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TRANSCRIPT

HOUSE OF ASSEMBLY

FOR THE PERIOD:

10:00 a.m. - 1:00 p.m.

FRIDAY, MARCH 7, 1980

The House met at 10:00 a.m.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms):

Order, please!

If I might, I would like to invite the attention of all hon. members to the Standing Orders with respect to Presenting Petitions. Standing Order 90 says, "Every member offering a petition to the House shall sign it with his own hand." And Standing Order 91 (a) requires that, "At least three signatures must appear on the page containing the prayer of the petition." I bring that to the attention of all hon. members.

I would also on behalf of the hon. members like to welcome to the galleries fifty-eight Grade IX students from Mary Queen of the World School in Mount Pearl accompanied by their teachers, Mr. Glavine and Miss Kavanagh, and the school principal, Sister Martina O'Reilly.

SOME HON. MEMBERS:

Hear, hear.

STATEMENTS BY MINISTERS

MR. SPEAKER:

The hon. Minister of Transportation and Communications.

MR. C. BRETT:

Mr. Speaker, this is in connection with the Auditor General's Report. With respect to the recovery of an overpayment of public funds to a helicopter company in the amount of \$29,334, I am pleased to advise that the company has indeed admitted that the payment was an overpayment and that the mechanics have been put in motion to recover the amount of money involved.

In the course of the audit of my department, the Auditor General questioned a payment in the amount of \$580 under subdivision 1708.03.02 Helicopter Contract as to its validity as an expenditure of public funds.

The \$580 represents the cost of

MR. C. BRETT: 2.9 hours of flying time only and although I will acknowledge that the administrative controls in this particular transaction were exercised somewhat shoddily and less than satisfactory, the department is convinced that the expenditure was a true and valid charge.

The Auditor General also referred in general to the unsatisfactory administrative and accounting control over use of contract aircraft. The points he raises are well taken but they are comments which pertain to the Air Services operation as it was conducted two and three years ago. Many changes have been made since the Auditor General's 1977-78, 1978-79 reports were produced. I believe that the Auditor General will attest that the appropriate administrative controls are now in place and, more important, are being adhered to. Naturally, we as a department are less than pleased with the Auditor General's past comments on the operation of the Air Services. We are determined, however, to perform in such a fashion that there will be no questionable activities, thus denying the Auditor General the opportunity of making similar or any comments of a like nature in the future.

AN HON. MEMBER:

Hear, hear.

MR. SPEAKER (Simms):

The hon. the member for St. Barbe.

MR. T. BENNETT:

Thank you, Mr. Speaker. I am somewhat amazed and to say the least disturbed to learn of such discrepancy in what we are to understand is such a tight control with such a government that looks to serving the public to the best of its ability, which seems to be not very good.

When I have operated a business myself, I have had to have much, much better control on the funds that I controlled in my business and when I owed any money to any department in government the whole house came tumbling down. One thing I would like to know is what happens now to the twenty-nine-off thousand or any dollars that might be recovered -

MR. NEARY:

And how much more (inaudible)?

MR. T. BENNETT:

-and how much more will be uncovered and brought to the attention of the electorate and this hon. House of Assembly? My district alone in St. Barbe could most certainly use any and all of these dollars that might become available.

As I look around me and see all these young people in the galleries today, Mr. Speaker, it reminds me that over in my district we are working so terribly hard to have the upgrading of our education system and our auditoriums and our gymnasiums and everything else up-graded for our young people, when I see the misuse of funds in this respect when they should have gone towards the education of our young people, I would most certainly like to see a stop put to this and a control placed on funds that are collected from our people in the district.

MR. SPEAKER (Simms):

The hon. the Minister of Municipal Affairs and Housing.

MR. N. WINDSOR:

Mr. Speaker, in relation to two items in the Auditor General's Report. Paragraph 17, Collection of receivables not being pursued. These receivables relate to loans advanced

MR. N. WINDSOR: to municipalities during the period 1954 to 1966 in respect to loans advanced to municipalities for minor public works which did not involve major capital financing. This practice has now been discontinued and the government no longer makes loans to municipalities. It was subsequently determined that these loans could not be repaid and a recommendation was made to the Treasury Board that they be written off as uncollectable. The Auditor General has been advised by the Deputy Minister and Comptroller of Finance (acting) that cabinet will now be asked for approval to have these outstanding amounts written off during the 1980-81 fiscal year.

Paragraph 41, User of an industrial water system not billed since 1971. The customer referred to was not billed prior to 1978 because of the number of serious breakdowns in the salt water system and the heavy dependence which that company had to place on their own salt water system. This situation has been corrected and the company in question was invoiced for the use of the system for the years 1978 and 1979 in the amount of \$19,584. Because of problems with the system, it was

MR. N. WINDSOR:

felt that the previous meter readings were **unreliable** and an average meter reading would not be realistic. Consequently, the source of information utilized to establish the charge was the pump records maintained by the fish plant operator. This situation is the exception rather than **the rule** and invoices to commercial customers are, in fact, prepared on an individual basis of water consumed as determined by meter readings and it is only when problems are experienced with meters in various isolated cases, or where there is serious breakdown in the water main itself resulting in a substantial loss of water that **the billings are determined on the basis of** average consumption over a fixed period. But in no case are collections based on customers' estimates.

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

MR. D. HOLLETT: Mr. Speaker, in connection with the first item, reference to **paragraph 17 in the report**, I would like to make a brief comment and to me it is outstanding that \$1.75 million going back to 1954 was left basically on the books. And as stated in the report, this is the fourth consecutive year that the Auditor General has requested that action be taken on this matter. Not knowing all the background and where, but I do believe I know where some of those amounts are and I think it is despicable that those municipalities were left feeling either (a) **confident that** they did not have to repay or (b) **that they did not have the** capabilities to repay. And to take four years to make a decision whether they should be written off or not, and especially since no payment has been made on any since 1973, that is seven years, then I am happy to see that the Auditor General's recommendations are finally being followed.

MR. SPEAKER (Simms): The hon. Minister of Tourism,
Recreation and Culture.

MR. R. DAWE: Mr. Speaker, I have the following
comments for this hon. House pertaining to paragraphs 25 and
26, page 19 and paragraphs 31 and 32, page 24 of the Auditor
General's report for the financial year March 31st. 1979.
Weaknesses in controls over licences. When the Wildlife
Division was transferred from the Department of Forestry
and Agriculture in 1973, the issuing and control of fisheries and game
licences was transferred with the Division. No guidelines
were available nor was there any evidence of the accounts
having been reconciled. After the 1977 audit, at the
suggestion of the Auditor General, the control and issue of
all licences was transferred from the Wildlife Division of
my Department to my Accounts Division and procedures commenced
to set up proper controls. As of this date, all licences have
been accounted for and reconciliations completed in all cases
except big game which, because of the computerized distribution,
is creating some problems. This problem is being pursued by
our Accounts staff and hopefully all controls will be place
prior to the 1980 big game issue.

MR. R. DAWE: Guidelines have now been drawn up for the issue and control of all licences and our procedures have been amended in accordance with suggestions from the Internal Audit Division of the Department of Finance and our Accounts personnel.

Loss of revenue resulting from not collecting park fees.

It has never been the policy of my Department to collect fees in any Provincial park until such time as services warrant such collection. Such services include availability of a water supply, adequate accommodations for the collection of such fees, and adequate staff to administer the programme. Park regulations are presently being amended to accommodate these situations.

Contract and payment of funds without proper authority.

Cabinet authorized the Minister of Tourism to enter into an agreement with the Department of Regional Economic expansion for a Tourism Subsidiary Agreement. Under this agreement, funding was provided to build campgrounds in Eastern Newfoundland and Western Newfoundland. After consideration of all factors concerned, the Management Committee of the Tourism Subsidiary agreement decided that the campsites to be build in Eastern Newfoundland be built in Pippy Park with their agreement. Agreement was reached with ~~The~~ Pippy Park Commission and the campsites were constructed.

This matter was referred to the Department of Justice for a legal opinion and we have been advised that the actions undertaken were appropriately authorized and within the sphere of the Department of Tourism. It was, however, pointed out by the Department of Justice that it is, however, an area where there is an overlap of jurisdiction and as a matter of form the Minister of Public Works and Services should be kept fully advised of all developments. This, I might add, was done in this particular instance.

MR. DAWE: Study of sport fishing potential on
Labrador Rivers.

As a result of discussions between the Premier and the Department of Tourism concerning the freeze on sport fishery development on Labrador Rivers, it was agreed that the Department of Tourism should carry out an assessment of sport fishing in some of the Labrador Rivers.

Treasury Board authority was requested to carry out this assessment and approval received for the Department of Tourism to spend \$17,000 on this project. It was agreed between the Department of Tourism and A.G. Garrett Limited of Gander, the company requested to carry out the assessment, that payment would be made in the following manner: - \$5,000 expense advance to be accounted for by the Company and \$4,000 per month for three months on the condition that the final payment would not be made until after receipt of the final report on the assessment.

The use of aircraft by A.G. Garrett Limited was supplied by the Department of Transportation and Communications and had no bearing whatsoever on the Treasury Board authority for the \$17,000 payment from Tourism.

Despite requests made several months ago to the company to give a detailed account of the \$5,000 expense advance, this accounting has not been received to date. Therefore, the Department of Tourism is now considering legal action against that company.

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

MR. WHITE: Mr. Speaker, just a couple of comments.

