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HOUSE OF ASSEMBLY

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3:00 p.m. - 6:00 p.m.

TUESDAY, DECEMBER 16, 1980

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

STATEMENTS BY MINISTERS

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I would like to table and read, if I may, a letter that I sent to the Prime Minister this morning concerning a matter of grave importance to our Province.

Mr. Prime Minister: You are no doubt aware of the great importance of the fishery to Newfoundland and of the importance which my government attaches to its management for the maximum social and economic development of our rural communities. I need not emphasize that no other economic activity so profoundly affects the economic well being of this Province. It is in recognition of this reality that my government has devoted a major portion of its time and energy to the consideration and development of our policy regarding this sector of the economy.

Over the past several years, we have commissioned a number of major studies to this end and we believe that our views are based on a comprehensive analysis of the place which the fishery, in all of its aspects, has in the development of the Province.

The importance of the fishery to Newfoundland and the positive contribution it can make to the betterment of our society was amply demonstrated in the recent study by the Economic Council of Canada. The views expressed there, in large part, because most of their views were taken right out of provincial government documents, support our own investigations and remove any

PREMIER PECKFORD: doubt which might remain concerning the contribution of the fisheries to the provincial economy.

'My government is committed to a continuing examination of fisheries policy and to the belief that its development must be approached in a comprehensive manner which provides for input and consultation by all those affected by any decision which is made.

'It was with this in mind that my government appointed a Royal Commission to study these matter during the Summer of 1980. The first part of the Commission's work is nearing completion but a major part concerning the structure of the industry will take several additional months. This part will involve extensive consultations with affected groups and will be an essential input into provincial policy for future fishery development.

'It is my belief that the decision-making process

PREMIER PECKFORD: of the Federal Government must take a comprehensive view of the role of the fishery in the Newfoundland society as well and, to this end, must provide for effective consultation with the Provincial Government. I am, therefore, extremely concerned about three major federal policy initiatives which have great impact upon the Newfoundland fishery. These are the announced intent of the Department of Fisheries and Oceans to establish a management region based in Moncton for the Gulf of St. Lawrence fishery; (2) the introduction, in January 1981, of a new licensing policy for fishermen which carries with it, for the first time, the notion of an explicit quota for the inshore fishery; thirdly, the directions being taken regarding the allocation of offshore fish stocks, principally northern cod, to foreign nations in return for trade concessions of dubious value:

Let me say, Mr. Speaker, in the last couple of days the Minister of Fisheries for Newfoundland (Mr. Morgan) and myself have been deluged with telegrams and fishermen coming in from all over the Province complaining about the recently instituted, or about to be instituted new fish licensing policy which we expressed concerns about weeks and weeks and months ago in our consultation with the Federal Government.

'Regarding the decision to establish a Gulf Region, this initiative was announced without any prior consultation with the Government of Newfoundland even though it represents a fundamental change in the decision-making process affecting fishermen along the entire west and southwest coasts of this Province. The rationale for this decision has never been satisfactorily explained and does not seem to carry with it any benefit for Newfoundland fishermen who are affected by it.'

PREMIER PECKFORD: And I might add that I have great difficulty in finding anybody I talked to, whose names would remain totally anonymous, having anything to do with the Federal Government and fisheries policy in the Federal Government who sides with this policy.

'Regarding the initiative concerning the allocation of fish quotas to foreign nations, the direction of these trade negotiations is clearly opposed to the advice of my Government, the fishing industry and the representatives of the fishermen's union. I have written to the hon. Mark MacGuigan, Minister of External Affairs, and to the hon. Herb Gray, Minister of Industry, Trade and Commerce, explaining in detail the fundamental error of the present policy and requesting a thorough review of the present posture of the Government of Canada in this regard. Also, my Minister of Fisheries, the hon. James Morgan, has made a direct approach to the hon. Romeo LeBlanc objecting to this trade strategy.

PREMIER PECKFORD: 'Regarding the new licensing policy, I must point out that no other initiative has so profound an impact on the social fabric of virtually every community of this Province as does this action. Indeed the consideration of this matter is one of the explicit terms of reference of the Royal Commission to which I referred previously. Because of the importance of decisions in this area, my Government believes that it is critical that no precipitous or irrevocable steps be taken to alter an individual's right to enter the fishery without very serious thought by Governments nor without providing the widest possible opportunity for public hearings on the detail of the measures being considered.

'Furthermore, the notion of an explicit quota for the inshore fishery with its spectre of closing this fishery before the end of the traditional season, requires a complete review of the process by which quotas are established. Again the requirement for public hearings as part of this process is clearly indicated.

'From the foregoing, you will see that from our perspective there has not been sufficient or proper consultation with the Government of Newfoundland on these matters. It is my belief that the kind of consultation which is necessary for coordinated action will only be possible when responsibility for these decisions is jointly held. This belief was at the center of our proposals for concurrent jurisdiction during the constitutional discussions and I am convinced that present evidence demonstrates the necessity of achieving constitutional change.

PREMIER PECKFORD: 'In conclusion, I would re-emphasize my grave concern over the three specific initiatives to which I have referred and urge that the process of implementation of these initiatives be suspended until such time as more extensive consultations can take place, and we have the benefit of the findings of the Royal Commission presently examining the Newfoundland fishery. Moreover, I would urge that any proposals for such fundamental change in the fishery be subjected to a process of public hearings before decisions are finally taken and that any such decision, when taken, be reasoned in light of the evidence presented.'

'Yours sincerely,'

Mr. Speaker, there is nothing today or tomorrow, yesterday or decades to come that is going to more affect the lives of every single one in this hon. House and everyone in this Province than the way we manage and institute new policies on the fishery and the kind of reaction that is happening around this Province right now as it relates to a number of these measures - Moncton office, the licensing policy and all the rest that were discussed with the Federal Government months and months ago by us - leaves a lot to be desired We do not ask

PREMIER PECKFORD: for 100 per cent of anything.

We ask for a share in the decision making and massive consultation, not only with us but with the people most affected, through a public hearing process. Without that we are in grave danger of seeing our traditional, our present and our future major industry taking a course which I do not think is in the best interest of this Province in the short, medium or long-term.

SOME HON. MEMBERS: Hear, hear!

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

MR. L. STIRLING: Thank you, Mr. Speaker.

This was the first time that I heard the Premier make this kind of impassioned and sensible sounding statement. I would be here thumping my desk and saying, 'Hear, hear' except last Summer, Mr. Speaker, we did go through a fisheries strike. There was a royal commission set up without one iota of consultation with the fisherman -

SOME HON. MEMBERS: Hear, hear!

MR. L. STIRLING: - without any consultation with the federal government. And when in this House we ask a minister, for example, on another piece of legislation on the Upper Churchill, 'Did you consult with the federal government?' And the minister says to us, 'Who us? Consult? We are independent, we are provincial, we do not tell Ottawa, we do not go cap in hand, we do our own thing.' Mr. Speaker, where was the Premier when there was a set of inquiries that went all over this Province looking into licensing, the whole of the Province, including the Island, Newfoundland and Labrador.

Well, I will tell you what we are going to do, Mr. Speaker. I am leaving tonight to go to Ottawa because I want to meet with the federal people

MR. L. STIRLING: to find out what is going on in these same areas. And I would suggest that maybe if the Premier would like it I will try to set up an appointment for him so that he can -

SOME HON. MEMBERS: Hear, hear!

MR. L. STIRLING: - get away from this confrontation and reacting after it is too late, after it is too late. After the fishermen have received these notices, the Premier has found out that there is a fishery. Now that he is concerned, Mr. Speaker, not with doing anything about solving the problem because he still has not talked to the Fishermen's Union about any of the problems dealing with the fishery, he is too big for that, he cannot speak on behalf of the fishermen.

So, Mr. Speaker, when I do arrive in Ottawa tonight and I do bring up these questions, if the Premier would like to get back to a normal relationship with Ottawa, then I will be glad to try to arrange a meeting on his behalf. Because, Mr. Speaker, not only with this government but when this Opposition, when there was a federal PC government in Ottawa, when there was a fisheries conference about the Northern cod stock in the Summer of 1978

MR. STIRLING: when Walter Carter was then the Minister of Fisheries, and man after man on this side got up and said, "Are you going to have some input before the Northern cod stock is decided and given away? What will you do?" And the Premier sat there with his sick little smile and said, "No way am I going to that. We will send civil servants." And now we know the reason. We know the reason, Mr. Speaker, is because he is much more interested in this grandstand kind of thing in which he writes a letter to the Prime Minister, and does not have the decency to wait until the letter arrives at the Prime Minister's Office before he tables it in the House of Assembly.

SOME HON. MEMBERS: Hear, hear!

MR. S. NEARY: Shame, shame!

MR. STIRLING: What it is is one more step,

Mr. Speaker -

MR. NEARY: What a Premier.

MR. STIRLING: - one more step in the confrontation type of aspect, the grabbing the publicity. The same Premier, Mr. Speaker, if he would only get off his anti-federal kick and realize of course on this side we supported the stand on the Northern cod stock, and of course there must be consultation, but it is a two way street. It is a two way street.

PREMIER PECKFORD: (Inaudible) down yesterday (inaudible).

MR. STIRLING: It is a two way street, Mr. Speaker.

And it is the same problem that once the Premier gets into trouble with the oil companies on the offshore, he says, "When it is in our judgement to tell the people of Newfoundland what is going on, then in our judgement we will tell them." And that is what is happening here, Mr. Speaker, a piece of the kind of garbage that you can expect from the Premier who does not want to consult. If he had made this back in May, when he was first elected, May of '79, you would understand.

MR. STIRLING: But he is now doing this kind of thing a year and a half after he is in office.

AN HON. MEMBER: Shame! Shame!

MR. STIRLING: So I will repeat, Mr. Speaker; I do intend to go to Ottawa, I have the same concerns and I will be glad to set up an appointment if the Premier would like to get back to a normal federal/provincial operation.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Any further statements?

MR. THOMS: (Inaudible) letter to the Prime Minister before it was (inaudible).

MR. SPEAKER: Order, please! Order! Order!
The hon. Minister of Rural, Agricultural and Northern Development.

MR. GOUDIE: Mr. Speaker, it is my privilege to present to the House at this time information about some significant activities with respect to our agricultural industry. I would remind Your Honour that agriculture is the production of food in which the ever increasing transportation costs, and the increasing world demand for food, the expansion of food production here in our Province is a most worthy and justifiable pursuit.

Recently there have been reports about rising land prices and land speculation in the St. John's urban region, and that this may jeopardize the farmers in the area. I remind members of this hon. House that several years ago government zoned some of the best soil resources in the St. John's urban region for agricultural use. This action was taken because farm land was being permanently lost at an alarming rate through urban expansion.

I am happy to

-----MR. GCUDDIE:----- report that the trend has reversed in recent years and that production of agricultural food products from that area has increased. As examples, in the last two years milk production increased by one million pounds or six per cent, hogs and chicken on farms increased by thirty-one and twenty per cent respectively, turnip production is up by ten per cent, while carrot production increased by nineteen per cent. Farmers are now responding, in the confidence that there is a future for the agricultural industry, by investing their time and financial resources in expansion of their farm units. Dairy farmers have traditionally imported most of their hay, but this year a group of them are clearing and developing a large area of Crown land near the Goulds for forage production to replace imports. The farmers are to be commended for their actions and their positive response to the zoning of agricultural land is gratifying. I mean add that the preservation of this agricultural land was also a request to the Newfoundland and Labrador branch of the Consumers Association of Canada a few years ago. As the result of the agricultural land zoning, the oil exploration and the possibility of oil production off our coast should not permanently or even temporarily disrupt farming activities. Rather, the benefits of such activities could be used to build a more prosperous farming base to supply an increasing demand for fresh local produce. Oil is a non-renewable resource that would expend itself within a definite period of time. Food will always be an necessity and its production on a sustained basis must be insured with proper management of farms and farmland. Soil surveying and land use planning activities are progressing well in other areas of the Province which have a potential for further agricultural development. It is expected that within the next year it will be possible to

MR. GOUDIE: take actions to preserve these soil resources to ensure an agricultural industry for farmers, consumers and, most importantly, for future generations in our Province. Government, through my department, has conducted an awareness campaign for the marketing of locally produced agricultural products. A consumer survey was conducted and it indicated enthusiastic acceptance of the locally produced products. Newfoundland Farm Products Corporation has recently started to process local pork into high quality bacon and hams. Prior to this the raw materials had been sent out of the Province for further processing. The important link in the food system is the farmer. They hold the key for expansion, import substitution and great self-sufficiency in food products. They are to be commended and encouraged in their pursuit of technology and managerial skills to improve the efficiency of the food system and the viability of their businesses. My department is emphasizing, and considers critically important the development of human resources in the agricultural industries.

In conclusion, Mr. Speaker, a food supply is important to us all. By the active participation of farmers in the programmes which this government is making available to them, I envisage that they will increase production providing, of course, they receive more co-operation from the weather than experienced this year.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Simms): The hon. the member for Eagle River.

MR. HISCOCK: Mr. Speaker, I would like to thank the minister for an advance copy of the statement. It is a very general statement, one of motherhood and one on which we cannot disagree on this side. It is a report, basically, on what is happening to agriculture in our Province and we should be very thankful for the DREE programme providing 90 per cent of the funding, so much so that we cannot spend all the money that the federal government have given to us under this programme and through the administration, the bureaucracy here in this Province we are not expanding agriculture at the rate that we really should be doing.

