatever the agency is in Alberta which makes these decisions, is there a maximum that is likely to be available and, also, in any one year or any one period? The second point, which is, of course, directly linked to that, are the purposes for which funds will be made available limited? I notice that there are, within the statement, three particular headings. There is regular budgetary purposes, general budgetary purposes, a 20-year term with financing municipal capital projects and then the Hinds Lake which is \$75 million. Was this because these were the specific areas that the Government of Newfoundland identified, or is there some limitation both in quantity over a given period of time and the kinds of projects that this Alberta policy - which applies to all of Canada, I take it - is going to have?

MR. SPEAKER: (Simms) The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, the Alberta Heritage Savings Trust Fund is, of course, a proportion of the revenues which the Province of Alberta receives from the exploitations of its non-renewable natural resources. I am not absolutely sure of the figures I am going to give now, but if I remember correctly approximately one-third of those total resources are put into this Fund. Of that total one-third, and it may be more than that but I think that is pretty close, one-third, of that one-third, again, if I remember correctly, 15 per cent goes into what is called the Canada Investment Division. Now, at this point in time, that total amount comes to something in the order of three-quarters of a billion dollars, I am just quoting figures off the top of my head and I could be out a million or two on that, but anyway it comes

DR. COLLINS: to something around three-quarters of a billion dollars. To this date, that division of the Fund has lent something over half a billion dollars, so there is a part of the Fund that is not yet lent and what is lent - the figure I mentioned includes what our borrowing from the - our borrowing is included in that. In regard to the particular loans, we put this to the Province of Alberta, these were the types of loans that we needed. These were not in any way dictated to us. As a matter of fact, the Province of Alberta indicated that they would look very favourably on any proposal we would put to them, and we chose to put these particular proposals. Perhaps I could also take this opportunity just to clarify a point that I made earlier, The hon. Leader of the Opposition asked if we could have gone to other markets. You know, there is no doubt about it, we could go to other markets. The interest rate may have been so high that it would be imprudent for us to go. We could have gone but we chose not to go and we chose in the best interest of this Province not to go to other markets because of the height of interest rates, and we have gone to this particular source of capital funds and we have found, in today's context, that the interest rates we are paying there are extremely favourable to us.

MR. SPEAKER: (Simms) The hon. Leader of the Opposition.

MR. JAMIESON: Mr. Speaker, I do find it rather difficult to abide by - I will abide by your ruling but, again, the last statement of the hon. the Minister of Finance (Dr. Collins) raised many questions on which I would like to have the opportunity, which I hope will come later. May I ask him, however, this: Having said that they could have gone to other markets, and it being a matter of public record so far as I am aware from time to time what the credit rating of a particular province is, would he tell me first of all what the judgement of his current advisors is as to what the credit rating of the Province of Newfoundland is, and which is the AAA province upon which Alberta

MR. JAMIESON: has now based its rate of interest?

DR. COLLINS: Mr. Speaker, the credit rating of the Province is not done by our fiscal agent, by our advisors, this is done by credit rating firms who quite dispassionately do that.

MR. JAMIESON: But surely your advisors are the ones who tell you.

DR. COLLINS: What advisors would say our credit rating is is interesting, but it is not absolutely critical or germane. Our fiscal agents do tell us that our credit rating, as it is now categorized, is too low, that our credit rating for some time now has been BAA-1 at Moody's and I think it is A at Standard and Poor, that they feel that we deserve a better credit rating than that but it is not their prerogative to set it. The second point, that is set by the credit -

MR. JAMIESON: What is the set figure?

PREMIER PECKFORD: BAA-1.

DR. COLLINS: BAA-1

MR. JAMIESON: BAA-1, I am sorry.

PREMIER PECKFORD: That is the credit rating right now by Standard and Poor and by Moody's.

DR. COLLINS: By Standard and Poor.

MR. JAMIESON: Yes, okay.

DR. COLLINS: The second point I think the hon. Leader of the Opposition raised was which province or provinces -

MR. JAMIESON: How is the AAA rating arrived at?

DR. COLLINS: As I mentioned in the statement there, the Fund will now make provincial loans at the rate of the most credit worthy province of all provinces. At this current time, the most credit worthy provinces, I believe, are Ontario and British Columbia. Ontario, I am sure, is AAA. I am almost certain that British Columbia is AAA, but if those should change, if, say, the credit rating of Ontario should slip at some point in time and another province becomes higher than that, well, then the Alberta Heritage Savings Trust Fund will set its rate at which it will lend at that

DR. COLLINS: newer and better rate.

MR. SPEAKER: (Simms) Order, please! I believe Oral Questions, perhaps, would be the more appropriate time to continue this sort of questioning.

MR. JAMIESON: I am going to keep it going till one o'clock.

MR. SPEAKER: The other precedent, I would like to remind hon. members once again, I believe the precedent and tradition in this House as well, as I understand it, is that when a minister makes a Ministerial Statement, the person responding to that Ministerial Statement traditionally has about half the length of time as the minister in giving his statement. The fact that it has been somewhat unusual today and done somewhat differently, I would assume was by agreement because the hon. the minister -

MR. JAMIESON: (Inaudible) this may or may not be a point of order.

MR. SPEAKER: The hon. Leader of the Opposition, a final comment?

MR. JAMIESON: Just for guidance for the future, Mr. Speaker, I suggest that this is a process which we ought to clarify to some degree. I think there are Ministerial Statements and there are Ministerial Statements. I have, as leader on this side, ensured that we keep down the normal kinds of interventions. I suggest that this is in a different category, but I bow to your ruling and, of course, suggest, also, that it might be one of those things that we might wish to do something with for the future.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: To that point, Mr. Speaker, I think it must be clearly established what the tradition is in this House. I just want to highlight the fact that we have seen fit not only to consult with the Opposition on this matter early this morning and provide a statement but we have, under the rules that have always

PREMIER PECKFORD: applied in this House, been extremely lax and liberal in our approach to the interpretation of that this morning to allow the Leader of the Opposition a lot of flexibility in the questioning, which could have been, under the normal rules and if we had applied them stringently, cut off at twenty minutes to one. I think that that should be recognized and highlighted that we are attempting to provide as much information - the minister has a press room downstairs waiting now, you know, for the last fifteen or twenty minutes on this matter because they need to get it on the wires in line with the Alberta thing. I think it should just be noted, Mr. Speaker, the co-operation which this government has allowed on this very important matter this morning.

SOME HON. MEMBERS: Hear, hear!

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

MR. MARSHALL: Mr. Speaker, I move that the House at its rising do adjourn until tomorrow, Monday, at 3:00 p.m. and that this House do now adjourn.

On motion, the House at its rising adjourned until tomorrow, Monday, at 3:00 p.m.