After the

MR. WHITE:

confusion we have seen with big game licenses in Newfoundland under this administration, I am sure that all the hunters across the Province would be delighted to know that the Department of Tourism plans to try and consolidate the issuing of licenses and the revenue coming in from same. I imagine you would have heard some fairly loud cries if the minister had not tried to reconcile in one instance 900 licenses for caribou in Newfoundland.

Mr. Speaker, I agree with the number two thing that the minister mentioned with respect to not charging people to enter Provincial parks until services are provided. As a matter of fact, I am not so sure you should charge them even when services are provided. With respect to the study of sport fishing potential on the Labrador rivers, that sounds a bit strange, Mr. Speaker. The Auditor General talks about no contract existing and the minister did not address himself to that, why there was no contract and the fact that \$17,000 was spent. That means that it is a couple of thousand dollars over the limit when tenders need to be called. The minister says here that the final payment would not be made until after receipt of the final report on the assessment and, since we are permitted to ask a question or two in our brief comments, I was wondering if that assessment had been received and if the House will get a chance to have a look at what it said about the Labrador rivers.

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

MR. DAWE: I have the report here. There is an additional item to go with the report, that is the maps that would be attached to it and my department is putting these maps in and so on and they will be available and I will present it to the House on Monday.

MR. SPEAKER (Simms):

The hon. Minister of Labour and
Manpower.

MR. DINN:

Mr. Speaker, I just have a brief statement to make. It is with respect to recent reports in the press by the NFFAWU stating that worker's compensation coverage is not available to fishermen. And I want to state to the House quite clearly that these statements are inaccurate and misleading. In fact, compensation coverage has been mandatory for people in the fishing industry since an amendment to the act in 1973. This coverage is on the same basis which is applicable to people working in other industries. Where a boat owner or captain has two or more employees on the boat in addition to the owner or captain, worker's compensation automatically applies. A boat owner is required by law

MR. DINN: to pay the necessary assessment to the Compensation Board in the same manner as the owner or operator of a service station or restaurant or some other enterprise, and is required to pay that assessment.

Where there is a case of all persons aboard the boat being partners in the fishing enterprise, compensation is not mandatory. However, these partners can apply for and obtain coverage.

The problem has been that the boat owners or operators have been very reluctant to pay the required assessment. Apparently, according to several letters received by the board, the union has been advising them not to pay the assessment. If the statements contained in those letters are correct, then the union is in effect advising the fishermen to break the law.

The matter of how to collect the necessary assessment is now under study by the board and will be presented to government in the near future. Based on a request by the Minister of Fisheries (Mr. J. Morgan), I will be meeting with the NFFAWU in the very near future as soon as the Minister of Fisheries sets up that meeting and we will discuss the various approaches that we will be taking with respect to collecting the assessment so that coverage will be complete throughout the fishing industry.

Mr. Speaker, I wanted to make that quite clear because maybe some people do not know that the fishermen in this Province are indeed covered by Workers Compensation.

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

MR. F. ROWE: Mr. Speaker, I do not seem to have a copy of the minister's statement.

MR. DINN: (Inaudible).

MR. F. ROWE: You did not have a copy?

Well, obviously, Mr. Speaker, it is a very complex situation that the minister is speaking about, involving the

MR. F. ROWE: union, the federal government and the provincial government, the fishermen and that sort of thing.

The minister has made a very serious charge here this morning in the House of Assembly in accusing the Fishermen's Union of advising the fishermen of this Province to break the law, and I hope that there is some way that this can be settled between the minister and the Fishermen's Union because if these series of confrontations continue to exist we are not going to solve any problems whatsoever. And the only ones who are going to lose in this whole situation, of course, are the fishermen themselves.

I might add as well, if this matter is as complex as it appears to be, I would assume that something would be contained in the Fishermen's Handbook or some informational book that would help a fisherman in this particular instance. I do not know if one is to be published this year or not. I know there have been Fishermen's Handbooks published in the past and I would hope that such information would be contained therein so that there would be no doubt whatsoever

MR. F. ROWE: where the fishermen stand with respect to the law, not with respect to how the union feels or how a certain political party feels or even a company feels but how the fishermen stand with respect to the law of the land. I would hope that these factors will be taken into consideration when the minister goes into his deliberations with the Newfoundland Fishermen, Food and Allied Workers Union.

MR. SPEAKER (Simms): The hon. Minister of Lands and Forests.

MR. C. POWER: Mr. Speaker, I would like to take a moment to answer some questions asked by the member for Windsor - Buchans (Mr. G. Flight) in relation to a mention in the Auditor General's Report related to the Department of Finance and the Forest Land (Management and Taxation) Act.

A statement by the hon. Minister of Finance (Dr. Collins) has earlier answered some of these questions. I would like to address some of the forestry aspects of these questions. My answers will not be in the same order as the questions were asked by the member. This is to facilitate an understanding of the issue as it relates to the Forest Land (Management and Taxation) Act.

First of all, I would like to describe the procedure of taxation. All forest lands 300 acres and more are subject to the Forest Land (Management and Taxation) Act, 1974. The land holders are required to submit a Management Plan to the Minister of Forest Resources and Lands and apply for a Certificate of Managed Land Status. The minister declares the land either managed or unmanaged according to the content of the plan submitted. A Certificate of Managed Land is issued with the consent of the Lieutenant-Governor in Council if the minister declares the land managed. The landholders are also required to report compliance with the plan each year. The Certificate can be amended or cancelled depending on the performance of the

MR. C. POWER: landholders. There is an appeal mechanism under this act.

The Minister of Forest Resources and Lands then informs the Tax Assessor of the Department of Finance about the Managed Land Status of the landholders. Independent of the actions by the Department of Forest Resources and Lands, all landholders -

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

MR. SPEAKER (Simms): Order, please! On a point of order, the hon. member for LaPoile.

MR. S. NEARY: I do not wish to interrupt the hon. gentleman, Sir, but if I understood the hon. gentleman correctly in the beginning he said that he was answering some questions that were asked by the member from Buchans (Mr. G. Flight). Now there is a time and place to answer questions, Mr. Speaker. Just for the sake of keeping the record straight, the hon. gentleman obviously is not making a ministerial statement, he is answering questions and he should wait for the appropriate time on the Order Paper to answer these questions.

MR. SPEAKER: To the point of order, the hon. President of the Council.

MR. W. MARSHALL: Mr. Speaker, that is not a valid point of order. The proceedings of this House start off with ministerial statements. A member of the ministry may make a statement on a topic of interest and the fact that the matter of interest may have first emanated from a question that had been posed by another member opposite is completely irrelevant.

MR. W. MARSHALL: Now, the hon. gentleman has the right to make the statement uninterrupted, a member on the opposite side has the right to comment and if other members wish to ask questions, this party has provided a Question Period to this House so that they can be asked.

MR. D. JAMIESON: On the point of order, Mr. Speaker.

MR. SPEAKER (Simms): Is there another point of order?

MR. D. JAMIESON: On the hon. gentleman's point of order.

MR. SPEAKER: On the point of order, the hon. the Leader of the Opposition.

MR. D. JAMIESON: I do not believe that anyone - and particularly, as the member for LaPoile (Mr. Neary) has said, he had no wish to interrupt the hon. member.

We have had a series of statements, none of which we have argued with or complained about because they are quite accurate and quite appropriate, in which Ministerial Statements have been made relevant to the Auditor General's report. It may have been an unfortunate phrasing which the hon. member used, but in starting his comments this morning, he said that he was in fact answering questions raised by the member for Windsor - Buchans (Mr. G. Flight). I suggest that in those circumstances, it may be a fine point, but it is an appropriate one and I think that if we are going to abide by the rules then we should do so. But having said that, I am sure the member for LaPoile and myself would both agree that in effect we are hearing yet another statement with regard to the Auditor General and it is quite appropriate to proceed. But at the same time, with respect to Your Honour, I suggest that the preamble to the statement put it in the category of Answers to Questions from members.

MR. SPEAKER: With respect to the point of order, it is probably not very clear at this point in time exactly what the hon. minister is intending to do - as far as hon. members to my right are concerned. It is my understanding at least, that the hon. minister was making a Ministerial Statement but in his preamble indicated that in making the Ministerial Statement, he would be referring to some

MR. SPEAKER (Simms): of the questions asked yesterday by the hon. the member for Windsor - Buchans (Mr. G. Flight). So in that respect, I would ask the hon. minister to continue with his Ministerial Statement.

MR. C. POWER: Thank you, Mr. Speaker.
Using the information currently supplied by the Department of Lands and Forests, the tax assessor issues tax assessment notices and takes necessary steps for collecting the taxes. I will not go into detail on the procedures used by the tax assessor because that is under the jurisdiction of the Department of Finance and my colleague, the hon. the Minister of Finance (Dr. J. Collins), has already answered these questions.

All landholders of forest land had the opportunity of submitting Management Plans and applying for certificates of Managed Land Status since the proclamation of the Forest Land Act. Initially, only pulp and paper companies availed of this opportunity. Most of the small landholders chose to remain silent.

Since the Province of Newfoundland does not have a compulsory registration system for landholders, it is extremely difficult to identify individuals and organizations holding relatively small areas of land but still more than 300 acres. In the absence of any available legal mechanisms to identify the landholders, the department has struggled through various means to compile a list of known landholders which was supplied to the Department of Finance and has been reported upon by the Auditor General.

MR. POWER: The department is continuing to identify additional landholders within legal means, but, as pointed out above, it is extremely difficult. However, I will also inform this hon. House that my department in consultation with the Department of Justice is presently reviewing inadequacies of our land registration system with a view of recommending future improvements which in future would facilitate identification of landholders.