One of the, I think, excellent programmes is one of the soil resources, soil surveys throughout the Province and identifying agricultural land. This is long overdue and it is particularly needed. The minister pointed out that hogs and chickens on farms increased by 31 per cent and 20 per cent. The hog industry here in this Province is in great financial trouble and is depending on the Department of Agriculture to come up with some subsidization because Quebec is basically trying to take over the hog producing market in Atlantic Canada as well as in Quebec itself, and also the lambs and mutton.

Hopefully, the government will come up with some subsidy to the hog producers and the sheep producers in this Province.

I would to also ask the minister if he can report later to this House the impact of pasture land being taken away from Crown lands or from the government and put in the hands of private enterprise. Has this proven to be successful? Are any of the

MR. HISCOCK: pasture lands closed down this year because the government is not running them or are they working out?

The other thing I would like to point out is with regard to marketing. Marketing is an extremely important system in agriculture. If we do not continue to expand our marketing system and tie it together and have agricultural products down on the Northern Peninsula and on the Bonavista Peninsula and the Burin Peninsula and in Codroy Valley, if we do not have a way of tying all these products into one warehouse, let us say, and then distribute them throughout the Province, then all the expansion is not going to be of any avail.

One of the problems that we are having is that the large supermarkets will not buy bulk products from us because they say we cannot assure them of a continuous supply; therefore, they bring them from the outside - import potatoes, carrots and turnips.

Survey after survey in this Province has shown that we can export turnips to the Eastern Seaboard of the United States and Atlantic Canada and we pride ourselves now on having an increase of 10 per cent.

Hopefully, Mr. Speaker, we will get into the business of exporting root crops.

Another thing I would like to point out is that we should stress that here in agriculture that the only money that is

MR. E. HISCOCK: given to the farmer is that for capital, capital for building and equipment, and that is extremely important, but also where the farmer like the fishermen need money to invest in seed and various other parts of the agricultural industry has to get into extra money. So, Mr. Speaker, I would hope that this government will continue to have a more efficient operation of agriculture, it is extremely important, and also that we will come up with some programmes of subsidization to the hog industry and also more money for projects other than capital. Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Simms): Any further statements?

ORAL QUESTIONS

MR. SPEAKER: The hon. member for Grand Banks.

MR. L. THOMS: Mr. Speaker, I have a question I would like to direct to the Minister of Justice (Mr. Ottenheimer). The police protection given to the citizens of St. John's is, I believe, and in the opinion of a great number of other people, totally inadequate especially from the period from six o'clock in the evening until six o'clock the next morning. My question to the minister is that with the expansion of the Royal Newfoundland Constabulary to Mount Pearl, will the minister consider now the - one of the problems right now is the length of time it takes the police to answer a call; sometimes thirty minutes, sometimes forty-five minutes. Would the minister consider the creation of police precincts for the city of St. John's and Mount Pearl?

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

MR. OTTENHEIMER: Mr. Speaker, as I understand it with the concept of precincts certainly, you know, thinking in terms of, you know, quite large metropolitan areas

MR. OTTENHEIMER: with, you know, quite long distances between one part and the other. Mount Pearl, of course, with the new Access Road, now is probably closer to the police headquarters than many many parts of the city. You know, to get from the police headquarters of Fort Townsend to Mount Pearl would probably be quicker than getting from that police headquarters to many areas of the city in the Eastern extremity and probably perhaps the Waterford Bridge Road, Cowan Heights or Cowan Avenue area. So, you know, I do not think the distance or the time is really a factor, I think that it would be possible to go from Fort Townsend to Mount Pearl more quickly with less traffic than it would be from Fort Townsend to many parts within the present city boundaries. So I do not, you know, see that the precinct matter is really germane in the sense of Mount Pearl; it is another community, another municipality but in terms of driving distance I think it is probably shorter than many areas within the present boundaries, it would be quite a bit shorter. I have not driven directly from Fort Townsend to Mount Pearl, but I think that would be much more quickly driven than from Fort Townsend to many areas within the present municipal boundaries of St. John's. So I do not think the fact of Mount Pearl coming within the jurisdiction of the Royal Newfoundland Constabulary, you know, is a factor in the question of precincts. In my opinion, it is not.

MR. L. THOMS: Well, will you set up precincts in St. John's?

MR. OTTENHEIMER: It is not our intention to so do right now; it is not our intention to set up precincts now. One of the big problems there is I think when one thinks of precincts one is usually thinking of much larger areas and much larger populations. Really what they are is sub-headquarters and it is not just an office, you know, it is a sub-headquarters with its own - it has to have some clerical staff as well as permanent professional staff so you would be - let us say you had seven precincts. You would be having seven, in a sense, layers of bureaucracy as well. And, you know, we think that by, number one, given the area of St. John's and given the population, that one well-staffed, well-manned modern, with a large amount of computerization, which the present headquarters does have, that this is the best way of providing the centralized service for the nerve centre, if you wish, of the police force, rather than having seven or eight sub-headquarters, all of which would require a certain clerical and bureaucratic infrastructure. Otherwise they would not, you know, they would not function, so I do not think that as the population and demography of matters are now, that there would be any advantage; indeed I think there would be a disadvantage.

MR. THOMS: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A supplementary, the hon. member for Grand Bank.

MR. THOMS: Mr. Speaker, the present system is obviously not working and obviously the Department is not giving that much consideration to improving it. However, I would like to ask the minister that now with the transfer of the parking by-law enforcements to the city of St. John's, what are, if any, the financial arrangements between the government and the city in connection with that?

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

MR. OTTENHEIMER: With respect to the transfer
of the enforcement of the municipal by-laws from the con-
stabulary to the municipal council, number one, we are
hoping that will take place the first of February. I cannot
give a specific date, but between the first of February
and the first of April, and it may well be by the first of
February. What the arrangements which have been discussed
and agreed with the council are, well, the situation always
was that the revenue from metres went to the city. However,
the revenue from fines for metre offenses had, and do now,
accrue to the Province, with, however, the city undertaking
when the city does, in fact, undertake the responsibility
for hiring and obviously paying the personnel to enforce
the metre regulations then that revenue will go to the city.
It has been agreed that there would be a ten per cent, ten
per cent would be then transferred back from the city to the
Crown and this in recognition of

MR. G. OTTENHEIMER:

the administrative expenses that the government has in terms of the Traffic Court, and this is the only area in the Province where there is a court specifically for traffic offences. So the revenue from the meters will continue to go to the city, that always did, and the fines which would accrue from summons for meter offences would go to the city, which certainly appears to be fair enough since they are employing and paying for the personnell enforcing those by-laws, with a 10 per cent come back in recognition of the administrative expenses the Province undertakes.

MR. L. THOMS:

A final supplementary, Mr.

Speaker.

MR. SPEAKER (Simms):

A final supplementary, the

hon. member for Grand Bank.

MR. L. THOMS:

Mr. Speaker, this is a supplementary I am sure the Minister of Education (Ms. Verge) would like to know the answer too as well. Now that we have young ladies in the Royal Newfoundland Constabulary, is there any indication when the Police Brotherhood will be changing its name to reflect this?

MR. SPEAKER:

The hon. Minister of Justice.

MR. G. OTTENHEIMER:

Well, Mr. Speaker, I have not heard. I suppose that will be an internal matter. I am not sure if they will change it from brotherhood to sisterhood or personhood. I suppose it will just be an association, but I think that will be an internal matter that they will have to work out themselves.

MR. L. THOMS:

You are not going to insist on it?

MR. G. OTTENHEIMER: I am not a member of the organization. It would be a gross interference for me to interfere.

MR. SPEAKER(Simms): Order, please!
Other members should not be standing while the Minister of Justice(Mr.Ottenheimer) is still answering his question.

The hon. Minister of Justice.

MR. G. OTTENHEIMER: I think I have covered the subject, Sir.

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

MR.G. FLIGHT: Mr. Speaker, I would normally ask this question to the Minister of Mines and Energy (Mr. Barry) but I will ask the Premier in his absence. As the Premier knows, the Buchans mining situation are winding down their operation on the deposits that they have been working for this past fifty years, and there is some hope that the operation will continue based on the Asarco and Abitibi-Price's intention to develop and to bring into production new ore bodies. He is familiar with the Tulk ore body and now a new ore body in the works - now a new ore body - so I would ask the Premier with the knowledge that they are reporting regularly to government, to Mines and Energy, would the Premier tell us what that company's intentions are with regard to the development and production of those new ore body, Tulks in particular.?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Yes, Mr. Speaker, I think, if my memory serves me correctly, that there was some additional assessment going on now through the Fall and Winter to determine the exact nature of the exploration activity this past Summer and Fall as it relates to Tulks, to get a handle on it. As the hon. member undoubtedly knows, there has been various figures of both grade of ore and tonnage of ore ranging from anywhere from .81 per cent to 1.2 on the ore, I think, and all the way from around 500,000 tons to 1.2 million tons as it relates to the Tulks property. I think those are the parameters as it relates to grade and as it relates to tonnage.

On the other one, I have not got the facts before me on the old workings and the new discovery and how much is there. So what we have done in response to those kinds of positive indications from Price and Asarco is said that we are prepared to sit down with them and to negotiate some infrastructural costs and share some infrastructural costs with them as it relates to access by road to Tulks and the mixture of both the Tulks ore deposit with the new discovery in the old workings, to bring about a fairly stable, hopefully production scenario for the next five years.

MR. FLIGHT: A supplementary.

MR. SPEAKER (Simms): A supplementary, the hon. member for Windsor-Buchans.

MR. FLIGHT: Would the Premier indicate to the House, or to me, whether or not those companies have specifically requested government assistance, government funding for the infrastructure he refers to with regard to the Tulks ore body?

I understand that he is not very much aware of the other one

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, in most of the correspondence, and I stand to be corrected, there has been an

PREMIER PECKFORD: indication, and I suppose perhaps the hon. member's meetings with the company and people in Buchans might bear this out as well, that there has been some indication, because they were not sure of the exact tonnage and grade and then price of the commodity, that they might be looking to government for some infrastructural costs as it relates to Tulks.

MR. FLIGHT: A final supplementary.

MR. SPEAKER (Simms): A final supplementary, the hon. member for Windsor-Buchans, followed by the hon. member for LaPoile.

MR. FLIGHT: Mr. Speaker, as the Premier knows, with regard to mining and mining operations, there is no guarantee that the Tulks ore body will be developed or brought to production, there is no guarantee that the other ore body he refers to will be brought into production. So it may be for various reasons that we may see the end of the mining in the next months, and that is Abitibit-Price and Asarco's estimate, that if they do not go into new production the mine will shut down. So I would ask the Premier, his having that knowledge, his being aware of that fact, what contingency plans he has to take care of the population, the working force of Buchans in the event that happens?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Well, from all the indications coming out of Buchans and from the companies in the last few months, we have been looking more optimistically that it will not close down in the next two or three months, but rather enter into negotiations with them for

PREMIER PECKFORD: continuation of Buchans based on Tulks and the discoveries in the old properties, Obviously if that does not come about, we are going to have to place all the contingency plans we can for re-location for new job opportunities for those people. Obviously there is a need to stabilize at a certain level of the Buchans population, that there will always be a Buchans and that you have to bring into operation certain things, not to keep it at its present level of population but somewhere close to it. But there might be those who would elect to go to other job opportunities and, of course, we cannot interfere with individual liberty and their right to move if they so want to. We will not necessarily encourage that and we will try to stabilize the Buchans economy to ensure that it remains a viable community. That will not be easy to do in the short term. However, I think, given all the resource identifications that have gone on in the Buchans area over the last four or five years to see what other industry can be brought to bear in that area, the barite one is perhaps the most possible one, albeit is only twenty-five or thirty jobs in the initial stages of the development, but Buchans was founded upon ore bodies and one would like to think that these two latest developments both in the old workings and in the Tulks deposit will see that the ore development in Buchans will continue to play a major role in the development of that community.

MR. FLIGHT: A final supplementary.

MR. SPEAKER: I indicated a final supplementary, unless the hon. member for LaPoile wishes to yield.

MR. NEARY: I yield.

MR. SPEAKER: A final supplementary:
The hon. member for Windsor-Buchans.

MR. FLIGHT: I thank the member for LaPoile for yielding, Mr. Speaker. But I am wondering in view of what the Premier said about stabilizing the Buchans economy in the event mining does not continue that he will take advantage of all the research that has been done and all the recommendations of the various -

MR. R. MOORES: Task forces.

MR. FLIGHT: - task forces and the various possibilities to stabilize the economy and he says that he will do that. How does he tie in that, how does he reconcile that with his position on refusing to further fund the Buchans-Burgeo Road, the one road that all the recommendations he has is based on? How does he square that with his refusal to continue the Buchans-Burgeo Road?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: There are many components which go into the establishment of a viable community: One of them has to do with transportation, others have to do with resource development. So there is one component of many, many components for the continued existence of Buchans which has to be considered. The question of an additional road access to Buchans is only one of many, many components, and all the components have to be looked at in their totality and not isolating either one particular factor as the end-all and be-all for Buchans.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! The hon. member for LaPoile.

MR. S. NEARY: Mr. Speaker, members of the House are aware, I presume, of the serious implications and the serious consequences for residents of Labrador West as a result of a report.

MR. NEARY:

done by the federal Department of the Environment that proves beyond any doubt that the air over Wabush and Labrador City is polluted to the extent that it creates a health hazard.

I would like to ask the minister responsible for the environment (Mr. Dawe) if he has received a copy of this report?

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

MR. DAWE: Yes, Mr. Speaker, I received a copy of the report today.

MR. NEARY: Mr. Speaker, a supplementary.