In light of the above description, Mr. Speaker, the department is unable to confirm whether all the landholders of more than 300 acres have been identified or not. The landholders which were identified last year are subject to tax for each year since 1975. It is my understanding that the Department of Finance will take necessary steps to collect any arrears. The provisions of the act are not for a specific period of two years or five years as suggested by the hon. member, these provisions applied each year are independent.

A question was raised also as it relates to the report on whether the two pulp and paper companies were exempted from tax and whether the Forest Management as practiced by these two companies is perfect. The pulp and paper companies are not exempt from any provision of the Forest Land Act. In fact, they are the first and foremost to come under the scrutiny of the department for application of this act. The two companies have been paying taxes since 1975. The Auditor General has acknowledged payments of \$805,062 by these companies last year. I would like to bring to the attention of this hon. House that the department has required the companies to submit Management Plans each year since the proclamation of this act. These plans were scrutinized by the department and found to have met at least the minimum standards of management necessary to have these lands deemed and declared managed. My department is now vigorously pursuing to enforce more stringent timber utilization and standards which should result to better achieve the provincial objectives.

MR. POWER: I would like to state for the information of this hon. House that as a result of this department's insistence on better utilization and adherence of better management practices, Bowater Newfoundland Limited has decided to relinquish its control over 1.5 million acres in the Bay d'Espoir area permanently and almost one-half million acres of it for at least a period of twenty years on the Northern Peninsula which is likely to be made a permanent or semi-permanent arrangement. I will be announcing the details of the reversion of these company held lands to the Crown in the next few weeks.

I trust this statement will clarify the points raised by the Auditor General and the questions. And also, Mr. Speaker, I would like to identify the eleven holders of land in excess of 300 acres that have already been determined by our department. We have Ramsey and William Smallwood, who control 2,783 acres;

AN HON. MEMBER: Shocking. Absolutely shocking.

MR. POWER: - William Pritchett - 2,022 acres; Jim Thoms - 332 acres; Lewellyn Reid - 471 acres; Mark Goose and Sons Limited - 1,561 acres; Cyril Garland - 904 acres; International Grenfell Association - 2,447 acres; A Mr. Martin who has 876 acres; the New York, Newfoundland and London Telegraph Company which has in excess of 15,000 acres; and Marie E. Greene who has 418 acres; and the Royal Trust Company, Administrator of the estate of Charles Fox Bennett - 1,140 acres.

Thank you, Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, this is an unbelievable Ministerial Statement, unbelievable. This statement is an admission, Mr. Speaker, that after having a land act proclaimed, a Land Management Act proclaimed for six years, since 1974, the Department of Forestry and the Department of Finance have been unable to administer that act any more than if it had never been proclaimed. One has got to listen to what is said in the statement, Mr. Speaker. "In light of the above discription the department is unable to confirm whether all landholders of more than 300 acres have been identified or not." After six years, Mr. Speaker, having having a Land Management Tax Act proclaimed for six years-the purpose being for that act in the first place was to guarantee good land forest management or to realize revenue - the minister has now got to stand up and tell this House that after six years they have not been identified. Now Mr. Speaker, everybody will remember the previous Minister of Forestry last year identified one, what he believed was in his interest, identified one of these land owners in excess of 300 acres. And we know what he did with it, Mr. Speaker. He played politics with it for six weeks but in the process it suddenly becomes clear that that was the only one he knew about and probably the only one he cared about.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Order, please!

MR. FLIGHT: That kind of performance, Mr. Speaker, that the minister has just admitted is an admission of inefficiency and ineptness in the Department of Forestry and the blame must be laid right at the feet of the minister and his predecessors.

Now, Mr. Speaker, this is a fairly long statement. He talks about arrears. After five years, Mr.

MR. FLIGHT: Speaker, after six years non-collection of arrears, the Minister of Finance (Dr. Collins) says, "This my understanding that the Department of Finance will take the necessary steps to collect any arrears." After six years he will take the necessary steps. Why were the steps not taken last year and the year before and the year before? Mr. Speaker, he goes on - here is the damning admission, Mr. Speaker, in this statement: he goes on to say, talking about the paper companies, "in fact that they are the first and foremost to come under the scrutiny of this department for application of the act. The two companies have been paying taxes since 1975." Now note this, members of the hon. House. "The Auditor General has acknowledged payments of \$805,000 by these companies last year." That means, Mr. Speaker, that there are the only two companies in this Province, because that is the figure indicated by the Auditor General that this department collected last year. So that admission means that the only people, the only companies in this Province who hold land in excess of 300 acres that paid the Land Management Tax Act last year were the paper companies. What about the thirteen the minister just named? What are we doing about it? The only two companies that lived up to the act and

MR. G. FLIGHT:

met their obligations under the act that is not in arrears that is not depriving the government of the revenue that that act was proclaimed to realize is Price and Bowaters. What is the Minister of Finance going to do about that. I hope he gives those people as hard a time as he is going to give the buyers of the prefabricated homes that did not pay their taxes.

SOME HON. MEMBERS:

Oh, oh!

MR. G. FLIGHT:

Now, Mr. Speaker, one more point,

one last point on this. Now the minister says, "Oh, the poor Minister of Forestry who has got to deal with those two paper companies, Price and Bowaters." He said "These Plans, Bowater's and Price's plans were scrutinized by the department and found to have met at least the minimum standards of management necessary to have these lands deemed managed." I presume he means deemed managed and therefore deemed not to be subject to the tax. Well, the minister should not talk about in his statement scrutinizing the plans of these two companies. We know what the plans of these two companies have been for over fifty years. He should be talking about sending his people in. Never mind the plans they submit. They are like any other companies. They submit what plans are in their better interest and what they think they can get away with.

SOME HON. MEMBERS:

Hear, hear!

MR. G. FLIGHT:

We should be sending in, we should be

sending the people from the department into the woods and looking at what is going on and see if what they are actually doing is indeed compared to what they are actually saying. And I am afraid the minister will get a rude awakening. Now, Mr. Speaker, the last point I want to make on this statement, this unreal, this unbelievable statement: Six years and the minister has got to stand up and tell this House that his predecessors have been doing nothing for six years. The general public has known it anyway. Now, he has got to admit it publicly.

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MR. G. FLIGHT: Now, Mr. Speaker, he indicates that Bowaters is going to pass back

MR. SPEAKER (Simms): Order, please! If I might call attention to the procedure for responses on ministerial statements: Aside from the fact that the member responding is entitled to ask explanations and make a few remarks and no debate is allowed, there is also the practice of the hon. House that the member responding to a statement may use approximately half the time used by the minister in presenting his statement, and according to my calculations I believe the member has approached that point in time. If he is prepared to clue up in a matter of a few seconds, I will allow him to clue up.

MR. G. FLIGHT: Thank you, Mr. Speaker. I cannot concur whether I have used half the time or not, Mr. Speaker, but I have approached the end of the retort, and I will just say to the minister that I read here that Bowaters has relinquished control of at least 1.5 million and will relinquish control of half a million. Now, that could be for one of two reasons, Mr. Speaker; it could be for the purpose of avoiding the tax that would be applied under the Land Management Act and it would be interesting for the minister to send his people in on those when they are turned back and see what state of forest management that those 2,000,000 acres were subject to this past fifty years. And, Mr. Speaker, I would also be interested in the terms and conditions that those lands were turned back to the province under and I will bring that up later in the session, Mr. Speaker. Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Order, please. If I may, before I recognize the hon. the Minister of Education, further to clarify the point of order raised by the hon. Member for LaPoile (S. Neary) during the last few moments, there is provision in our own Standing Orders, Standing Order 31.(a) which in part says, near the end, "provided also that the Minister to whom a question is directed may take such oral question as notice to be answered orally at a

MR. SPEAKER (Simms): later sitting, but where any such reserved question requires as its answers a lengthy statement, such statement shall be given under the ordinary daily routine proceeding 'Statements by Ministers.' So there is provision there.
The hon. the Minister of Education.

MS. L. VERGE: Mr. Speaker, I would like to comment on and provide further clarification for the hon. members of this House on items contained in the Auditor General's Report for the fiscal year end the 31st of March, 1979 relating to my department. In his report, the Auditor General identifies three areas concerning my department which, in his opinion, should be brought to the attention of this House. They are:-

- (1) Accounts Receivable - Pupil/Teacher indentures:
- (11) Grant to native schools made without legislative approval and otherwise irregular;
- (111) Failure to submit post-secondary education final provincial returns promptly.

On the first item, the pupil /teacher indentures, I would like to explain to the hon. members that in the 1930's and 40's,

MS. L. VERGE: when there was a critical shortage of qualified teachers in the Province, a programme was introduced to encourage students to enter the teaching profession. I would not be surprised if some members of this hon. House participated in this programme and therefore are totally familiar with it. The programme consisted of the provision by government of financial assistance to students in return for a commitment in the form of a signed indenture to pay back grants received by teaching one year for each \$400 received. Indentures entered into prior to 1971 stated that upon graduation from university the pupil/teacher shall make all reasonable endeavours to obtain employment in an educational institution receiving financial aid from the Province of Newfoundland. The indenture further stated that in case the pupil/teacher failed to perform any of the covenants contained therein, then the grant must be re-paid to the Minister of Education. It is important to note that the indenture did not stipulate that the pupil/teacher had to obtain employment in an educational institution within a specific period of time after graduation. The wording of the indenture created two problems as far as collection is concerned. First, a student can maintain that he or she made a reasonable endeavour to obtain employment in an educational institution but was unsuccessful and therefore fulfilled the conditions of the indenture. And two, even though a pupil/teacher has graduated from university for ten or fifteen years, when pressured by the department to collect amounts owing he or she can reply that it is his or her intention to enter the teaching profession and because of the ambiguity of the indenture the department cannot legally insist that the amount outstanding be paid.

MS. L. VERGE: This is a problem the department is faced with in attempting to collect indentures entered into prior to 1972. Our collection efforts have been severely hampered due to the ambiguous terms of the pupil/teacher indenture that was being used.

The department has provided an allowance for doubtful accounts representing the full amount of the outstanding pupil/teacher indentures entered into before 1962. Our assets statement is, therefore, not overstated. We hesitate, however, to request Treasury Board approval to write off such a large amount even though collection may be doubtful.

In 1972, the indenture form was reworded to state that a pupil/teacher will, not later than two years after termination of his or her studies, enter a contract of service relating to teaching and failing to comply with this regulation, the pupil/teacher must repay the grant to the minister. Collection of indentures since this revision in 1972 has not been a problem and these accounts are up to date.

The second item, 'A grant for native schools made without legislative appropriation and otherwise irregular.' The Auditor General states in his report that a payment of \$50,000 was made to a school board without legislative appropriation and was otherwise irregular.

After conferring with officials in my department, I am satisfied that the payment referred to was a proper charge against vote 615-03-01 'Grants for Eskimo and Indian education.' Monies contained in this vote are approved by a federal/provincial committee, a joint committee established to administer grants to native schools.

MS. L. VERGE:

The grant approved and provided for in the 1978/79 Budget for the payment to the school board in question was \$267,900. This amount included the expenditure being disputed by the Auditor General, The actual payment to the board in 1978/79 was \$260,045.07, which again included the \$50,000 amount. It is therefore clear that the total approved by the House was not exceeded and that the expenditure was properly accounted for. The other aspect questioned by the Auditor General was that the payment represented a capital expenditure which was paid out of current account. On this question my department was advised by

MS VERGE: the school board that the payment covered improvements to a two room school at Davis Inlet to make it compatible with a new extension which consisted of four additional classrooms and a gymnasium. The actual work consisted of repairs to floors, walls and the heating system, work which could be considered either current or capital, and because the expenditure was part of the approved \$267,900, the department deemed it proper that it be paid out of current accounts.

The school board has been asked to provide the details of this expenditure to the Auditor General's Department.

And the third and last item is Failure to submit post-secondary education and final provincial returns promptly. The department agrees with the provincial auditors that there has been undue delay in the preparation of the final post-secondary educational provincial return for 1976 - 1977, and I will ensure that the return is completed within the next few weeks.

I understand that most of the information with respect to this claim has already been audited by the Auditor General but that one institution is having some difficulty in preparing its return for audit.

I trust that these explanations are satisfactory to hon. members.

MR. SPEAKER (Simms):
Bay de Verde.

The hon. the member for Trinity -

MR. F. ROWE: Mr. Speaker, in the absence of my colleague the spokesman for Education, the member for Port au Port (Mr. J. Hodder) who is presently slaving away in his district, I would like to reply to the minister's statement.

First of all, Sir, in connection with accounts receivable pupil/teacher indentures, we have a situation here where the Auditor General had indicated to the government back in 1976

MR. F. ROWE: that there was approximately \$750,000 for accounts receivable under the pupil/teacher loans some four years ago, and it is only now that we are having a Ministerial Statement or any indication from the minister that something is going to be done about it. And it was done very subtly, Sir, by indicating that all this came about as a result of agreements made prior to 1971 which, of course, is a very significant year.

I would suggest, Mr. Speaker, that if the Auditor General indicates in his report that the majority of these accounts have been outstanding for ten years or longer, thereby making their eventual collection very doubtful, I would recommend very strongly to the minister that she consider writing these things off totally.

SOME HON. MEMBERS:

Hear, hear!

MR. F. ROWE:

Now, I would not want to be accused of saying that I am advocating throwing away approximately \$750,000. I am not advocating that the government throw that away. What I am suggesting is that if, in the opinion of an auditor, he is suggesting that these collections are very doubtful because they are over ten years old that it is going to be more costly trying to collect them than the revenue that would be received as a result of the expenditures trying to get it to start off with.

So I would recommend to the minister, unfortunately, and because this has been ignored for such a long period of time, that it simply be written off entirely and take the professional advice of the Auditor General in this particular matter.

Now, with respect, Sir, to the grant to native schools made without legislative approval and otherwise irregular, I am getting, quite frankly, Sir, sick and tired and nauseated by ministers now getting up daily making confessions and coming out with statements, 'After conferring with my officials, I am satisfied,' - 'I' am satisfied.

MR. F. ROWE: Sir, it is not the minister who should be satisfied. Even if the minister has conferred with her officials the fact of the matter, Sir, is the Auditor General's job is to audit, sample the expenditures, the estimates of this government by a sampling process only and to indicate, as he has in this case, that this expenditure was not approved by the House of Assembly or the committees that have now been established for it. In other words, the end does not justify the means in this particular case. The fact of the matter is that still we have had an expenditure that was not approved by a committee or by this House and that is clearly against the law. It is not as against the law as the point brought up by my colleague from LaPoile (Mr. Neary) the other day with respect to the convention and the polls, that was misappropriation of funds.

MR. S. NEARY: If the Auditor General would like (inaudible).

MR. F. ROWE: That is an entirely different thing.

MR. SPEAKER: (Simms) Order, please!

MR. F. ROWE: So I would suggest that instead of trying to weasel out of these situations, that ministers instead of saying, "Oh, I am satisfied," just accept the responsibility that the money was spent for something that the House did not approve of in the first place.

With respect to the last point, Mr. Speaker, Failure to submit post-secondary educational final provincial returns promptly, the minister, I will quote her here, "The department agrees with the provincial auditor that there has been undue delay in the preparation of the final post-secondary educational provincial returns for 1976-77 and I will ensure that the return is completed within the next few weeks." Now, that is the kind of statement we like to hear from ministers.

MR. F. ROWE: "I will ensure that the returns is completed within the next few weeks." And, Sir, I can close off by saying here that we will be relentless, of course, in our attack if the minister, by the time the estimates do roll around and the budget is brought down before the House, if in fact this has not been completed within the next few weeks. But, may I just make a recommendation; do not try to weasel out - the Auditor General is a professional man, he gives advice to the government, he puts out a report - accept the responsibility and let us not have these long confessions here trying to weasel out or blame the situation on somebody else.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Simms): No further statements?

ORAL QUESTIONS

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

MR. D. JAMIESON: Mr. Speaker, it has been so long I almost forgot what I was going to ask.

I would like to direct a question to the Minister of Finance (Dr. J. Collins). The minister has made a couple of statements to the media and otherwise with regard to the date for bringing down the budget. Can he be more precise now or can he give us some indication as to when the budget might be presented?

MR. S. NEARY: Do not hold your breath, that is all.

MR. SPEAKER: The hon. Minister of Finance.

DR. J. COLLINS: Mr. Speaker, the officials of the Treasury Board, the members of the Treasury Board, officials in my department and myself, we have been labouring, I think fruitfully and rather manfully, over the last month or so. We are expecting that we will be able to get the budget in shape this month or early next month. We are aiming for this month. I can not be more precise to the date. A number of things have to fall into place

DR. J. COLLINS: before we will be in a position to actually schedule the actual days that remain to the bringing down of the budget but things are proceeding pretty well according to plan and we are hopeful it will be this month.

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

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

MR. D. JAMIESON: With regard to the things that have to, as the Minister of Finance (Dr. J. Collins) said, "fall into place", I hope that is not -

DR. J. COLLINS: That is just a phrase.

MR. D. JAMIESON: - a forecast of things to come.

MR. JAMIESON: Are some of those related to negotiations with the various federal departments with regard to potential expenditures during the 1980-81 year or is the minister now in possession of, and does he have most of the indications of what is necessary in other words for him to formulate a reasonable forecast?

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

DR. J. COLLINS: Mr. Speaker, throughout the year we are in communication with the Department of Finance in Ottawa and we have projections from them. These projections are updated all the time. They get more precise as the year goes by. I think that we will possibly get one further updating before the budget is likely to come down, but even if we did not have that I think we are in possession of sufficient facts from that point of view to go ahead. That should not hold us up.

MR. JAMIESON: A final supplementary.

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

MR. JAMIESON: I realize that it is - I will not say it is simple but it is reasonably easy to get a forecast on statutory items, things of that kind. What I wondered about was whether or not, for instance, in the budget making process, and I do not diminish the complexity of it, whether there was anything with regard to, for example, DREE agreements or various other things of that nature which might affect the minister's anticipations with regard to levels of expenditure or employment, things of that kind? Are there many things of that nature that are outstanding as of the present time?

MR. SPEAKER: The hon. Minister of Finance.

DR. J. COLLINS: Mr. Speaker, there are a number of DREE agreements outstanding at the present time. I am not myself, as Minister of Finance, directly involved in the negotiations for those.

DR. J. COLLINS: The more these negotiations are concluded, the earlier they are concluded and the more precisely they are concluded, the better from our point of view. But I suspect that there will be some of the negotiations still ongoing at the time the budget will come down and we will put into the budget any conclusions of negotiations that are with us at that time. But I do not think that that again will affect the date of the bringing down of the budget.