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

MR. NEARY: Mr. Speaker, obviously the hon. gentleman has not had an opportunity to read the report, but it is of such a grave nature in that the lives of these people, men, women and children, our fellow Newfoundlanders and Labradorians in Labrador West are endangered, because the report stated, I think, beyond any doubt that there is a health hazard, Would the hon. gentleman indicate to the House what action he intends to take on this report after he has had an opportunity to browse through it?

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

MR. DAWE: Mr. Speaker, early in October officials of my department, plus some other departments, met with I.O.C. to discuss certain issues with regard to the monitoring of dust in the air and so on in that area. As a result of that meeting, a letter has gone from me to the Iron Ore Company of Canada asking them to submit

MR. DAWE: to my department a compliance schedule which would reduce the amount of emissions. Since 1977, there has been a continuous monitoring programme of dust emissions from I.O.C. in Wabush and of dust emissions from the tailings. This has resulted in a number of discussions over that period of time, which are coming to a head now with regard to a compliance schedule for the company to get involved in reducing the amounts of dust that is being emitted into the air. There is a further meeting scheduled for January of the New Year, when we will be discussing further action, both with regard to the company and additional monitoring by the department.

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A final supplementary, the hon. the member for LaPoile.

MR. NEARY: Mr. Speaker, I want to ask the hon. the minister and also encourage him at the same time to give this matter high priority in the minister's department. I would like to ask the hon. gentleman if he would indicate to the House if this matter is going to be given priority over and above all matters in his department, a matter where the people's lives and their health are affected by this pollution in the air, caused by the mill and the production of iron ore in Labrador City and Wabush? I think, Mr. Speaker, that might give the people down there some reassurance that something will be done about it.

I am glad to hear there is going to be a meeting in the New Year. But I would like for the hon. gentleman to tell us just what priority this matter rates in his department?

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

MR. DAWE: Mr. Speaker, this particular

MR. WINDSOR: issue, as well as a number of issues around the Province, all have high priority based on the particular circumstances. I might point out to the House that my colleague, the Minister of Labour and Manpower (J. Dinn), and his department through Occupational Health and Safety has had a programme, I think, amounting to some \$2 million in studying the various health hazards and dust control situations at that particular site, and in co-operation with his particular department in that section, our department has been working.

I can assure the House and the hon. member for LaPoile (S. Neary) that we are doing everything that we can to ensure that those dust emissions will be reduced in the future.

MR. BENNETT: Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for St. Barbe.

MR. BENNETT: Thank you, Mr. Speaker. My question is directed to the Minister of Social Services. The Minister of Social Services Mr. Speaker, could the minister tell us if he has plans in place to increase the subsistence allowance presently received by the widows of this Province? Did you hear the question, Mr. Minister?

MR. SPEAKER: The hon. member for St. Barbe.

MR. BENNETT: Does the minister have, at present time does the minister have plans to increase the present subsistence allowance that our widows, the widows of this Province are getting?

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

MR. HICKEY Mr. Speaker, I think the hon. gentleman for giving me the opportunity to inform the House about all of the things we have done to increase the allowances

MR. HICKEY: to recipients of Social Assistance since 1972. That was the government that brought in the policy of indexing social assistance to the cost of living and we have tried desperately since that time to stay within that policy. It is a very costly venture, we have not been able to keep pace with inflation, but year after year after year, culminating, Mr. Speaker, with last year a ten per cent increase to recipients - and I am aware of the difficulties faced by some of them - in addition to that, there is approximately one million dollars in by budget under the heading of Special Needs, where we deal with special specific cases where there is hardship and there is another category of additional assistance.

So, Mr. Speaker,

MR. HICKEY: the government is doing everything it possibly can and making wise use of its limited financial resources.

MR. BENNETT: Mr. Speaker, a supplementary.

MR. SPEAKER (Simms): A supplementary. The hon. member for St. Barbe.

MR. BENNETT: Thank you, Mr. Speaker. Hopefully, Mr. Minister, very shortly I shall present a letter to you, to your office, to your attention on behalf of the Province, not only my district. Last evening I was in Cow Head and I was bombarded by - there are several people there, widows, who are living way, way, way below the poverty line. One lady in particular, desperately crippled with a large family, a widow, not able to work and very disturbed about what she is going to do for fuel for her stove, food for her family, and I am wondering, Mr. Speaker, would the minister consider reinstating the Mother's Allowance so these people could have some form -

SOME HON. MEMBERS: Hear; hear!

MR. BENNETT: -of security?

MR. SPEAKER (Simms): The hon. Minister of Social Services.

MR. HICKEY: Mr. Speaker, just last week I attended the federal-provincial conference in Ottawa and my colleagues across the country, to the last minister from all the provinces and territories, brought to the attention of the federal minister the plight of people as outlined by my hon. friend and of the need for expansion of a number of aspects of the social assistance programmes. The response we got was that there was no money, no new money, and we were told finally that the best that could be done was to review the Canada Assistance Plan with a view to making more flexible the cost sharing arrangement which might well enable

MR. HICKEY: us to do some additional things to deal with that very issue that he refers to. I suggest to him that - there is no doubt in my mind that the need is there in a number of aspects and in a number of areas of our programme -but again I point out to him that, you know, we do the best we can with the resources that are available and , of course, the social assistance programme was never tailored to provide everything. I think, Mr. Speaker, it is fair to say too that what we have to do is to isolate as far as possible the real needy cases and to put some extra dollars there where there is not the ability to go out and earn a few extra dollars, such as the widows and the older people and the disabled

MR. T. HICKEY: and this kind of groups and this is what we are attempting to do.

MR. T. BENNETT: A final supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A final supplementary, the hon. member for St. Barbe.

MR. T. BENNETT: While I have the opportunity, Mr. Speaker, I would like to sort of suggest to the minister in the form of a question, Mr. Speaker, in view of the fact it must be more difficult for a one parent family to raise children and indeed, Mr. Speaker, keep them within the framework of law - in other words, keep them from being delinquents - I would hope that the minister recognizes the fact, you know, that it is a little difficult sometimes for women alone with large families, and sometimes children wind up as delinquents, and this in turn costs your budget extra dollars. It is an extra burden on the taxpayer and it is an extra burden on society.

So, Mr. Speaker, I am wondering, Mr. Speaker, if the minister could consider some other form of assistance to these people here who are so desperately in need, and I am sure the minister can separate those who are so desperately in need from those who are not desperately in need.

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

MR. T. HICKEY: Mr. Speaker, I am glad the hon. gentleman agrees with our policy which is presently in place. I can assure him that the various things he is saying today is operative within my department right now. We are, indeed, doing precisely that, we are providing extra money to families at risk, where the children are at risk, where there are difficulties.

MR. T. HICKEY:

We are providing extra money to single parents who have dependent children, we are providing extra money to help rehabilitate these single parents and find them some type of employment or train them and introduce them into some new forms of employment, all in the interest of doing the very thing he refers to and identifies, the threat, and sometimes not only the threat but the real true-to-life situation where indeed children are at risk and in trouble or about to be in trouble and with a real possibility of ending up in a training school and so on.

In addition to that, Mr. Speaker, we have embarked upon a programme to take boys and girls who are in training schools out into group homes or in their own homes, providing additional money to the families to help them make out and to help them care for their children.

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

MR. B. TULK: Mr. Speaker, I have a question for the Minister of Transportation (Mr. Brett) and it concerns his recent announcement on the Fogo Island ferry service. In that announcement, I think he said that the cost would be approximately \$900,000 and he also pointed out that there would be need of terminals at Man of War Cove, at Farewell and a terminal at Seldom. I would like to ask him a question, if he intends to see that work carried on the same time in the four places mentioned or just when does he intend to do the Carmanville, Seldom, Man of War, Farewell Head. Could he give a timetable, please?

MR. SPEAKER: The hon. Minister of Transportation.

MR. C. BRETT: No, Mr. Speaker, I cannot give the hon. gentleman a timetable. I know that the work at Man of War Cove and Farewell Head would be done first; hopefully we can start this Spring on that. When we will do the terminals at -

AN HON. MEMBER: (Inaudible)

MR. C. BRETT: - no. When we can do the terminals and the wharf at Seldom and Carmanville remains to be seen because that is, I suppose, of secondary importance since if we have to use that route at all it will only be two or three months of the year. But it is certainly down the road three or four years.

MR. TULK: Supplementary, Mr. Speaker.

MR. SPEAKER: Supplementary, the hon. member for Fogo.

MR. TULK: The minister also stated that the upgrading and paving of the roads from Stagg Harbour to Seldom would be carried on and from Stoneville to Farewell Head and from Birchy Bay and so on. I wonder if he could indicate to us - he said it would be done in another

MR. B. TULK: year-and I wonder if he could indicate to us where he foresees that being done? Does he expect to see it done at the same time as he is doing the necessary landing facilities or will it be in a later year or just when will it be?

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

MR. C. BRETT: Well, I cannot give the hon. member a date on that either, Mr. Speaker. It will be listed among all the other roads in the Province that need to be paved, some 2,000 or 3,000 kilometers, and I doubt very much if it will go along with the new facilities, I doubt if it will be done at the same time, but I suppose the re-routing of the ferry would probably place a little higher priority on the roads, both on the Island and on the other side, but I cannot give the hon. gentleman a timetable. It depends on the budget and how much money is going to be available.

MR. TULK: Final supplementary, Mr. Speaker.

MR. SPEAKER: Final supplementary, the hon. member for Fogo.

MR. TULK: Mr. Speaker, the minister also indicated, and he know well the problems that we had with an air service to that Island last year in getting it

MR. B. TULK: year-and I wonder if he could indicate to us where he foresees that being done? Does he expect to see it done at the same time as he is doing the necessary landing facilities or will it be in a later year or just when will it be?

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

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MR. TULK: Final supplementary, Mr. Speaker.

MR. SPEAKER: Final supplementary, the hon. member for Fogo.

MR. TULK: Mr. Speaker, the minister also indicated, and he know well the problems that we had with an air service to that Island last year in getting it

MR. TULK: put on, I wonder if he could indicate to us, and perhaps to the people of Fogo through this House, just when that ferry service will be going on this year? Will it be going as soon as the ponds are safe to land on, or will he be waiting for some emergency to occur before he puts it on?

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

MR. BRETT: Mr. Speaker, that service will be going on as soon as it is necessary, as soon as the planes are able to land there.

MR. SPEAKER: Our time for Oral Questions has expired.

ORDERS OF THE DAY:

MR. MARSHALL: Order 35, Bill No. 88.
Motion, second reading of a bill,
"An Act To Amend The Municipalities Act," (Bill No. 88).

MR. SPEAKER: Debate was adjourned by the hon.
member for LaPoile.

The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, when I moved the adjournment yesterday I wanted to check to see if the new procedure concerning the breaking of a tie at council meetings, if that procedure was indeed the one recommended by the Federation of Mayors and Municipalities of which I was once twice, as a matter of fact - president. I was president of that organization for two terms and that is all you are allowed to, according to the constitution, you are only allowed to hold the constitution for two terms. And I have been informed that this was in line with their recommendations. Now that does not necessarily mean that I approve of it because, Mr. Speaker, I have to say this about that particular clause in the act, the clause now states that where there is a tie the matter would have

MR. NEARY: to hold over for the next meeting and then if there was a tie at the next meeting then the matter would have to be held over for three months. I do not think, Mr. Speaker, that that is good policy.

It is my understanding that town councils, municipal governments, cities, in this Province are made up of odd numbers, and the reason they are made up of odd numbers is so there will not be a tie. Town councils in Newfoundland comprise of seven members, seven members. And the whole idea of having seven is that it would be very unlikely that a tie vote would develop. When the government brought in this new municipal act last session of the House, they took away the double vote, because prior to this the presiding officer

MR. NEARY: at the town council meetings could break the tie by casting a double vote, by voting on whatever the issue was and then, if there was a tie, the presiding officer would break the tie. That was eliminated in the new Municipal Act and now the government realize they made a mistake and they have to go back to some other formula.

I do not like this formula myself. I do not like it even though it was recommended by the Federation of Mayors and Municipalities. I think they should keep voting, Mr. Speaker, under our democratic system until the tide is broken. If they can do it in Rome electing a Pope, where you have to wait for the pot of smoke to go up, I do not see why it could not be done here in Newfoundland.

An urgent matter could come up, Mr. Speaker, a matter of urgent importance to the community could come up, and the council would have to wait three months if there was a tie before the matter could be raised again. What I would like to see happen - and I know the minister will get up now and argue, 'Well, you have resignations from town councils,' and that is for sure, because we had more resignations from town councils in Newfoundland, I suppose, than in any other part of Canada, and I am not going to go into that, that is only because of the way they are treated by the provincial government. When there is bad news to be announced, the government will let the mayor and the town councillors do it; when there is good news to be announced, you will find the ministers and the members out making the announcement. The town councils do not like that and they do not like the way they are being treated. They do not like being the scapegoats for the imposition of the property tax. Therefore, I would submit to this hon. House, Mr. Speaker,

MR. NEARY: that in due course you are going to see more resignations from town councils. They are in the firing line and they are the ones who have to take the rap for this Tory Government forcing the property tax on the municipalities throughout this Province. It is starting to backfire. It took a little while for the word to filter through. It is

MR. NEARY: starting to backfire on the government and the hotter it gets, Mr. Speaker, the more mayors and town councillors you will see throw in the towel, resigning. So I do not know if this is a good move or a bad move. I am inclined to be a little bit indifferent about it. I do not think it is either good or bad. The government is just trying to turn a bad situation into something that they think is workable. I doubt if this formula is workable.