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

MR. F. ROWE: Mr. Speaker, I have a question for the Minister of Fisheries arising out of his Ministerial Statement dated March 3rd. First of all, Sir, could the minister indicate to the House exactly how many - well, first of all he indicated that there were sixty-seven loans approved in the amount of \$1.9 million. Therefore, could the minister indicate how many applications have been rejected outright and how many still remain for further consideration for this fiscal year and what funds are readily available for the consideration of these remaining applications?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, I thank the hon. gentleman for asking the question. I was intending to give the information in the time slot today for answering oral questions, notice was given before. The situation is, in the Fall of 1979 the government allocated to the loan board the sum of \$4.7 million. Now sixty-seven loans as were announced last week in my Ministerial Statement, These came to \$1.9 million, That means we have now being processed applications up to the value until the end of March of \$2.8 million.

I mention that the sixty-seven loans that were announced were for twenty-two boats, new and used, part of the ongoing boat building programme. There are nine more boats that will be contracted within the next number of days as a result of approved applications in the forty-five to sixty-five foot range, and the remaining funds will be used to process applications and approve

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MR. MORGAN: applications and make loans for these cases where there are applications for fishing gear and engines, in other words hardship cases, up

MR. MORGAN: until the end of this fiscal year, until the new funds are allocated in next year's budget. So these applications, the total on file in the Loan Board as of the end of January, the total number is 925 applications. Over the last few weeks 160 of these have been screened and qualified by means of making contact with the fishermen, getting more information, etc., and these are the applications being dealt with now. The further 765 remaining are now being dealt with. In other words, we are screening out the hardship cases, the ones we know are important to get processed as soon as possible to get the fishermen moving before the commencement of the fishing season, to get these applications processed now, as many as possible out of the 765 remaining. In pointing out the total number, that is the total number of applications received, I want to emphasize that many of these will not qualify. They have to be screened out and many of these will not qualify for loans. That, I think, is obvious to all concerned. All will not qualify. But the total number of applications, 925; 160 processed the last few weeks and the remaining amount of 765 being processed now. We will carry on with the interim funds and of course then the new funds come on stream in the new budget. The negotiations with the banks have been completed as of the last few days.

MR. F. ROWE: Is this a Ministerial Statement or answering questions?

MR. MORGAN: Well, Mr. Speaker, if so desired I can reply to the questions asked by the same hon. gentleman two days ago and when the time -

MR. F. ROWE: Mr. Speaker, the only reason I -

MR. SPEAKER (SIMMS): The hon. member for Trinity - Bay de Verde. A supplementary question.

MR. F. ROWE: Yes, Mr. Speaker, a supplementary question. The only reason I jumped in there was because the minister had not answered one of the questions that I had asked and was about to answer a question that I was going to ask.

So if the minister would be kind enough to indicate, since he has indicated now that 160 have qualified, 160 applications have qualified and there are 765 remaining, could the minister indicate what funding is available for these 160 applications that qualify and the 765 that remain to be considered? And then he could go ahead and answer the question, What is the status with respect to the negotiation's presumably ongoing with the chartered banks to switch the funding process in a shared sort of way between the chartered banks of this Province and the Fisheries Loan Board, and will the interest rate change significantly if at all?

MR. FLIGHT: He cannot answer that.

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

MR. MORGAN: Mr. Speaker, I am beginning to think that the questions are longer than the answers.

MR. F. ROWE: It is not worth a point of order.

MR. MORGAN: Well, Mr. Speaker, I am sure that the fishermen down on the Great Northern Peninsula would not like that kind of a comment from their MHA, because if they do not want information to take to the fishermen and the fishermen's problems I will not give the information.

MR. ROBERTS: A point or order.

MR. SPEAKER (Simms): A point of order, the hon. member for the Strait of Belle Isle.

MR. ROBERTS: Mr. Speaker, I doubt if the hon. gentleman knows where the Great Northern Peninsula is given his track record, but I do think it is improper of him, Sir, to cast aspersions upon members or upon the people of this Province. Accordingly I would direct that the hon. gentleman be asked either to contain himself or, if he cannot contain himself, to try and direct his answers to the questions which he is asked.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): To the point of order, to the President of the Council.

MR. MARSHALL: Mr. Speaker, not a point of order but a point of explanation, and I would suggest, Mr. Speaker, an inadequate point of explanation at that.

MR. SPEAKER: Mr. Speaker, I thank hon. members for their contribution to the debate on the point of order, but I do not believe there is a point of order. I have asked the hon. Minister of Fisheries (Mr. Morgan) if he wishes to continue to respond to the question to do so.

MR. MORGAN: I am sure, Mr. Speaker, that the fishermen I talked to in White Bay last week would want the information. I was down there last week talking to the fishermen in the White Bay area, and the Great Northern Peninsula fishermen. Mr. Speaker, the information to be passed on through the hon. gentleman who asked the question for the sake of these fishermen in particular, that negotiations with the chartered banks have been completed. We are now in the process of drafting an agreement - when I say 'we', I mean the government through the Department of Justice - to be signed in the next number of days with the chartered banks and the terms and conditions of that agreement have now been ratified with the Fishermen's Union who speak on

MR. J. MORGAN:

behalf of the fishermen in the Province. I have met with them and discussed the guidelines or regulations which will be included in the agreement with the chartered banks and they have agreed with these terms and conditions. And I will be announcing to the House of Assembly, informing the House, sometime between now and the end of March at the latest, before the next fiscal year, the details of that agreement and, of course, tabling the agreement, if necessary, in the House of Assembly.

We are convinced it is a good thing and to the benefit of all fishermen in the Province, and the report that is now being compiled as well in connection with the review of the operations of the Loan Board is now being done, is now being compiled and as a result of that report and its recommendations, I will then, as the minister responsible for the Board, be establishing guidelines and policy directions under which the Board will operate in the future.

I want to stress one thing in connection with the Board's operation, that the Board will have representation from fishermen.

MR. S. NEARY:

Hear, hear!

MR. J. MORGAN:

It will not have the same fishermen who served the last couple of years and whose term expired in July, 1979, by the way. It will not be necessarily the same fishermen, but what I am looking at, Mr. Speaker, is having fishermen, maybe, from Bay de Verde area, for example, for a six month period - or a fisherman - from parts of the Northeast Coast for a further six month period, there always being fishermen on the Board but never the same fishermen year-in and year-out. And I think it will give the fishermen around the Province a better chance to know the operations of the Board and the good things the Board will be doing for the fishermen of the Province.

SOME HON. MEMBERS:

Hear, hear!

MR. F. ROWE:

Mr. Speaker, a supplementary.

MR. SPEAKER (Simms):

A final supplementary, the hon. the member for Trinity - Bay de Verde.

MR. F. ROWE:

Sir, again the minister has succeeded in not answering my original supplementary and I have in answer a supplementary I was about to ask. So there is a pretty good system going here.

Mr. Speaker, a further supplementary.

Would the minister accept a recommendation - I do not know if it has been put to him by any of his officials or the union or the fishermen -

MR. G. FLIGHT:

No, the hon. House Leader would not let him.

MR. F. ROWE:

- I am about to put it to him now.

Would the minister accept the recommendation that for those fishermen who could not wait to have their applications approved - in other words, the fishing season was coming down upon them, they needed engines for their boats, etc. - who have gone ahead and borrowed privately through the banks for fishing gear, and borrowed for the purpose of purchasing or building boats or what have you, Will the mechanism be set up to transfer these fishermen back into the Fisheries Board - chartered bank loan arrangement at the same interest that would be set up for these fishermen under the newly formulated Fisheries Loan Board - chartered bank situation? Because obviously, they are paying very high interest rates now and I would like some indication from the minister of what these interest rates are likely to be when the new set-up is initiated.

MR. SPEAKER (Simms):

The hon. the Minister of Fisheries.

MR. J. MORGAN:

Mr. Chairman, I hope that when I am explaining this new policy to the fishermen, they will not be so complex as the question that was asked a minute ago. Because it is not really that complex. But the question I think you are asking is whether or not loans already processed by the chartered banks with the fishermen and charging, of course, the regular bank interest rates to fishermen - whether or not these loans can be also included under the new programme of the Loan Board working in co-ordination with the chartered banks. That is one of the points of negotiation and I would rather not give the information on the results of our negotiation until I give all the details when I make a Ministerial Statement on the final agreement reached.

MR. F. ROWE:

A further supplementary, Mr. Speaker.

MR. SPEAKER (Simms):

I already indicated a final supplementary,
but seeing nobody else standing, one further supplementary.

The hon. the member for Trinity -

Bay de Verde.

MR. F. ROWE:

Thank you, Mr. Speaker.

Sir, I would like to get into something that is probably not as serious but that has probably been very damaging and embarrassing to certain individuals in this Province and, I think, should be settled today.

So the fact of the matter is that a year or so ago, I cannot pin down the exact date, a number of fishermen were appointed to the Fisheries Loan Board. They were appointed and they inherited a mess, I think that is universally known. They were left in the dark, Sir, and they were by-passed in certain instances with respect to the approval of certain applications.

MR. MARSHALL:

On a point of order, Mr. Speaker.

MR. FLIGHT:

No leadership by the minister.

MR. F. ROWE:

Here we go now! Here we go!

MR. W. MARSHALL:

Mr. Speaker, a point of order.

MR. SPEAKER:

A point of order, the hon. the President of the Council.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. W. MARSHALL:

The purpose of the Question Period is to ask questions, Mr. Speaker. I refer to Beauchesne, Page 129: "The purpose of a question is to obtain information and not to supply it to the House."

MR. MARSHALL: And it says, "In making a question, observations which might lead to debate cannot be regarded as coming within the proper limits of a question." Now what the hon. gentleman is doing is he is making certain statements and political statements with respect to his impression of the Loan Board and this is not the time.

MR. FLIGHT: This is the question period.

MR. MARSHALL: The hon. gentleman can make observations with respect to the operation of the Board, if he wishes to, in Throne Speech debates or budget debates, and there are plenty of opportunity in this House. But in the Question Period, Mr. Speaker, he is transgressing his -

MR. SPEAKER (Simms): To the point of order, the hon. member for the Strait of Belle Isle.

MR. ROBERTS: Thank you. If I might, Mr. Speaker, my learned friend has read the Beauchesne correctly but I do not think he has applied it correctly, or interpreted it properly in the facts of this situation. All that my friend from Trinity - Bay de Verde (Mr. F. Rowe) is doing is trying to give the Minister of Fisheries (Mr. Morgan) enough information. I must say it is a difficult task to get to the point where the minister can give an intelligible answer and surely it is parliamentary, Mr. Speaker, for a member in asking a question to supply simply enough information to try to lead the minister to a point where we can get a coherent and an intelligible, if not a complete reply. And that is all that is being done. Debating of the Loan Board, Sir; we would dearly love to debate the Loan Board and as soon as the government has the proper intestinal fortitude to put the bills on the Order Paper we will proceed with it, Sir, yes.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): To the point of order, then. The Standing Orders, obviously, are quite clear as well with respect to asking questions. Standing Order 31 (c), "In putting any oral questions, no argument or opinion is to be offered nor any facts stated except so far as may be necessary to explain the same; and in answering such question, the Minister is not to debate the matter to which it refers." So a question must not give rise to debate. I would suggest that maybe the hon. member is beginning to drift in that area just a little bit and ask him to continue with his question.

MR. F. ROWE: Mr. Speaker, being the spokesman for Fisheries I was hoping I would have been given some latitude for drifting.

Mr. Speaker, let me just try to - I am really trying to provide the minister with the information so that he can, in fact, answer the question. There were a number of fishermen appointed to the Fisheries Loan Board. They inherited a mess. Everybody knows that. Everybody acknowledges that. They were left in the dark but what is more serious, now we have learned that they are going to be replaced, or they have been replaced or fired uncerimoniously. We do not know. The point is this, that while they were still members of that Board they were blamed by the government for the mess the Fisheries Loan Board was in. That is a fact.

MR. MARSHALL: A point of order.

MR. F. ROWE: I ask the minister, is that a fact?

MR. SPEAKER: A point of order. Order, please!

MR. F. ROWE: Are the fishermen responsible for the mess?

MR. SPEAKER: A point of order, the hon. President of the Council.

MR. MARSHALL: This takes on a little bit more serious vein. I rose on a point of order and Your Honour in effect indicated that the hon. gentleman was getting into the realm of debate and directed

MR. MARSHALL: the hon. gentleman to put his question.
The hon. gentleman then gets on his feet, after Your Honour has made the ruling and proceeds in exactly the same vein as he did before. Now the orders of the House have to be upheld and Your Honour's ruling has to be upheld and I would submit that the hon. gentleman is not only just breaching the orders of the House but is really in a breach of privilege of the House persisting in flagrant violation of Your Honour's ruling.

MR. SPEAKER (Simms): To the point of order. The hon. member for the Strait of Belle Isle.

MR. ROBERTS: Mr. Speaker, I must say that my learned friend opposite has not only put the cart before the horse, he has taken the cart further than the horse could ever carry it.

MR. JAMIESON: He turned the horse around.

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: My learned friend - well I will not say that, that is probably not parliamentary. I will let the thought speak for itself. My learned friend and horses bring certain analogies to mind. I do say that my friend from Trinity - Bay de Verde is, I do not think, asking an improper question, he is asking one that I am sure the gentleman from St. John's East (Mr. Marshall) would just as soon were not asked. But he is not going into debate, he is simply supplying information to enable the question to be answered properly. And as for the insinuation, or the statement, whatever it was, that my friend from Trinity - Bay de Verde (Mr. F. Rowe) is breaching the privileges of the House, that, Sir, I think, is most unwarranted and I would reject that out of hand, Sir.

MR. SPEAKER: Well, with respect to the point of order I guess there is not much point in me repeating what I said about two minutes ago but I think the same thing applies. I think the question has now been asked so if the hon. Minister of Fisheries (Mr. Morgan) -

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MR. MORGAN:

(Inaudible) question.

MR. SPEAKER (Simms):

I beg your pardon?

MR. MORGAN:

The question (inaudible).

MR. NEARY:

A point of order.

MR. SPEAKER:

I am sorry. The hon. Minister of Fisheries.

MR. SPEAKER (Simms):

The question has not been asked I take it.

MR. J. MORGAN: The kind of question that was asked, Mr. Speaker (inaudible)

MR. SPEAKER: I would therefore have to direct the hon. member for Trinity - Bay de Verde (Mr. Rowe) to ask his question.

MR. F. ROWE: That is precisely the point.
In view of the fact, Sir, that these fishermen have now been removed or will be rotated out of office under the cloud which they now fall, will the minister indicate to this House who or what area of the Department of Fisheries is responsible for the mess that the Fisheries Loan Board finds itself in at the present time?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. J. MORGAN: Mr. Speaker, last week a number of fishermen from Trinity - Bay de Verde were in my office, in fact, complimenting the Department of Fisheries for the loans they had approved from the Loan Board -

SOME HON. MEMBERS: Hear, hear!

MR. J. MORGAN: They did not see the Fisheries Loan Board in a mess, they were quite pleased that the government spent \$24 million on the Loan Board this past year.

SOME HON. MEMBERS: Hear, hear!

MR. J. MORGAN: And, Mr. Speaker, to make the answer brief, the fishermen who were on the Board in the past, their terms expired July 1979. I did not know the fishermen personally. I had a call from one of them a few days ago who indicated he was willing to serve again on the Board. And I told him, 'Sure, maybe some time in the future again you will serve on the Board'. There has been nobody fired from

MR. J. MORGAN: the Board from the fishermen's level or fishermen's representatives on the Board. And I am looking forward to having fishermen from different parts of the Province, as I mentioned earlier, serve on the Board and do a good job for the Board in the future.

MR. SPEAKER (Butt): New question, the hon. member for Fogo.

MR. B. TULK: Mr. Speaker, the question is for the Minister of Fisheries (Mr. Morgan) and it relates to the Fisheries Loan Board and the company known as Hamilton Sound Marine, a shipyard in Noggin Cove. As the minister is aware, but perhaps all members of the House are not, the company ceased operations in October with some five or six boats left unfinished and some \$5,463 owing to workers. I might add that the owner is about to lose everything that he possesses and the fishermen who originally contracted for the boats have been left for some seven to nine months. The cost of the boats has gone I understand, from \$570,000 in the original contract to \$960,000 now and the difference has to be borne by the Public Treasury. So I would ask the minister, on behalf of the fishermen and the men who are owed funds from that venture, what the current situation is with Hamilton Sound Marine?

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

MR. J. MORGAN: well, Sir, Hamilton Sound Marine Limited Shipyard in Noggin Cove in Fogo district - the unfortunate case there in that shipyard was not the fault of the Loan Board or the fault of anybody else. The fault I guess, was unfortunate on the basis that the bids made by the shipyard on the boats to be built, a total of six, they were maybe too low and in the Fall of 1979 the shipyard concerned found itself in financial difficulty

MR. J. MORGAN: to the point that all work ceased on these boats. A total of five were then under construction in the shipyard. When it was brought to my attention, when I took over the portfolio, I immediately in finding the situation as it was, with five boats being built and not knowing what was going to happen to the boats and how they were left sitting in a shipyard with no work being done on them, I got working on the situation and brought it to my colleagues in Cabinet. We agreed as a government to arrange for the calling of tenders to complete the construction of these five vessels that were sitting there partially constructed in the Hamilton Sound Marine Limited Shipyard. The tenders were called and bids received from, I think, a total of five shipyards in the Province, the lowest bid coming from Burry's Marine in Glovertown. Then a contract was awarded to Burry's Marine in Glovertown to the value of \$792,000, total value, to complete the five vessels on the condition that Burry would take the five vessels, partially constructed, from the Hamilton Sound Shipyard in Noggin Cove, transport them to the shipyard in Glovertown and complete them there. Now, that contract has been awarded and Burry

MR. J. MORGAN: is now in the process of carrying out the terms and conditions of his contract. The problem still remains with the financial difficulty of the shipyard at Noggin Cove. I have met with the principals of the company on at least four different occasions, four or five, and also including the officials of the Department of Fisheries, and there is very little we can do. It is a financial problem between the banks on one hand and the shipyard as a company on the other, and our obligation, as a department and a loan board, was to make sure the vessels were completed, under a contract awarded by the Loan Board for the fishermen.

So, the financial difficulty that the shipyard is finding itself in, unfortunately, and I have gone to the Department of Justice on this to check out all the legalities of it, that unfortunately we can not, we cannot do anything further for Hamilton Sound Shipyard. It is a matter between their creditors and the shipyard and the opinion from Justice is that we cannot do anything further in the Department of Fisheries. Unfortunately, we cannot do anything further.

MR. SPEAKER (Simms): A supplementary, the hon. the member from Fogo.

MR. B. TULK: Mr. Speaker, on that situation I am under the impression that the minister, this Fall or this Winter, on a fishermen's broadcast was quoted as saying that Hamilton Sound Marine would indeed go back to work. Now, whether that is the case or not, I do not know. The truth of the matter is that the Fisheries Loan Board knew that those contracts were below what that boat could be built for, so I want the minister to get up and tell this House, if, indeed, he feels that the Fisheries Loan Board mismanaged this situation, which has now cost the fishermen, perhaps, this Summer is fishing; has caused a situation where men are owed funds and cannot get them, and if, indeed, the Fisheries Loan Board should in some way be held responsible for that mess?