I might say, while I am at it, Mr. Speaker, that I am totally opposed, I am against the double vote, two votes for the presiding officer. I am against the mayor of St. John's having two votes. The only place in Newfoundland, the only place, I suppose, in the world where a presiding officer has two votes; the mayor of the city of St. John's has a double vote.

AN HON. MEMBER: Not as.

MR. NEARY: It is not the only place in the world? Well, it is the only place in the democratic world, how is that?

AN HON. MEMBER: No.

MR. NEARY: No? Not that either? Well, let me try again. There are very few places left in the democratic world where a person has two votes. The principle is undemocratic. The principle of it is undemocratic and I would like to hear the minister's comments on the situation here in the city of St. John's and indicate whether or not that is going to be changed in the foreseeable future. How many crises were brought on in the last year or two down at City Hall because the mayor had two votes? How many, Mr. Speaker? Too numerous to mention! And that double vote should be taken away from the mayor and the city of St. John's.

MR. NEARY: You talk about an abuse of a privilege. Well, all you have to do is go back over the record of the last couple of years at City Hall and you will see the worst kind of abuse, Mr. Speaker, of that privilege of having two votes.

Now, as I said a few moments ago, town councils comprise of seven elected representatives, seven. -Not six, it is not an even number, Mr. Speaker; it is not six, it is not four, it is not eight, it is deliberately set at seven, an odd number, so that there will be no ties. Now, the minister can get up and argue that well, maybe the mayor resigns, maybe the presiding officer resigns, the council may be one short. Well, the answer to that is get that one put back as quickly as you can and then take your chances on seven people turning up on an important meeting. And then you will have no ties and that is the way the system should work, Mr. Speaker. That is the way it should work.

MR. S. NEARY: If you have a tie, put it over until the next meeting; if you have a tie at the next meeting, put it over until the next meeting. Never mind postponing it and stalling it for three months when you could have the worst kind of a situation, of a crisis develop in a community. They may be in the process, on the hitch of starting a water and sewer project, going to the bond market or making a decision that will have major implications in the community.

I do not know, but I suppose we could always change it if it does not work. I suppose that is the attitude the minister has. This is the third way now and eventually, I would say, the minister will have to go back to the democratic way and that is to let nature take its course. Seven people on a council; if they all attend the meetings, then there is no chance of having a tie. If one is away from the community, wait until he comes back; if one is sick and cannot serve, well, that would be rather unfortunate, it all depends on the length of the illness. If there was no chance that the individual who was ill was going to return, then perhaps the individual might consider resigning and having another member elected to the council. That was the purpose of having seven, the odd number, and I am sorry to see that it is not working because that is the only democratic way to do it.

Apart from these few remarks, Mr. Speaker, I do not see anything else in the bill. Well, I can see all kinds of things I could question. I could make a major speech on the impact and the repercussions and the implications of the municipal bill that was passed last session but perhaps I will save that, Mr. Speaker, for another time.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Simms):

If the hon. minister speaks now, she will close the debate.

The hon. Minister of Municipal Affairs.

MRS. NEWHOOK:

Mr. Speaker, I am sure the hon. member for LaPoile (Mr. Neary) is aware that the City Act is now being reviewed and that in consultation with the city and with the officials of my department this particular second vote by the mayor will be looked at. The new Act actually is being patterned after the new Municipalities Act.

With regard to the one vote by the councils under the Municipalities Act, this amendment really has been recommended by the municipalities and we are hopeful that it will work. Of course, if it does not then we will have a chance to look at it again. But it has been recommended by them and it has been recommended by the Federation of Municipalities.

Mr. Speaker, I am glad to see that the Opposition spokesman on Municipal Affairs is supportive of the amendments. As I have said, these have been requested by our municipalities and my department is only too happy to co-operate. We agreed to these

MRS NEWH

amendments , we think they are very essential and that it is necessary that they become effective as of January 1981.

Motion, second reading of a bill, "An Act To Amend The Municipalities Act." (Bill No.88)

On motion, a bill, "An Act To Amend The Municipalities Act," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 88).

MR. MARSHALL:

Order 34 Bill No.86.

Motion, second reading of a bill, "An Act To Amend The Fishing Ships (Bounties) Act (No.2)." (Bill No. 86)

MR. SPEAKER (Simms):

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, in the absence of the Minister of Fisheries (Mr. Morgan) I want to say a few words in introduction of this particular act. This is an act, Mr. Speaker, to extend the main principle of this act, Mr. Speaker, is to extend the fishing bounties to allow ships to be built , to be constructed where the shipbuilder has not a purchaser already signed up. The hon. the Minister of Fisheries (Mr. Morgan) is now coming in. I do not know, I can continue on, but I only have a few words. If by leave of the House, if they would like, the hon. minister, I am sure he could do it in a much more - I beg your pardon?

AN HON. MEMBER:

(Inaudible) Quicker.

MR. MARSHALL:

Well, he probably could do it much quicker and I know he could do it much better than myself even though I hate to admit it, Mr. Speaker. So by leave I would ask the Minister of Fisheries (Mr. Morgan) now to Speaker.

December 16, 1980

Tape No. 3002

AH-2

MR. SPEAKER (Simms):

By leave. Is it agreed?

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER:

The hon. Minister of Fisheries.

MR. MORGAN:

Mr. Speaker, this bill is to make two very significant changes to the existing Bounties Act and one is in connection with fishermen obtaining bounties as per the regulations brought before the House last year. And it came to light after the regulations were put in place that there should be some exceptions to the rules and these exceptions are now put forward in this bill here covering the certain situations where fishermen, for example, beyond no fault of their own, were unable to qualify for bounties. And these situations were, for example, illness of a fishermen during that past two year period, he was not fishing because of illness: because the fisherman was engaged in the offshore fishery - and that was a major concern from the South Coast and the Southwest Coast because many fishermen there are engaged as trawler fishermen. If they want to join the inshore fisheries, why should they not qualify for a loan or a bounty? So we made exceptions to those fishermen who want to move from the offshore to the inshore and midshore. And the third category was the category whereby a fishermen was building a longliner during the fishing season. He was not fishing, but he was building a boat to improve his fishing activity, so we gave an exception. In this case we are giving exceptions in this bill to these three categories so they will now be able to qualify for bounties and loans under the Bounties Act.

The other major one, Mr. Speaker, has been brought to my attention by members on both sides of the House, the Opposition side as well as our own side,

December 16, 1980

Tape No. 3002

AH-3

MR. MORGAN:

in connection with boats
being built by a shipyard and the fishermen cannot apply
for these boats and get the bounty.

MR. J. MORGAN: There are a number of boats now sitting in shipyards around the Province that the shipyards cannot sell because the fishermen cannot qualify for the bounty. So we are going to allow now those shipyards that exist or which are existing now with boats on hand built, completed, ready for the water but the fishermen cannot get the bounties, it means now the bounty will apply to these boats held by the shipyards; the fisherman will make an application, get his loan approved, get his bounty approved and to go out and shop around from those boats now available in these existing yards. And also linking into that is a major change which we feel is long overdue and that is the fact that today when fishermen apply for a loan they have to apply for a loan on a certain boat, they cannot apply for a loan to buy a boat, any boat, a certain category and go out and shop around like if you were buying a car, and we feel that it is unfair. So this regulation here will enable now a fisherman, for example, to apply to get a loan and also his bounty and will be able to go out and shop around to different yards. We are telling the yards, 'you build the boats on your own speculation without government assistance, you are allowed to go ahead and build the boats, but you do your own selling to the fishermen.' So it means that a fisherman will now be able to get a boat much faster; he can go out and pick out a boat immediately after the loan is approved and shop around and be able to deal with the yard directly and, in fact, have the boat in the water in a matter of weeks after his loan is approved.

So these three, we view them as very significant changes to the benefit of the fishermen of the Province and I am sure that in this case it will be of benefit to the fishermen who are dealing with the

MR. J. MORGAN: Loans Board and obtaining newer
and better boats throughout the Province.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Butt): The hon. member for Burin - Placentia
West.

MR. D. HOLLETT: Thank you very much, Mr. Speaker.
First I would like to congratulate the minister and his
department for bringing in what we feel are very
significant changes to the act which was amended, I think,
last June.

Mr. Speaker, I must say that we
support all the amendments. There are a few comments that
I would like to make on behalf of my colleagues. I
think one of the most significant changes and one of the
most important aspects of the amendment is the (b) one
where finally we are recognizing the deep sea fishermen
as being fishermen. I think the minister would agree with
me that this is the first occasion that the people who
made it a livelihood for hundreds of years in this Province
by fishing what we call 'offshore' are finally being
recognized and given due consideration. The minister
himself indicated before the House closed last Summer that
he would do what he could to implement this change.

And while on that particular
topic, Mr. Speaker, I would like to suggest to the minister
one further consideration with those people, although I know
it is not in

MR. HOLLETT: his fair direct jurisdiction, but I also said as I have said before, those deep sea fishermen should also be given due consideration when the new act relating to elections is proclaimed or introduced to the House. Because really, there is no provision for proxy voting and that type of voting available to those people yet.

Apropos the section pertaining to the shipyards being able to construct on what we call spec, I think it is high time. This way, with the approval of the minister, a person or persons who operate a yard, if they have some very innovative ideas, some new designs, that maybe they do not have a market for their idea of what a changed thirty-six footer should be - with the approval of the minister, he can say, 'Now, you build your prototype, you put it on the market and we will ensure that a fisherman will be able to get a loan and bounty to purchase this boat if he feels it is what he wants.'

Mr. Speaker, I guess one could go on to the other sections, but the other point here, the illness of the fishermen, I think this is terribly important, not only under this act but under the new licencing policies and some of the provincial other policies, that if a fishermen were ill for a season and probably living in an area where his arthritis prevented him from fishing, if he did not have a doctor's certificate and could not prove that he could not fish for this reason, he was no longer considered a fisherman for that current season.

Another section here that I think is terribly important and I would like to congratulate the minister on, is the section that states 'because a fisherman has been engaged in a fishery related activity.' In our Province, Mr. Speaker, we have hundreds of people who are involved in maybe research work, maybe oceanography work,

MR. HOLLETT: maybe survey work and there are a myriad of other headings I could use. But at least, those people now are certified navigators if they have their sea time and if they show the indication in the will or maybe they fished for ten years before they went into those jobs, that the minister in his discretion can deem them as being bona fide fishermen to qualify for subsidies, bounties and licences and whatever is required.

So, Mr. Speaker, on our side, I would just like to congratulate the minister for those forward steps. I feel confident that in the not too distant future there will be additional amendments, and to me, Mr. Speaker, this shows that we can when necessary be flexible enough and be forward enough to ensure that the fishing people in Newfoundland can maximize the fisheries in all aspects.

Thank you very much.

On motion, a bill, "An Act To Amend The Fishing Ships (Bounties) Act (No. 2)," Bill No. 86, read a second time, ordered referred to a committee of the Whole House presently by leave.

Order 36.

Motion, second reading of a bill, "An Act To Amend The Education (Teachers' Pensions) Act (No. 2)," Bill No. 89.

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

MS. VERGE: Mr. Speaker, the thrust of this bill is to extend greater pension benefits to the teachers of our Province if provisions are the result of negotiations between government officials and the Newfoundland Teachers' Association. There are four main points contained in the bill, I think all of which are fairly set out and require no further elaboration from me.

Thank you.

MR. SPEAKER (Simms): The hon. member for Trinity-Bay de Verde.

MR. F. ROWE: (Inaudible) gracious introduction. to this particular bill. I agree with the minister, Mr. Speaker, the four clauses and amendments here are as a result of bargaining at the table with the NTA to improve the pension rights for - in clause number (1), emergency; and (d) emergency teachers, supply teachers and delicensed teachers, and I understand there are quite a number of those who would not otherwise get the benefits included.

The clause (2) part allowing teachers to get benefits for pension benefits after forty years of service is in line with the Public Service Act, I would assume, or the Public Service Agreement. And that also is fair.

And the third clause allowing incapacitated teachers to receive their pension upon becoming incapacitated is obviously humane and I am really surprised that it was not included before this time. So that certainly is a fair clause.

So, Mr. Speaker, there is nothing in this particular bill that we disagree with. There is one point I would like to raise, however, regarding the Teachers' Pension Fund and the minister might like to reply to it when she speaks in closing the bill. I understand that the Teachers'

MR. F. ROWE: Pension Fund does not in fact really exist at the present time. It has been depleted. It has been exhausted and actuarial studies have indicated that there will come a liability crunch somewhere down - five, ten, I do not know how many years time but there will come a time, I understand, when a great number of teachers will become eligible to receive their pension and the question is whether the fund will be available to pay these pensions, whether the liability will be too great and whether or not the Province will be in a financial squeeze at that particular time with respect to the financial houses of the world. And what I would basically like to find out is what is the state of the pension fund? Is it now depleted, the fund itself? Does the minister have any indication of when this liability crunch is likely to come? And what, if any, action is the minister and her department taking to meet that particular need when that crunch comes? Because I think it is

MR. ROWE: a very serious situation, Mr. Speaker, if we are going to have a great number of teachers in, say, 1995 suddenly becoming pensionable and the government is not in any position to meet the pension payroll, if you would. So, I would like to know what actions the government has taken up to this point in time to forestall that particular crisis other than just knowing that it is a possible crisis. I would like to know what action is being taken so that this liability crunch with respect to the Pension Fund does not arise at the time when the actuarial studies indicate and in fact I would like also to know when that crunch is in fact anticipated, in what particular year? So, other than that, Mr. Speaker, we are in full agreement with this particular bill.