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

MR. J. MORGAN: I thought I made it quite clear that

MR. J. MORGAN: it is not a problem of the Fisheries Loan Board. The shipyard bid on these vessels, they bid low, the officials, the appraisers of the Loan Board told the shipyard that they had bid low, but still the company was willing to accept the contracts. They wanted to get the contracts so they took the five vessels. In fact, they took six initially, but the five vessels that were left there, they had these in their contract. They knew they had bid low on the tenders. The Loan Board's appraisers told them their bid was low in comparison to other shipyards, but still the shipyard was willing to accept the contracts. So, based on that there was no further responsibility on the Loan Board.

Now, unfortunately, the Loan Board was correct in its advice to the shipyard not to take these contracts on that kind of a bid, but they did and then in the Fall of '79 they found that the Loan Board was correct in its advice to them.

Now, my comment the hon. gentleman referred to was on the Fishermen's Broadcast, and I said then that I was hoping that the matter of the financial difficulty of the shipyard could be resolved so that again they could get involved in bidding, sometime down the road; in bidding on boats we are now calling tenders for, for example, a twenty boat program.

But, there was no responsibility beyond what was carried out; the Loan Board giving opinions, giving advice. And it was not the fault of the Loan Board that the tender had to be called again, it was the fault of the shipyard in Noggin Cove going, I cannot say bankrupt, because they have not really gone bankrupt, but they do have a serious financial difficulty.

MR. SPEAKER (Simms): We have time for one final supplementary. The hon. the member from Fogo.

MR. B. TULK: Mr. Speaker, the minister has admitted that the Fisheries Loan Board knew that those contracts were too low.

MR. B TULK: I ask him a question and I ask him to address himself to the question of whether the Fisheries Loan Board did indeed have to sign that contract. Did they have to sign any contracts with Hamilton Sound Marine, and if his answer is that they did not, would he then attempt to see that the situation is clarified to the benefit of the fishermen and the workers?

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

MR. J. MORGAN: Mr. Speaker,

I want to explain again in simple terms; the fact is that when tenders were called a number of bids were received for these six vessels initially. Hamilton Sound was the lowest of the bids received. Now, Hamilton Sound was told then, "Look gentlemen, your bid is really low, you are bidding far below what we feel you can build these boats for." But it was Hamilton Sound who was persistent and determined to get the contract. They wanted to get that contract knowing, at the same time, their bids were low in comparison with other bids from other shipyards. So, the responsibility was with the shipyard in saying no after getting the opinion and advice from the Loan Board. The Loan Board, in discussing it in detail -I understand that officials went

MR. J. MORGAN:

down from the Loan Board at the time, to Noggin Cove, and they saw the shipyard and saw what they were doing, got an appraisal of their work crew, etc. and the equipment that they had there to work with and again advised them that they felt the bids were low but Hamilton Sound was determined and pressed forth to signing the contract with them.

MR. SPEAKER: (Simms)

Order, please!

MR. J. MORGAN:

So it was their responsibility

at the time to say, no, they did not want the contract.

MR. SPEAKER:

Order, please! Time for Oral

Questions has expired.

NOTICES OF MOTION

MR. SPEAKER:

The hon. Minister of Tourism,

Recreation and Culture.

MR. R. DAWE:

Mr. Speaker, I give notice that

I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Historic Objects, Sites And Records Act, 1973".

MR. SPEAKER:

The hon. Minister of Fisheries.

MR. J. MORGAN:

Mr. Speaker, I give notice that

I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Fishing Industry Advisory Board Act, 1975".

MR. SPEAKER:

The hon. Minister of Education.

MS. L. VERGE:

Mr. Speaker, I give notice that

I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Memorial University Act", and another bill entitled, "An Act To Amend The Bay St. George Community College Act".

MR. SPEAKER:

The hon. Minister of Health.

MR. W. HOUSE:

Mr. Speaker, I give notice that

I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Embalmers And Funeral Directors Act, 1975".

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

MRS. H. NEWHOOK: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Repeal The Income Tax Discounters Act".

MR. H. YOUNG: We are going to embalm only the dead now. Ask them if we can embalm the Opposition.

MR. SPEAKER: The hon. Minister of Justice.

MR. G. OTTENHEIMER: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The District Court Act, 1976".

ORDERS OF THE DAY

MR. SPEAKER: Order 1, Address in Reply.
The hon. member for St. John's West.

SOME HON. MEMBERS: Hear, hear.

MR. H. BARRETT: Thank you, Mr. Speaker.

I was concluding my remarks yesterday in reference to some of the difficulties being experienced in my own district of St. John's West and in the city of St. John's in particular and for a few moments I would like to continue in that particular vein. And I think I would be remiss if I did not take issue with some of the remarks that have recently been made concerning conditions in this city which are causing difficulties to our citizens because of the poor weather conditions.

I feel that I must speak out in defence of the City Council on this issue. I do not feel that they are deserving of the criticism mounted against them recently - neither the elected officials nor the municipal workers. I commend their efforts during these past weeks and feel they responded admirably to the enormous burden placed upon manpower and machines in dealing with this continuing snow problem. It is all well and good, Mr. Speaker, to criticize, but just reflect for a moment on the weather conditions that have affected us this past Winter. Every part of this Province is having difficulty in responding.

MR. H. BARRETT: This city has added considerably to the number of streets to be maintained, to the number of residents to be helped and is struggling with the increased congestion that comes from a growing community. I feel the administration and municipal employees of St. John's are as capable and as competent as in any other city in Eastern, if not indeed, in all of Canada.

I notice that the member for Bonavista North (Mr. Stirling) has not been quick to support the petition recently presented in this House by one of his colleagues in criticism of the City of St. John's. He knows the difficulties in municipal administration and has no doubt the good sense and judgement not to be critical, especially when one considers the present circumstances.

Additional services cost more money. This city, as with others, is always in need of additional revenue to provide all of the services continually in demand. Unfortunately, those who shout the loudest for service are not always ready to accept increased taxes to pay for the additional wages, to pay for the additional cost of new equipment, and to pay for the maintenance of this equipment necessary to respond to these adverse conditions.

MR. BARRETT: Mr. Speaker, if I might, I would like to return to the thrust of the Throne Speech debate and let me also commend, in this regard, this government on its position that has so forcefully been expressed as it relates to controls over the Northern cod stock. This is truly an example of the decisiveness and the lengths to which this government is prepared to go in ensuring that the interests and the resources of the people of this Province are protected and developed firstly for them.

AN HON. MEMBER: Hear, hear!

MR. BARRETT: This issue probably stands out over all else as it singly affects more Newfoundlanders today than any other issue. This government's awareness of this has been strongly expressed in this Speech from the Throne, and all of us, I am sure, will have no difficulty in supporting this philosophy. Tangible evidence of government's attention to this most important resource is very much in evidence today. Great emphasis has been stressed in upgrading facilities, in renewing, in replacing, and adding to the inshore fishing fleet. And probably more important, this government has been giving those Newfoundlanders engaged in the fishing industry the respect for their profession and for themselves that for so many years was lacking.

SOME HON. MEMBERS: Hear, hear!

MR. BARRETT: This government has brought on this attitude, this self respect. This government is showing the fishermen of this Province that theirs is an important place in our society today, that they as individuals are making a meaningful and substantial contribution to this Province.

The other major thrust of the speech deserving of comment would certainly be the intention of this government to make every effort to recapture some of the hydro power that is presently being funnelled off into

MR. BARRETT: Quebec for export, and as well this government's intention to pursue every possible angle to obtain a more equitable return on the sale of its hydro power. Some of us may, and have, expressed great concern over the way the Upper Churchill power contracts with Hydro Quebec were originally drafted and this is probably an example of the attitude of the government of that day in its approach towards development of our natural resources. We must remember, however, that economic conditions were much different then than they are now. The rapid escalation that presently exists in costs of goods and services was not nearly as high as it is today and in all probability the agreement that was reached at that time was the best that was available -

SOME HON. MEMBERS: Hear, hear!

MR. BARRETT: - and thought by those making the deal to be in Newfoundland's best interest. We must now strive, however, to try and correct the inequities that have resulted which will enable us to have direct access to more of our own resources and to receive a far more realistic return based on today's values for that part of the resource not required for our own provincial consumption.

SOME HON. MEMBERS: Hear, hear!

MR. BARRETT: With those thoughts in mind let me again reflect on matters relating to our offshore oil and gas resources and ask you to compare this with the difficulties this Province is now faced with because of the short-sightedness or the inexperience or the lack of knowledge when the Upper Churchill hydro project was first negotiated. How important it is that we remember this now that we are confronted with having to again take a stand on behalf of the Newfoundland people, to again protect their heritage and to make sure that the people of this Province are the ones that benefit most from this new found resource -

SOME HON. MEMBERS: Hear, hear!

MR. BARRETT: - and not, Mr. Speaker, the people from other provinces of Canada or other parts of the world in the first instance. Certainly the people of Mainland Canada should receive benefits. The people of Mainland Canada will receive benefits from offshore oil and gas off Newfoundland. No one on this side of the House has ever suggested otherwise. What we are saying is that we own this resource. We are saying "No way" to the Mainland Liberal policy on this issue. "No way" to again subjecting ourselves to Ottawa handouts. Let us raise one unified voice to Ottawa and to the Canadian people at large that the ownership of this resource is not in question.

MR. BARRY: Right.