MR. SPEAKER (Simms): Is the House ready for the question?

The hon. Minister of Education.

If the hon. minister speaks now, she will close the debate.

MS. VERGE: Yes, there have been a couple of questions raised by the hon. member for Trinity-Bay de Verde (F. Rowe) on broader questions affecting pensions for teachers and other public servants. I will take those questions as notice. However, I can comment generally that this government is making sound plans for meeting liabilities incurred for the pensions of not only teachers, but other public servants and this year for the first time set aside \$10 million to fund such pensions.

MR. SPEAKER: Is the House ready for the question?

On motion, a bill, "An Act To Amend The Education (Teachers' Pensions) Act (No.2)," read a second time, ordered referred to a Committee of the Whole House presently by leave.

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

MR. CHAIRMAN (Butt):

Order, please!

A bill, "An Act To Amend The Education (Teachers' Pensions) Act (No. 2)." (Bill No. 89).

On motion clauses 1 through 4 by leave, carried.

On motion the committee reported having passed the bill without amendment.

A bill, "An Act To Amend The Municipalities Act." (Bill NO.88)

On motion clauses 1 through 5 carried.

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

A bill, "An Act To Amend The Fishing Ships (Bounties) Act (No. 2)." (Bill No. 36)

On motion, the committee passed the bill without amendment.

A bill, "An Act To Authorize The Lieutenant-Governor In Council To Enter Into An Agreement With ERCO Industries Limited." (Bill No. 83)

Shall clause 1 carry?

MR. CHAIRMAN (Butt): The hon. member for Windsor-Buchans.

MR. G. FLIGHT: Mr. Chairman, everything that can be said pretty well on this bill has been said. I want to say to the hon. member for Placentia (Mr. Patterson) that when he got into debate on second reading he seemed to feel for some reason that somebody on this side, particularly myself, was bitter or something because the bill accomplished what it accomplished for Long Harbour. I want to tell the member that I am not bitter and indeed I am quite pleased that this bill will have the effect of stabilizing the economy of Long Harbour. The hon. member and I have a great deal in common from a constituency point of view. He is representing a district that has been depressed for a long time from an industrial point of view. So do I.

I did believe, so I want the member to know that I am happy for him and for his constituents that this bill will have the effect of stabilizing the industry at Long Harbour, that it will not be a political football anymore, that the people who work there will be able to go to work knowing that there appears to be some long-term security for the company.

MR. G. FLIGHT: But I would say this, Mr. Speaker, and I can say it very quickly, that when that bill was first presented it was couched in terms to lead the people of this Province to believe that we were going to make \$146 million profit. That was the way the bill was couched, that was the way the Premier in his statement-and that was the kind of way it was presented by the Minister of Mines and Energy (Mr. Barry). And I believe it was my job as a member of the Opposition and as a member of this House to put the lie to that, to expose that as being not right. We are not going to make \$146 million. There has been evidence in recent days that we may be going to subsidize that industry by more than \$146 million.

The Minister of Mines and Energy in answering a question a few days ago admitted that the cost of energy in this Province will rise by 100 per cent by 1987. That is only halfway through the life of the new contract which means the cost to Erco does not rise by the same rate the cost to produce rises.

So, Mr. Chairman, let me go on the record that although it may have been an improvement to the situation this Province is going to very heavily subsidize the Erco operation over the life of this contract over the next thirteen years quite possibly to the extent that we have subsidized it up until this point in time. And that

MR. G. FLIGHT: is totally dependent on the escalation of energy prices in this Province. So, Mr. Chairman, I say it may not have been the best deal that could have been negotiated.

SOME HON. MEMBERS: Hear, hear.

MR. CHAIRMAN (Butt): The hon. the President of the Council.

MR. W. MARSHALL: I just want to address myself because you cannot leave remarks like that on the record without showing that they have been responded to, lest our acquiescence would be deemed to be agreement. All I will say, Mr. Chairman with respect to the remarks made by the hon. member that we have joined, you know, issue with him. We look upon it a different way, I would refer anyone who might be reading the record of the House to the second reading of the bill because I just table our answer to what he said per se. The proof would be in the pudding, Mr. Chairman and the pudding will be eaten by the people in Newfoundland.

A Bill, "An Act To Authorize The Lieutenant-Governor In Council To Enter Into An Agreement With ERCO Industries Limited." (Bill No. 83)

On motion Clauses 1 through 3 carried.

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

MR. W. MARSHALL: Motion 3, Bill No. 85.

A bill, "An Act To Provide For The Repeal Of The Churchill Falls (Labrador) Corporation Limited (Lease) Act, 1961 And The Lease And Amendments Thereto Executed Under That Act And the Reversion To The Province Of The Rights And Liberties Leased Or Granted To The Lessee Under The Lease". (Bill No. 85)

On motion Clause 1, carried.

MR. G. FLIGHT: Mr. Chairman.

MR. G. FLIGHT: Labrador, this is the bill. This is the bill that will expose the stupidity of this administration, Mr. Chairman.

Now, Mr. Chairman, one other point I would want to make on it is that we talk about developing the Lower Churchill and the Minister of Mines and Energy (Mr. Barry) in asking questions today or yesterday or the day before said, yes, we are proceeding on with the development of the Lower Churchill and the development will cost this Province \$7 billion in total - Muskrat and Gull Island - yet

MR. CHAIRMAN (Butt): The hon. member for Windsor - Euchans.

MR. G. FLIGHT: Mr. Chairman, just a few words on this particular bill, probably one of the most important bills that has ever come into this House, Mr. Speaker. And I want to say before the debate winds up on it and then it is proclaimed as law, as legislation, the member for LaPoile (Mr. Neary) a few days ago pointed out that the cost of the Lower Churchill development was up to this point in time, Muskrat and Gull Island, is probably \$500 million. When you consider over \$200 million paid for the water rights, paid to BRINCO for BRINCO assets to buy CFLCo and the water rights, and then when you look at the interest that has been piled on that two hundred-and-something million dollars since 1972 when the purchase was made-or 1972, 1973 - that blunder, that stupidity has probably cost this Province \$500 million to date and accomplished nothing, Mr. Chairman, it was not on the pretext that we will be in a position to develop the Lower Churchill on our terms, we have not developed the Lower Churchill. When the deal was made, Mr. Chairman, there were clauses in the contract that would have stopped us from developing the Lower Churchill anyway, in the power contract not in the lease. There would have to have been legislation brought into this House after that \$200 million was committed that would have allowed us to develop the Lower Churchill. So, Mr. Chairman, what was done eight years ago at a cost of \$500 million to this Province could have been done today, it need not have been done, Nothing has been accomplished by this government having soaked the people of Newfoundland by \$500 million, nothing has been achieved by that expenditure, Mr. Chairman, and if there is any bill ever comes to this House to point out the stupidity, the mismanagement of this administration since 1972 have applied to the development of power in

MR. FLIGHT: at the same time, Mr. Speaker, we have a piece of legislation on our desk, we have a piece of legislation on our desk that if proclaimed, and the Premier says it must be proclaimed in less than two years, will give this Province 5,500 megawatts of power, 5,500 megawatts of power we will have when this legislation is proclaimed, less than two years from now.

What are we going to do with that power? Where is it going to go? We do not have access out of Labrador. We will have 5,500 megawatts of power yet the Minister of Mines and Energy (Mr. Barry), and Premier indicates that we are still going to go ahead, not knowing if this legislation is going to be proclaimed or not, not knowing if we are going to have 5,500 megawatts of power on our hands in Churchill. We are going to go ahead and develop the Lower Churchill, Muskrat and Gull, at a cost of \$7 billion to this Province so that we will have another 2,300 megawatts of power on our hands that we will not know what to do with.

What stupidity, Mr. Speaker!

What stupidity! And, Mr. Speaker, the best - the least benefit that this legislation should mean to this Province is recall rights. There are some people who believe that the only reason this legislation was brought in is to force Quebec Hydro to negotiate. Well let us assume it accomplishes that, the least benefit from this legislation that would accrue is recall rights on the Upper Churchill that in the first instance will be 800 megawatts. Yet if this legislation is - if that happens in the next two years, it will take us five years to be able to bring that power, the recall, what we have negotiated, the 800 megawatts, to this Province. According to every authority going, LCDC, Newfoundland Hydro, it will take five years to put in place a cable crossing to bring the power required for this

MR. FLIGHT:
the Straits.

Province into Newfoundland via

So, Mr. Chairman, when you look at it, when you look at the contradictions that are embodied into that legislation, it is enough, Mr. Speaker, to make one wonder if this administration knows, if they have any plan, if they know what they are doing on the Upper or the Lower Churchill, or indeed the Upper Churchill insofar as this particular legislation is concerned.

And, Mr. Speaker, I have no desire to belabour this bill but I can assure this ministry, can assure the Premier and his Mines and Energy Minister (Mr. Barry), and the Speaker of the House, that this legislation will come back,

MR. FLIGHT: This piece of legislation is the one piece of legislation that this government has brought in that will come back to haunt the government of Newfoundland. If it does not bankrupt this Province, it will come back to haunt the people of Newfoundland.

MR. CHAIRMAN (Butt): The hon. the President of the Council.

MR. MARSHALL: Mr. Chairman, I think that the remarks made by the hon. gentleman are the same as the opinions that were expressed, stated in second reading; all I would do is once again join issue. But I rise for another purpose, Mr. Chairman, on this Clause 1 and that is for the purpose of proposing an amendment to Clause 1- I am sorry; Clause 2.

On motion Clause 1, carried.

Shall Clause 2 carry?

MR. MARSHALL: Mr. Chairman.

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

MR. MARSHALL: Mr. Chairman, I have an amendment to propose to Section 2(c) which has already been given to the Opposition House Leader and I shall read it. But first of all before I read it, I think it is probably beneficial to briefly indicate what this amendment is, the nature and extent of this amendment and the reason for it. The nature and extent of the amendment is, Mr. Chairman, that the previous drafting of this Section 2(c) did not explicitly make the bill, the definition of hydro electric power pertain to those works that were on real property. And on looking it over, the draftsman, the legal advisor who is going to be carrying the case to court, has indicated that while it was alright originally, perhaps it could be made a little bit better by proposing an amendment which would make it quite clear that hydro electric works extends to those affixed to real

MR. MARSHALL: property to assure that the Province is seized of jurisdiction and to assure that there is no question of us taking the personal property, the personalty of the corporation itself. Because it is not the intention of the government to take the personalty of CFLCo, to interfere with the personalty, as the whole purpose of the act is for the purpose of reacquiring the water rights and the rights to generation.

So, I move, Mr. Chairman, then that paragraph C of Section 2 be struck out and the following substituted therefor. I might say, Mr. Chairman, it is generally speaking, along the same terms, except it introduces this element of real property to make sure that the Province is seized of jurisdiction - to read as follows: 'that hydroelectric works means the following things when they are affixed to and form part of the land' - you will note that emphasis 'when they are affixed to and form part of the land' - 'namely, works, buildings, structures, plants, machinery, devices, apparatus and equipment utilized or capable of being utilized in the exercise by CFLCo of rights, powers and interests under the act referred to in Section 4 in the statutory lease, for or in connection with the development, diversion, regulation or storage of water or for the production, generation, transmission or distribution of electrical power or energy, including without limiting the generality of the foregoing, reservoirs, canals, dams, water control structures, penstocks, powerhouses, generators, transformers, towers, poles, cables and wires.' That is the nature, and I move the amendment, Mr. Chairman.

I might also add there will be other amendments at the consequent of drafting amendments - most of them.

MR. CHAIRMAN (Butt): Shall the amendment carry?

MR. FLIGHT: Mr. Chairman.

MR. CHAIRMAN (Butt): The hon. the member for Windsor - Buchans.

MR. FLIGHT: Mr. Chairman, this should draw to the attention again of the people listening, all of Newfoundland and the House of Assembly, here was a major piece of legislation, probably the most important piece of legislation to come before this House in the past seven or eight - probably since Churchill Falls was developed in the first instance, and within a day after the legislation was laid on our desks, within a day or two after second reading, amendments start to pile up on the desks of the various members of this House. And a major amendment, Mr. Chairman, that amendment we just heard, Mr. Chairman, is a major amendment to that bill. So it would make one wonder just how much thought - if there were no more thought put into what this bill is going to accomplish than was put into the drafting of it, Mr. Chairman, the people on whose backs this legislation will ride, the people of Newfoundland, are in trouble.

And let me tell the President of the Council (Mr. Marshall) why that piece of legislation is there. Because he knows that Quebec Hydro in the power contract had a clause that would stop the people of Newfoundland, stop Newfoundland Hydro or anybody else, from developing the Lower Churchill. They had reservoir rights. By controlling the machinery and by controlling the flood gates and controlling all the apparatus on the Upper Churchill, they very effectively controlled the rate of discharge down that river. And without that control being in the hands of Newfoundland Hydro, we could never have developed the Lower Churchill. It is not in the hands of Newfoundland Hydro yet and in order to give it into the hands of Newfoundland Hydro, either this legislation would

MR. FLIGHT: have to be proclaimed, which
would scare the living daylights out of the President of
the Council (Mr. Marshall). He would be the most
frightened man in this Province today if he believed that
that legislation had one chance of being proclaimed,

MR. FLIGHT: this legislation, the Upper Churchill bill. The minister had better pray that he never has to proclaim that legislation because he has no intention of proclaiming it but he will have to do this though, he will have to bring in another piece of legislation after we negotiate. If this legislation is the means of this Province negotiating with Quebec for recall rights or a little better deal on the financial arrangement of the power now going to Quebec Hydro, that is all this legislation accomplishes, then the minister will have to bring in a piece of legislation changing the power contract, a piece of legislation that gives Quebec Hydro the right to control the reservoir discharges, and until that is done the Lower Churchill sites will not be developed either by a binding agreement acceptable to all parties, or legislation. And I do not see that Quebec Hydro has shown any desire at this point in time to concede that right. Mr. Chairman, that is the purpose for the amendment by the way.

MR. CHAIRMAN (Butt): The hon. the President of the Council.

MR. WARSHALL: I would just like to add, Mr. Chairman, because again I would not want statements on the record in this House pertaining to this bill or probably more important than any other Hansard because they have a habit of being examined in other quarters when the bill is to be determined so I just would not want there to be by any silence on the government part any acquiescence as to its intention.

It is stated in this bill, Mr. Speaker, very, very clearly, that first of all there will be a court reference to determine whether this bill is intra vires or within the powers of this Province. Then secondly it is also provided in this bill that that having been determined in the affirmative, as we believe and we have a sure and certain confidence it will be determined in the affirmative, that then and at that time there will be monies which will be first of all provided by the Province,

MR. MARSHALL: they will have the monies in hand to retire the bonds and any monies that are owed on the bonds.

And then let there be, Mr. Chairman, no doubt in anyone's mind that this bill constitutes an affirmative decision by this government to get and obtain the rights of the people of Newfoundland to the resources of the Upper Churchill, such rights, Mr. Chairman, as were already and have been vested in this Province in our view under the provisions of the statutory release.

So I know the hon. gentleman, you know, the particular amendment does not really directly pertain to it although he is right it does pertain to the general part of the bill, but I would not wish, and I know the hon. gentleman is making a point, and making a point in debate and I certainly do not dispute his right to do it, but I would like, as far as the government is concerned, to indicate that let there be no doubt in anybody's mind that government is not playing games with respect to this. Once these prerequisites that have been thought out and have been spelled out by the Premier, and have been spelled out by the government, have been told to the financial agents and the financial concerns in New York and in other places in the US, once these things are done, this government intends to see fairness and equity in connection with this Upper Churchill contract and the only way that it is apparent right now from the way in which the proceedings have occurred with respect to the other court case, the court case for recall rights that was started in 1974, it is this government's firm understanding and impresssion that the only way that fairness and equity can be obtained is by proclamation of this act and these prerequisites having been done we certainly do intend, Mr. Chairman, to so proclaim it.

MR. FLIGHT: Mr. Chairman.

MR. CHAIRMAN (Butt): The hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Chairman, I

MR. FLIGHT: concur with the hon. House Leader (W.Marshall) that this legislation will go before the courts to determine its legality and I have no doubt that it will be determined as legal. I have heard not too many people suggest that it might not be. What I said to the minister is they have taken two year, they my get that opinion in six months, they may get it in three months, but they have taken two years to say, "We will not proclaim this legislation for two year," and it is the ministry's hope, and it had better be in their prayers, that they will not have to go that two years, that that legislation will not have to be proclaimed, that is will be - that the legislation may be, and they may be able to hang their hats on it and say down the road, eight months, ten months from now that that legislation forced the Province of Quebec to negotiate. That is what they want, Mr. Chairman, that is what they are going to be praying for.

Now, Mr. Chairman, I want to ask the President of the Council a question. The people of Newfoundland have suffered dearly because this administration, of which the President of the Council was a member, this Cabinet, Mr. Chairman, most of the people sitting in the front benches were members, the people of Newfoundland have suffered dearly because of that \$200 million committed to the Lower Churchill, probably the \$500 million that it has cost this Province, Mr. Chairman. We have seen essential services over the past eight years not funded in this Province, hospitals, schools, whatever you like, industry, because, Mr. Chairman, the funds were not there. And why were they not there? Because we committed \$200 million on the whim of a government, Mr. Chairman, that have accomplished nothing and it will probably

MR. FLIGHT: cost this Province \$500 million. Now, why does not somebody stand up over there and tell us what was accomplished with that \$500 million or better still what could have been accomplished, where this Province could be now if we would have had that \$500 million to spend this last eight years.

Now, Mr. Chairman, I would like to ask the minister something. If this legislation is proclaimed, it is going to be proclaimed in the next two years: Where is the billion dollars, the billion dollars that we will require to pay off the bondholders, to pay off all the shareholders, the people who have a financial interest in this Upper Churchill, where is that billion dollars coming from within the next two years? Will the minister stand up and tell us where we are going to get that billion dollars and what it will cost us?

MR. CHAIRMAN (Butt): The hon. the President of the Council.

MR. MARSHALL: On the first question, Mr. Chairman, I will not dwell on the first question because it would be a difference of opinion between two hon. gentlemen about the \$200 million and the waste of it. I could talk about the benefits that have occurred. I want to leave that aside because the hon. gentleman acknowledges we have a difference of opinion on that. Now, from where is the billion dollars going to come? Mr. Chairman, we have done a tremendous amount of work, we being the government, with respect to this particular bill, and the bill has not been - there will be other amendments, by the way, to digress just a little bit, there will be other amendments but nobody should - I mean, this is the purpose of Committee of the

MR. MARSHALL: House. The purpose of the Committee of the House is to examine it clause by clause and it is not astonishing or it is not unusual that there be amendments. A lot of them are consequential on this particular one. But where are we going to get the billion dollars? Well, first of all, I do not know whether it is going to be a billion dollars. By our calculations at the present, you are talking about \$550 million plus interest on the bonds and you are also talking about compensation to the Quebec Hydro, to the Quebec Hydro and Newfoundland for the shares on the provision of the act. Now, I do not propose really to get into a - because I think this could be used against the government as far as the government is concerned a measure of the amount that will be payable as a result of this, but I can say sure and certain from the information which we have had and from equity and justice and that it is going to be very very much less than the \$450 million that would be necessary to make the total amount one billion dollars.

However, I would concede, Mr. Chairman, that that is not small change, the amount of money that we have to get is not small change and it is going to be substantial. Mr. Chairman

MR. MARSHALL: when we obtain our rights to the Churchill Falls lease, to the Churchill Falls River, when we obtain our vested rights - and these are rights, by the way, that I continue to emphasize are vested rights which we have and we have only brought in these bills because our rights have been thwarted by other persons in a way that we feel is unreasonable and unacceptable. When we do all these things there will, Mr. Chairman, be no problem in obtaining the financing. The hon. gentleman is fully aware of the low cost of that power and the strategy that this government has developed with respect to its energy and is in the process of developing will, I guarantee the hon. gentleman, allow this Province to obtain fairness, justice and equity. And I will say to the hon. gentleman even though there is not small change involved, with an asset such as this we know and we operated in the sure and certain expectation and knowledge that that money quite possibly will be obtained. As a matter of fact all indications are when we speak to the financial community that having assessed this particular act, they can see the justice and fairness of it, having looked at the particular act they know that it is a proper and a right action to be taken. I know that the hon. gentleman will, I hope he will be glad to hear this, that they feel that the custodianship of the affairs of this Province are in the hands of people who are taking sensible, reasonable actions and as a result of this the image of the Province is being enhanced. And I can guarantee the hon. gentleman from preliminary conversations that we have we will have no problem in obtaining as far as we are concerned the necessary monies. But we put this in the act just to assure the bondholders that the people of Newfoundland are not acting in any way like a banana republic how are you, but we are acting and we intend to act and continue to act in a responsible manner.

MR. CHAIRMAN (BUTT):

The hon. member for Windsor-

Buchans.

MR. FLIGHT:

Mr. Chairman, when the minister says that the people he talks to or the people who believe that this government is in good hands and making decisions that enhance our financial credibility and the rest I assure him that he is not talking about the same people I am talking to. There is nobody outside of this that I run into, Mr. Chairman, who would share that opinion. But I will give the minister the benefit of the doubt, Mr. Chairman, that he does intend to proclaim this legislation, that it is the government's intention to proclaim this legislation, give him the benefit of the doubt.

Now the Premier said that that will happen in less than two years. Everybody should remember that. So I will ask the minister a simple question: What will we do? Once this legislation is proclaimed, the Churchill Falls facility then becomes the property of Newfoundland. We then have 5500 megawatts of power on our hands. In less than two years this Province will have 5500 megawatts of power. The short-term requirement of this Province is 800 megawatts. So assuming we built the transmission system and we brought the 800 megawatts of power into this Province, what will we do with the 4300 megawatts or roughly 4500 megawatts of power that will be sitting there in Labrador, no way out that the minister can tell us, the Gulf crossing is a dream now the way it was a dream in 1964, 1963 or 1964 when other people were talking about it. It is a dream. Nobody with any credibility will

MR. FLIGHT:

discuss it. So, I would ask the hon. the President of Council (Mr. Marshall) - do not be in too big a hurry to get up because, you know, when I sit down the minister can get up - what will we do with the 5,500 megawatts of power that is going to become available to this Province when we take over the Churchill Falls facility? If he believes that we are, indeed, going to proclaim this legislation and then have that cheap power - what he calls cheap power - to bring into Newfoundland - and he knows that it is going to take five years to build a transmission system to get it here - when is he going to start? Knowing he is going to proclaim the legislation, knowing we are going to have 5,500 megawatts of power, knowing we need 800 megawatts in the Province - and that is all we need and that is all we can take at this point in time - when is he going to start the transmission system that will enable him to bring that 800 megawatts of power into the Province? And what are you going to do for the next four or five or six years with the 5,500 megawatts of power in the Upper Churchill that is not available to us that we cannot take down through Quebec. That is why he is going to proclaim the legislation. The reason he is going to proclaim the legislation is because Quebec will not permit us access through that Province. Well, I would presume that if they will not permit us access through the Province before he proclaims the legislation, then they will not permit us access after he proclaims it. What will Newfoundland do with 4,400 megawatts of power on the Upper Churchill that we have nowhere to go with? And is it the minister's opinion that having proclaimed this legislation we will continue on with the development of the Lower Churchill that will give us another 2,300 megawatts that we will not know what to do with?

MR. CHAIRMAN (Butt): The hon. the President of the Council.

MR. MARSHALL: Mr. Chairman, I will just briefly respond. I mean, the first thing we are obviously going to do is we are going to achieve equity and fairness in respect to that Upper Churchill power, and the first claim on that power has to, and this is the way it was always intended, has to be for the people of Newfoundland. So, the first thing we are going - it may be more than 800 megawatts, - and I will not get into -

MR. FLIGHT: (Inaudible)

MR. MARSHALL: And so there is an excess. If there is an excess - the first thing with that excess that we are going to be sure that there is no doubt, there is absolutely no doubt, that future generations of people in this Province will have the first claim and the right to that excess. Now, in the duration what is going to happen - we are very, very pleased with, as I say, the reaction that has been received in certain quarters to this legislation to the positive way that it has been achieved. And I can tell the hon. member that what we do, we intend to see that with respect to the excess the people of Newfoundland receive fairness and equity. With respect to the balance of that power we are quite confident that for the period of time that it is not needed by the people of this Province for the period of time - and, hopefully, that may be short the way the Province is developing now - that we can find that we will be able -

AN HON. MEMBER: Yes, in a couple of hundred years.

MR. MARSHALL:

a couple of hundred years now. We will be able to find and secure, Mr. Chairman, good, secure markets for that power because, after all, we are part of Canada, number one, and being a part of Canada, surely to God we have a right to transmit our power in the same way that the Province of Ontario has a right to sell Libby's beans down here and does not have to sell them from Quebec to New Brunswick to Nova Scotia before they arrive down here. So, we are quite

MR. MARSHALL: confident, Mr. Chairman, as a result of all of the factors that with respect to the excess that there will be fairness and equity for the people of this Province either by reserving it for future generations, which will be done anyway, and with respect to the excess we are quite confident that we will get markets.

Now with respect to the transmission lines as suggested, and I know the hon. members there opposite have suggested, the simple fact of the matter is impressed as the financial community is, and impressed as the people of Newfoundland are with the actions taken by this government -

MR. FLIGHT: Depressed.

MR. MARSHALL: - no, as impressed as they are, it is quite obvious that one cannot obtain financing for a transmission line until you have the source of the power secured. I mean that is quite obvious. We believe we have it secured. We are telling the people of the Province, we are telling the people outside, there are two conditions that have to be met, number one, first of all the intra vires, or the legality of the act has to be established, when that is established we see no problem with the other. When that is done, no problem with transmission line.

In the meantime, this Province is going ahead with its planning with respect to the Lower Churchill development and we hope to be able to develop that great source of power up there and to be able to use it as all other Canadians in our country are able to use their own natural resources.

MR. CHAIRMAN (Butt): Shall the amendment carry?

The hon. member for Windsor-Buchans.

MR. FLIGHT: Just one quick one; I just want to tell the minister this in case he is not aware of it. By 1987 if we shut down Holyrood, the requirements for this Province, the electrical requirements for this Province, if we shut Holyrood down and consider the growth that we may be looking at, according to Newfoundland Hydro we will only need 1300 megawatts of power, until 1987. Now, Mr. Chairman, that is seven years, that is seven years of what we are - There will still be 3000, if we take that 1300 megawatts from Upper Churchill, there will still be 3000 megawatts of power, almost three times what we are using in the whole Province of Newfoundland and Labrador, almost. And the minister says 'in the short term' What does he consider short term? Seven years is a long time in a man's life. And for the next seven years we are only going to require 1300 megawatts, if we shut down Holyrood.

So, Mr. Chairman, the 5500 megawatts of power available to us in Churchill Falls will probably last this Province well into the twentieth century, well into the twenty thousand and something. So the minister is prepared to shut it down and say, "Well, as we need it, we will pay \$1 billion for it, we will pay the interest, and we will leave that power in Labrador." It is madness, Mr. Chairman, madness.

MR. CHAIRMAN (Butt): The hon. the President of the Council.

MR. MARSHALL: I did not say that. The hon. gentleman -

MR. FLIGHT: That is what the minister said.

MR. MARSHALL: You know, I just reiterate the remarks I made a few moments ago. I will not repeat them.

MR. STIRLING: Mr. Chairman.

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

MR. STIRLING: Yes, because the House Leader has said that it is very important for Hansard to accurately record this particular debate; let there be no doubt, Mr. Chairman, that on this side of the House we are accepting what the Premier, and

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MR. STIRLING: what the President of the Council,
what the government has said, in good faith. This is a bill
which the Premier has said is the best way of accomplishing
the purpose. He has had the benefit of all the legal advice.
Let it be recorded that we have not seen that legal advice,
although in the public discussion earlier it was said that
it would be provided. It has not been seen.

MR. STIRLING: We are taking the word of the Premier in the same context that if we were the government, having the benefit of all the legal advice and without wanting to put in the legal record - without wanting to put in the public record the basis of our case, we would expect the Opposition to accept our word. And that is the basis under which we are proceeding, that we are accepting the word of the Premier and the government that this is the best approach to follow. We ourselves introduced a suggestion a week before this was tabled which was to accomplish the same purpose, which was to force the renegotiation of the Upper Churchill contract. And that our purpose was that we could use the indirect taxation route which was a new law granted under the new constitution or the provision is being put there under the new constitution which would enable this Province to do essentially the same thing.

Mr. Chairman, there have been many points that could have been brought out, which undoubtedly will be brought out by Quebec and some of those who will oppose it, which we have refrained from doing in this House because we accept the fact that all of us together must be putting forth the best possible case to reopen that contract. But let us be reasonable about it and let us not ridicule other attempts or other efforts and let us realize that we are in a process of trying to recover one of the sources of the Upper Churchill or the Lower Churchill and that we must build the transmission lines. Our recommendation is that we proceed. Our recommendation is we take the Lower Churchill Development Corporation advice. We think that is a good instrument for the development. But let it be recorded in the same context that the President of the Council (Mr. Marshall) brought up this point, that he wanted to have Hansard show accurately what is being said. We have not attempted to make the Quebec case. We have avoided completely the alternative

MR. STIRLING: of negotiating with Quebec in the total sense, all of the Upper Churchill and the Lower Churchill and the total development for Quebec. We accept it and that is why we are letting this go through without a great deal of detailed debate, is that we accept the word of the Premier and the government side that this is in the best interests of the people of Newfoundland and Labrador and we wish to support it.

On motion, amendment carried.

On motion, clause 2 as amended, carried.

On motion clause 3 carried.

MR. CHAIRMAN (BUTT): Shall clause 4 carry?

MR. MARSHALL: Mr. Chairman.

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

MR. MARSHALL: Mr. Chairman, there are two amendments to clause 4 that I would like to propose. They are not of great substance but in clause 4 (2) I move that section 2 subsection 4 be amended by striking out the words "as if that Act and Statutory Lease had no effect in law" and substituting the words "as if that Act and Statutory Lease had had no effect in law". The only difference in it, Mr. Speaker, it might seem - the member for LaPoile (Mr. Neary) smiles and in some respects I can agree - it is really a drafting change and it is really a legalistic change and the purpose of it is to assure that the amendment carries with it any accrued rights because you use the words "had had existed" rather than "had".

Section 4 (3) too, Mr. Chairman, is another amendment not of great substance but certainly it should go in there. And I move that subsection (3) of section 4 be amended by striking out the words "notwithstanding subsections (1) and (2)" and substituting the words "notwithstanding any other section of the act".

MR. MARSHALL: Mr. Speaker, the purpose of this, in this particular section, relates to Twinco and we want to ensure that Twinco rights remain vested in Twinco despite the provisions of the act, and we want to be assured that just does not extend to subsections one and two but to the act itself.

On motion clause 4 as amended, carried.

On motion clause 5 through clause 9, carried.

MR. CHAIRMAN (Butt): The hon. the President of the Council.

MR. MARSHALL: Mr. Chairman, I am sorry. I wonder could we revert back to clause 8?

MR. CHAIRMAN: Clause 9?

MR. MARSHALL: Clause 8, Mr. Chairman.

Before we do that I might indicate that the legislative draftsman has brought to my attention that I did not give the entire amendment - I am sorry. I apologize to Committee - in clause 4 (3) which will read, "that subsection (3) of (4) is amended by adding immediately after the words, you keep in the words, notwithstanding subsections (1) and (2), and put in, "or any other section of the act." So I would move that that be the amendment rather than the previous one.

On motion amendment, carried.

MR. NEARY: It is a good thing you have somebody to look after you.

MR. MARSHALL: Yes it is, Mr. Chairman.

Clause 8 you are on now.

MR. CHAIRMAN: Shall clause 8 carry?

MR. MARSHALL: I have an amendment, Mr. Chairman. to clause 8. And this amendment, Mr. Chairman, is consequential on the amendment that was originally made with respect to clause 2 (c). The Committee will remember that at that particular time the definition of "hydro electric works" was expanded to relate to "hydro electric works on real property." This aspect

MR. MARSHALL: of the matter requires section 8 to be stricken out and the following will constitute essentially the same thing with the aspect of the real property added. And I move that section 8 is struck out and the following be submitted.

"For greater certainty and to the extent only that it would not otherwise occur upon the determination, rescission or cancellation of the Crown leases and licence issued under clause 7 of part (3) of the Statutory Lease, the hydro electric works held under such leases or licences shall vest in and be held by Her Majesty free and clear of any claim and encumbrance or other right of any person."

And I so move that amendment,

Mr. Chairman.

On motion clause 8 as amended,

carried.

MR. STIRLING: Another amendment coming up.

MR. MARSHALL: Yes, there is. I mean, you know, this is a very complex act, Mr. Chairman -

MR. CHAIRMAN (Butt): The hon. the President of the Council.

MR. MARSHALL: - and I say it is not unusual for amendments of this nature, and this is an amendment to -

AN HON. MEMBER: (Inaudible).

MR. CHAIRMAN: Order, please!

MR. MARSHALL: You see, we made an amendment, by way of explanation, to clause 2 and this requires certain consequential amendments

MR. MARSHALL: to other sections and this is really what has happened. Again it relates to the hydro-electric works, the definition being tagged to the realty so that it would not be interpreted as carrying the personalty of CFLCo. So I move that subsection (1) of section 9 be amended by striking out the words, "hydro-electric work attached to land held under a Crown lease authorized by Clause 7, part (3) of the Statutory Lease as full and final payment" and substituting the words "hydro-electric works held under Crown lease issued under Clause 7, part 3 of the Statutory Lease both in discharge of the indebtedness and as full and final compensation".

MR. CHAIRMAN (Butt): Shall the amendment carry?

MR. MARSHALL: Now, Mr. Chairman, on the other -

MR. CHAIRMAN: Shall Clause 9 as amended carry?

MR. MARSHALL: There is another, Mr. Speaker, consequential amendment to Clause 9(5).

MR. FLIGHT: You will be amending that in the next two years.

MR. MARSHALL: No, we will not be amending it now for the next two years. This is just merely, all this merely does, Mr. Speaker, is to provide in the event that the compensation is paid to the bondholders, when compensation is paid to the bondholders, that we expand -

MR. FLIGHT: When!

MR. MARSHALL: No, that we expand this particular section to include the words "such payments, any bonuses or any amounts extra that there may be on the bonds". So I move that subsection (5)9 be struck out and the following substituted. Clause 9(5), "the payment provided for in this section is substituted for the indebtedness and the security therefore referred to in subsection 1 and as against Her Majesty or any agent thereof any claim to or in respect of an incumbrance referred to in subsection 1

MR. MARSHALL: becomes a claim for such payment-----
and shall no longer effect or be a charge upon the incumbered
property." I so move the amendment.

On motion, amendment carried.

On motion, Clause 9 as amended,
carried.

On motion, clauses 10 and 11

carried.

MR. CHAIRMAN: Shall Clause 12 carry?

MR. MARSHALL: Mr. Chairman.

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

MR. MARSHALL: Now this is a very - of all the
other amendments, this is the most -

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please!

MR. MARSHALL: - this is the most minor or the
minorest, Mr. Speaker, whichever way one wishes it. Paragraph
(a) of subsection 12 is amended by adding immediately after
the words "by virtue of this act" the words "or the consequent
divesting of any person". So we want to be quite sure that
when there is any action taken that there will be no action
taken against Her Majesty as a result of the taking of any
privilege or liberty or any other interest and by also
putting in the words "or the consequent divesting of any
person of those interests". I move the amendment.

On motion, amendment carried.

On motion, Clause 12 as amended,
carried.

On motion, Clause 13 through
Clause 16, carried.

Motion, that the committee report
the bill with amendment, carried.

MR. CHAIRMAN (Butt): Order, please!

A bill, "An Act Respecting Juries
And Compensation Of Jurors In The Supreme Court Of The Province
And Compensation For Certain Witnesses In The Courts Of The
Province". (Bill No. 67)

On motion, clauses 1 through to 3,
carried.

MR. CHAIRMAN: Shall clause 4 carry?

MR. THOMS: Mr. Chairman.

MR. CHAIRMAN: The hon. member for Grand Bank.

MR. THOMS: I would just like to ask the
Minister of Justice - when I spoke on this bill in the first
reading, I referred to the fact that you did not have to be
a Canadian citizen to be a member of the House of Assembly.
You have to be a resident of the Province, but not a Canadian
citizen to my understanding. I was wondering if the
minister would undertake to investigate this matter, whatever
act it comes under, and maybe make the same amendment to
that particular act. I feel that you should be, at least,
a Canadian citizen to be a member of the House.

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

MR. OTTENHEIMER: The present Election Act, I have
not checked; the hon. member may well be right a resident
and a British -

MR. THOMS: A British subject.

MR. OTTENHEIMER: - subject it may well be.

Certainly the new Election Act will require Canadian
citizenship, you know, residency and Canadian citizenship.
It is in that spirit, I suppose, that citizenship as well
as residency is required here.

On motion, clause 4, carried.

MR. CHAIRMAN (Butt): Shall clause 5 carry?

The hon. member for Torngat Mountains. The hon. member for Torngat Mountains on clause 5?

MR. WARREN: Yes, Mr. Chairman, on clause 5, section (1), I asked the minister when we had second reading on this bill why not - a family that is living common law, that his common-law wife or her common-law husband would not be excluded from a jury whereas your wife and my wife would be excluded from a jury and, as you know, it is quite common in this Province - there are a lot of people, a lot of families comprised of common law. I think a man has, in a lot of instances, as much confidence in his common-law wife as, probably, some of us do in our wives so there is just as much information passed along in that family as there is in a legally married family. So, I am just wondering if the minister has considered that, you know - there will be cases that there is just as much confidence in the family in the matter of cohabitating as there is in legal marriage.

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

MR. OTTENHEIMER:

To synopsise.

the hon. gentleman's remarks, probably, that common law is getting commoner and we should more commonly recognize it as such.

SOME HON. MEMBERS:

Hear, hear!

MR. OTTENHEIMER:

Actually, in effect, in practice, I would think that a common-law spouse would, in fact,

MR. OTTENHEIMER: benefit from such a disqualification. You know, the people here who are disqualified includes their spouses. I would think in fact the result would be that common law spouses would also be so disqualified. The reason for not giving it a statutory reference, I think, is basically a matter of, if you wish, public policy. The Matrimonial Act dealt with property, dealt with a different matter altogether, dealt with property. This does not deal with property at all. I think it is basically a matter of public policy. It is not at this time the government's intention to, in every statutory reference to 'spouse', to put in a statutory recognition of equality or sameness or the same value with respect to people who are married and people who are living common law.

I think the effect with respect to serving on a jury would probably be the same. But it is not regarded as a matter of public policy to imbed in every statute in the Province that principle. That is the reason. The result I think would be the same.

MR. CHAIRMAN (BUTT): The hon. member for 'Grand Bank.

MR. THOMS: Mr. Chairman, the purpose, of course, behind an automatic exemption for a husband or a wife is that in these cases the particular husband or wife could be or may be privy to, you know, the information that the other spouse has in this case. The reason the Minister of Justice, the spouse of the Minister of Justice is automatically exempted is because she may gather some information or be influenced in some way by virtue of the fact that she is the wife of the Minister of Justice.

MR. NEARY: It is called pillow talk.

MR. OTTENHEIMER: Or it might appear.

MR. THOMS: Or that it might appear. Okay, it goes right back to the old legal maxim that justice must

MR. THOMS: not only be done but must seem to be done. And I think what my colleague from Torngat Mountains (Mr. Warren) is saying is that a common law spouse would be in exactly the same position and therefore she would have this automatic exemption as well. What the Minister of Justice is saying is that from all practical purposes if that common law wife went into court and to the judge, said, "Look, I live with the Minister of Justice. We are not married. I live with him. I am, you know, privy and I should be exempted under this", then the court would probably give that exemption. And the Minister of Justice is probably quite correct in that.

However, of course, this could

be

MR. THOMS: amended to make quite clear that people in such a situation would be automatically exempted and it might be something for the minister to think about.

On motion, Clause 5 through Clause 7, carried.

MR. CHAIRMAN (BUTT): Shall Clause 8 carry?

MR. THOMS: Mr. Chairman.

MR. CHAIRMAN: The hon. member for Grand Bank, clause 8.

MR. THOMS: No, on Clause 7, Mr. Chairman -

MR. CHAIRMAN: On Clause 7, okay.

MR. THOMS: I would like to revert just for a second. I was wondering if the minister has given any consideration to 7(2) (a) of maybe raising the age in that particular clause.

MR. CHAIRMAN: The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Chairman, we did consider that suggestion. The reason that we have age seven there is to have a conformity with compulsory school attendance age. Of course that does not mean that anybody who has the care of children, or indeed of other people, not necessarily children, it could be older people or ill people or handicapped or disabled people whom such a citizen is looking after, it does not mean that they could not as well be exempt under the provision of serious harm or loss, serious hardship or loss. So it would be under that provision that a person having care of someone other than under the age of seven years. We have left the age of seven years there to correspond with the age of compulsory school attendance. But obviously a person having charge of someone else, whether a child or not a child, where there was a question of serious hardship or loss to that

MR. OTTENHEIMER: person, the perspective juror or other - the other could be the person in custodial care - then they would get an exemption but not under (2)(a) but rather there under 7(1) (b).

On motion, Clause 7, carried.

MR. CHAIRMAN (BUTT): Shall Clause 8 carry?

MR. THOMS: Mr. Chairman.

MR. CHAIRMAN: The hon. member for Grand Bank, clause (8).

MR. THOMS: Mr. Chairman, I wonder if the Minister of Justice could tell me whether or not section 8 was a provision that was extracted from the Uniform Jurors Act and how common is that particular section in other provinces?

MR. CHAIRMAN: The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Chairman, most of the jury acts do have a specific age exemption. The Uniform - whatever it is called - the Uniform Jurors Act does in fact have seventy-five. It has an age but it has seventy-five.

AN HON. MEMBER: Seventy-five?

MR. OTTENHEIMER: Yes. We have here put in sixty-five corresponding with the Canada Pension Plan and corresponding with certain other measures which society and both the federal and the provincial government and indeed the private sector have recognized as being legitimate for senior citizens, so we have put in sixty-five. But in the Uniform Jurors Act it is in fact seventy-five.

On motion, Clause 8, carried.

MR. CHAIRMAN: Shall Clause 9 carry?

MR. MARSHALL: Mr. Chairman.

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

MR. MARSHALL: There is a small amendment here. Mr. Chairman, just a change because we are in the metric

MR. MARSHALL: system, metric age, to change fifteen miles to twenty-five kilometers. And I move that subsection (1) 9 be amended by striking out the words "fifteen miles", and by substituting the words "twenty-five kilometers".

On motion, amendment carried.

On motion, Clause 9, as amended, carried.

On motion, clauses 10 through
37 carried.

MR. MARSHALL: Mr. Chairman, there is one
amendment here.

MR. CHAIRMAN (Butt): The hon. President of the Council,
clause (38).

MR. MARSHALL: Subsection (2) of clause 38
I move that it be amended by adding immediately after the
words "prescribed by regulations" the words, "including
compensation for child care expenses". I am quite sure that
child care expenses are included.

On motion, amendment carried.

On motion, clause 38 as amended
carried.

On motion, clauses 39 through
41 carried.

Motion, that the Committee report
having passed the bill with amendments, carried.

MR. MARSHALL: Order 5, Bill no. 84.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please! Bill no. 84.

This is a rather lengthy bill so
I will probably ask the Committee if I could call it in clauses,
say, of one to ten or one to twenty. Could we have agreement on
that?

MR. NEARY: No.

MR. CHAIRMAN: No.

MR. MARSHALL: We have done it before, Mr. Chairman,
(inaudible) for a while anyway and we will see.

On motion, clauses (1) and (2),

carried.

MR. CHAIRMAN: Shall clause 3 carry?

MR. MARSHALL: Mr. Chairman, there is an amendment -

MR. CHAIRMAN (Butt): The hon. the President of the Council.

MR. MARSHALL: - there is an amendment that has been drawn to our attention as being necessary, and this is to make it quite clear that the imposition of taxes outside the city, that provision for outside the city in the original draft related to the ability of the city to impose taxes on docks, quays, wharves and structures touching the boundary of the city. So I move, Mr. Chairman, that section 3 of the bill be struck out and the following substituted therefore: "The council may impose an annual tax to be known as the real property tax on owners of real property within the city, including docks, quays, wharves, and structures touching the boundary of the city."

SOME HON. MEMBERS: Keys?

MR. MARSHALL: Quav, whatever way you pronounce it. Q-u-a-v, anyway, Mr. Chairman.

On motion, amendment carried.

On motion, clause 3 as amended carried.

On motion, clause 4 through clause 7, carried.

MR. MARSHALL: Mr. Chairman, there is another minor amendment.

MR. CHAIRMAN: On clause 8, the hon. the President of the Council.

MR. MARSHALL: In sub-paragraph VI of paragraph (d), of section 8 of the bill to be amended by adding immediately after the words, "for the purpose of development", and the words, "for public purposes", and this Mr. Chairman, is to ensure that any exemption given to the city with respect to property tax is with respect to public developments and not with respect to, say, private subdivisions which would preclude them from assessing

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MR. MARSHALL: taxes on private property within subdivisions.

On motion, amendment carried.

On motion, clause 8 as amended carried.

On motion, clauses 9 through to 91, carried.

MR. CHAIRMAN (Butt): Shall clause 92 carry?

The hon. member for Grand Bank on clause -

MR. THOMS: Ninety-two, Mr. Chairman.

MR. CHAIRMAN: - ninety-two.

MR. THOMS: The only question - when I spoke in the debate on this item, 92, I referred to the unfair practice of where the city has overcharged on taxes and the taxes have to be paid. And in some cases, of course, this could be a substantial sum if you get a businessman, a large businessman, who is taxed-like my friend from Humber West (Mr. Baird). If the city of Corner Brook should happen to overtax him, then it might cost him a lot of money. So, I asked the question before and I do not believe it was answered whether or not you would consider an amendment to this particular clause, whereby the city when it has to pay back the overpayment of taxes would pay interest on the money that they have had the use of. It could be, if you get into appeals to the court, it could be a considerable time at a considerable loss of revenue by the taxpayer, and whether or not the city should have to pay taxes on that money that they have and they also have the use of that money for what could be a considerable length of time.

MR. CHAIRMAN (BUTT):

The hon. Minister

of Municipal Affairs on clause 92.

MRS. NEWHOOK:

Mr. Chairman, I think I did

explain that there is some provision in the Provincial Municipal Assessment Act now for any interest on overpayment and any amendment to the act, of course, would have to be included in that particular bill as well. But I have said that we will look at it very, very carefully in the reviewing of the City's Act and of course that will incorporate this act as well and we will be looking at that next year.

On motion clause 92 through

to clause 99 carried.

MR. CHAIRMAN:

Shall clause 100 carry?

MR. MARSHALL:

Mr. Chairman.

MR. CHAIRMAN:

The hon. President of the

Council.

MR. MARSHALL:

There is another relatively

small amendment here. In effect the substance of it is to delete the words "and shall take proceedings to recover any of these amounts that have been due and unpaid for twelve calendar months". The way that reads is it requires the council to take action to recover these taxes and of course there has to be a certain amount of discretion from the council itself. So, Mr. Speaker, in view of this, in order to do this, I move that section 100 be struck out and the following substituted therefor "The council may immediately after the first day of January and the first day of July in each year take proceedings to recover all amounts due for taxes, assessments, rents and license fees then owing and unpaid including those due for the immediate past half year."

On motion amendment carried.

On motion clause 100 as amended

carried.

MR. CHAIRMAN (BUTT): Shall clause 101 carry?

MR. MARSHALL: Mr. Chairman.

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

MR. MARSHALL: Mr. Chairman, this is the amendment that the Minister of Municipal Affairs (Mrs. Newhook) had already sought, but it was drawn to the attention of us by the hon. Leader of the Opposition (Mr. Stirling), and I want to underscore this, that the Opposition did bring it to our attention, to show that we are receptive to examination of the bill because it was a point well taken, Mr. Chairman. And what it is going to do, what it will do, Mr. Chairman, in effect will be to strike out the words "or any tenant or leasee thereof". So I move that section 101 (1), subsection (1) be amended so that it reads, "For the purpose of enforcing payment of taxes the City Clerk-or clerk depending on which side of the Atlantic you come from - may issue warrants of distress and sieze or sell any goods or chattels of the person by whom such amounts shall be due. Obviously you can only go (inaudible).

On motion amendment carried.

On motion clause 101 as amended carried.

On motion clause 102 through clause 119 carried.

MR. CHAIRMAN: Shall clause 120 carry?

MR. MARSHALL: Mr. Chairman.

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

MR. MARSHALL: Mr. Speaker, a last and final amendment which again is just a tidying up of the drafting. Subsection (3) of 120 I move it be amended by striking out the words "benefit in relation to" and substituting the word "avoid". This will allow the council to get at people who have their houses or property in trust in an

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MR. MARSHALL: attempt to avoid taxes. So that subsection (3) 120 would then read "The council may where it feels that a person made a change in ownership or occupation of real property for no reason other than to avoid the payment of real property tax after the commencement of this act may such determination in relation to real property tax owed by that person as it deems fit." I so move.

On motion amendment carried.

On motion clause 120 as amended carried.

Motion, that the committee report having passed the bill with amendment, carried.

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

MR. SPEAKER (Simms): The hon. member for Conception Bay South.

MR. BUTT: Mr. Speaker, the Committee of the Whole has considered the matters to them referred and has directed me to report Bills 83, 86, 88 and 89 without amendment; and Bills 67, 84 and 85 with amendment, and ask leave to sit again.

On motion, report received and adopted.

On motion bills read a third time presently by leave.

On motion Committee ordered to sit again presently.

MR. SPEAKER: The Chairman of Committees also reports that it has considered the matters thereto referred and directed him to report bills numbered 85, 67 and 84 with amendment.

On motion, the said amendments received first, second and third readings.

On motion, a bill, "An Act To Authorize The Lieutenant-Governor In Council To Enter Into An Agreement With ERCO Industries Limited", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 83).

On motion, a bill, "An Act To Provide For The Repeal Of The Churchill Falls (Labrador) Corporation Limited (Lease) Act, 1961 And The Lease And Amendments Thereto Executed Under That Act And The Reversion To The Province Of The Rights And Liberties Leased Or Granted To The Lessee Under The Lease", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 85).

On motion, a bill, "An Act Respecting Juries And Compensation Of Jurors In The Supreme Court Of The Province And Compensation For Certain Witnesses In The Courts Of The Province", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 67).

On motion, a bill, "An Act Respecting The Assessment Of Real Property And The Imposition And Collection Of Certain Taxes In The City Of St. John's", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 84).

On motion, a bill, "An Act To Amend The Fishing Ships (Bounties) Act (No. 2)", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 86.)

On motion, a bill, "An Act To Amend The Municipalities Act", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 88.)

On motion, a bill, "An Act To Amend The Education (Teachers' Pensions) Act (No. 2)", read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 89.)

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

MR. MARSHALL: Mr. Speaker, before moving the adjournment of the House I would like to advise the House that tomorrow His Honour will attend upon the House for the purpose of giving assent to the bills that have been passed in this, the adjourned session of the House. At that particular time, also, he will read a prorogation speech so that the second session of this Assembly will be prorogued.

Now, Mr. Speaker, also before moving adjournment to tomorrow for that particular purpose, I would like at this time to extend best wishes of the Season and the New Year to the members of the Opposition, particularly the Leader of the Opposition himself as he goes into the first year of his new post in office. I would also like to express the appreciation and extend all best wishes to the members of the press and the members of the staff of this House for a Merry Christmas and for a Happy New Year. We are particularly pleased, Mr. Speaker, with the House staff, the way that the House staff has been operating over the past year -

AN HON. MEMBER: (Inaudible).

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MR. MARSHALL: - and it has done much to enhance -
MR. SPEAKER (Simms): Order, please!
MR. MARSHALL: - the proceedings of this House
itself.

So, Mr. Speaker, with those words
I would move that this House at its rising do adjourn until
tomorrow, Wednesday, at 3:00 P.M.

MR. NEARY: What time is the Governor coming?

MR. MARSHALL: Oh, yes, of course.

MR. SPEAKER: I will recognize the hon. member for
Port au Port.

MR. MARSHALL: Of course, I would; of course,
I would; of course, I would. I did not realize the hon.
member wished to get on his feet. If he does, by all means.

MR. SPEAKER: I certainly recognize the hon.
member for Port au Port before putting the motion.

MR. HODDER: Mr. Speaker, I would like to
respond to the Government House Leader (Mr. Marshall) with
the same type of words. I, too, would like to wish the
government members, the Premier and the ministers, members
of the government, a Merry Christmas and a Happy New Year.
As well, I would wish the press and all the people who staff
this House a happy and prosperous New Year, and I look forward
to the next sitting of the House.

MR. SPEAKER: Has the hon. member for Port au
Port au Port concluded? The hon. the President of the Council.

MR. MARSHALL: We guarantee to sing it, Mr. Speaker,
if the Minister of Justice (Mr. Ottenheimer) will guarantee
to dance it for us.

Mr. Speaker, I move that the House
at its rising do adjourn until tomorrow, Wednesday, at
3:00 P.M. and that this House do now adjourn.

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MR. SPEAKER (Simms):
tomorrow.

I will save my festive remarks for

On motion, the House at its rising
adjourned until tomorrow, Wednesday, at three o'clock.