MR. BARRETT: - it is not in doubt, but it is a rightful heritage of the people of this Province and the people of this Province must be the chief beneficiaries of it. Now is the time to stand up and be counted. Let us not try to shade the issues. There is but one single issue at stake here and that is the ownership of the offshore resource.

SOME HON. MEMBERS: Hear, hear!

MR. BARRETT: Everything else is secondary.

MR. THOMS: Who wrote this (inaudible) speech?

MR. BARRETT: Controls come later. Development can come later. Social impact evaluations can come later. Everything else is secondary. What is paramount is what each of us must be prepared to do to stand up and be counted. And there is no doubt in my mind that we must be counted upon not to betray the trust or the confidence, or the heritage of the people of this Province, but be counted upon to say loudly and clearly, Mr. Speaker, that the ownership of the offshore resources without question is the jurisdiction of this Province.

Thank you.

SOME HON. MEMBERS: Hear, hear!

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

MR. ROBERTS: Mr. Speaker, under the new rules which the House adopted in the last session, and which I think by and large have worked very, very well - I regret the member for St. John's West (Mr. Barrett) is going to go because I will take just a second or two to demolish his argument completely if he wants to stay for that pleasure. But I suspect since he did not understand his speech, he might not understand my reply. But I wanted to say that I have only half an hour, the same as any other member. Now that is both a benefit

MR. ROBERTS: and a handicap. I think the experience of this past session has shown that by and large the shorter the speeches the better they are. And it is certainly true that if one takes the time to prepare one can often say more effectively in a shorter time than in a longer time. That is the benefit. The handicap is quite simply that I will be able to deal only with a very few of the topics that arise out of the Throne Speech, and I shall deal with those. But there are many others that I think should be dealt with. Perhaps the answer to that is to put down some amendments.

MR. MORGAN: Mr. Speaker. I am sorry, Mr. Speaker, but I am having some trouble hearing the hon. gentleman speak today. There is so much noise out here I cannot even hear what he is saying.

MR. SPEAKER (Butt): A good point raised by the hon. gentleman, I will ask the Sergeant-at-Arms to remove these people from the corridors please and have them go to the common rooms.

The hon. member for the Strait of Belle Isle.

MR. ROBERTS: Well, Your Honour, I thank my friend from Bonavista South (Mr. Morgan) and I thank Your Honour. I do not know the answer to the problem. I was about to mention that, As I have said before, I am able to shout fairly loudly, as are most of us, but it is a matter of regret that - and I guess we are all guilty of it - I will just point out to you that one of the loud mouths outside was apparently one of us, one of the fifty-two of us, and we are all equally guilty, but it really does make life a lot easier and I thank my hon. friend for doing me the compliment which I have done him on many occasions, with profit and pleasure, of listening to what I - or beginning to listen to what I say. He might not agree with it but at least he will listen.

Mr. Speaker, there are many matters in the

MR. ROBERTS: Throne Speech that I would like to speak about even without getting into the questions affecting my own constituency, they will have to wait. There are many other matters that are not in the Throne Speech which I think would be both relevant and useful in a debate such as the Address in Reply, which after all, is sort of the state of the Province debate. This and the debate on the budget are the two set piece debates of any session, the two debates in which members can address themselves to the concerns of the Province as a whole. So I have got to select, and of course I shall, but I intend to deal only with some aspects, and they are only some aspects, of what is probably the single most important topic, in that it is both timely and large, confronting us in this Province today, and that is the question of offshore oil and gas, the whole spectrum.

Now my friend from St. John's West (Mr. Barrett) having read his speech has left, and I do not say that in a critical sense, that he read his speech. I am not suggesting he did anything unparliamentary for having read his speech, which he may or may not have sought advice in writing. If he did he got bad advice. I just wanted to pick him up on the last sentence which I heard him utter which I think, after all, is the crucial one, and that is my hon. friend from St. John's West, like too many people in this House, does not

MR. E. ROBERTS: realize that ownership and control are two entirely different ideas. Now, that does not sound like a terribly radical thought nor is it. But I would suggest, Mr. Speaker, that most, if not all, of the hon. gentlemen and the hon. ladies opposite either do not understand that concept or are deliberately ignoring it. Let me try to make it clear that ownership and control are not the same. There has been a great deal of controversy, or there was, I guess it is over now, the last couple of months in the city of St. John's about a proposal put in by a development firm I think it is called Scotia Developments Limited or something of that nature. Mr. Harold Duffett was one of the prime spokesman for the firm - the proposal put in by that group to develop a business property, a commercial property down on Duckworth and Water Streets, that corner in downtown St. John's. Now I am not aware of any question as to who owns that property. I am not going to give a legal opinion on the ownership but let us assume Scotia Developments own it. There has never been any question of that. But, Mr. Speaker, they do not control it and that was made glaringly obvious, as it ought to have been, by the fact that it is St. John's City Council who have the say 'aye' or 'nay', and they chose to say 'aye', to the proposal put forward by Scotia Developments Limited.

Now, that is a stunning insight into the obvious but I would suggest most members opposite either have never had that insight or if they have they have ignored it. Ownership is not control nor is control ownership and when we come to talk of offshore oil and the offshore hydro carbons and what they will mean and what they must mean to the future of this Province, let us never over-

MR. E. ROBERTS: look that simple distinction. Many hon. members opposite have. Even my learned friend from St. John's East, (Mr. Marshall), a most competent lawyer, a senior member of the Cabinet, the Government House Leader, in his speech on Monday either was confused himself or used words carelessly because he time and time again used the word 'control' and the word 'ownership' as if they were synonyms for each other. They are not. The St. John's City Council controls property, what can be done with it within the boundaries of its jurisdiction. The town of Gander, the member for Gander (Mrs. Newhook) served with great distinction as mayor of that community for many years - the town of Gander, the council controlled what was done with property in Gander I know my friend will agree. But as far as I know the council in Gander - I do not know what they do or do not own but they certainly do not own all of the town of Gander. And let us not put that aside, let us not - I am sorry - forget that, let us realize that that is one of the central facts. Because you see, I believe, as all of us do on this side, that we in Newfoundland and Labrador own the rights, we own the oil and the gas, never ever said anything differently going back to the Smallwood years -

AN HON. MEMBER: (Inaudible)

MR. E. ROBERTS: Oh, is that a bad name? Heavens knows I have had my rows with Mr. Smallwood. We have entertained the entire Province on occasion with our antics. But, Mr. Speaker, let us not speak ill of the very great good the man and his administration did. Maybe we do not agree with everything.

MR. E. ROBERTS: That is fine. Although I would say to the present Premier, who is making a habit out of bashing his predecessor, that in due course he will be a past Premier, maybe quicker than he thinks, perhaps quicker than he wants, and he should realize the kind of precedent that is being set. Because we are developing a great tradition in this Province now that whenever a new administration comes into office, not necessarily even a new party, all of the sins that went before are blamed upon the leader of that past administration. And I would say to the hon. gentleman for Green Bay, the Premier of this Province, that he too should be aware that his turn will come and if this is the way it is going to be, then that is the way it is going to be.

But, Mr. Speaker, the Smallwood administration made it quite clear that they maintained the claim to ownership. The claim has never been compromised nor can it be. The Moores administration acted kind of strangely on it, because the real reason the reference never went ahead in the Supreme Court

MR. ROBERTS: was that the Moores Administration did not push it. Whatever the reason, they would march right up to the edge and it never was submitted to the court. And my understanding is that it was never submitted because the government of the Province never would take the decisive steps needed. I would have no hesitation having that question submitted because I believe our case is strong. But I do not think that is the relevant point. I do not think the relevant point at this stage is ownership, I think the relevant point at this stage lies with the questions of control of jurisdiction and those are different, Sir, those are very different.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: Mr. Speaker, before I go much further I want to very briefly say how surprised I was by the tenor and the tone of the remarks made by the gentleman from St. John's East (Mr. Marshall), the Government House Leader on Monday. I did not hear all of his speech. I do not regret that, having read it this morning. I do not regret that I did not hear it, but I do want to say that I was surprised he took the low road which I had not expected of him. Quite candidly I had expected better from the hon. gentleman and I had certainly expected better from a leading figure of the administration. I will touch upon one or two of the points he made in the course of what I have to say, but I do want to say that overall I think his speech was a distinct disservice to this House and this Province and I regret that.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: I do not mind debate. I have been known, I think Your Honour will agree, to mix it up in debate happily and that is part of the function of this House, perhaps the most important part. We are here to talk, we are a parliament and my learned friend from St. John's North (Mr. J. Carter) is it?

MR. F. B. ROWE: John Carter?

MR. ROBERTS: Yes! So he is not learned in the law, but he is learned in other things, a most intelligent man. He does not always

MR. ROBERTS: use it but a most intelligent man, he would be the very first to agree that parliament if from the French 'parler' to talk. This is a talking body to debate, but I think the kind of speech made by the gentleman from St. John's East (Mr. Marshall) really was a distinct disservice and I will leave it by simply saying I was surprised that he lowered himself to that level and I would hope that we will not see a repetition. I do not care if he wants to argue with the kinds of positions which we on this side put forward, that, Sir, is what it is all about. But I think the tone and the tenor of what the gentleman from St. John's East (Mr. Marshall) said was beneath him -

MR. FLIGHT: It showed a basic fault of his.

MR. ROBERTS: - beneath him, Sir, and it ought to be beneath any member of this House.

Mr. Speaker, the gentleman from St. John's East (Mr. Marshall) made a great deal about the extension of boundaries, and there are numerous references in his speech about the fact that boundaries can be extended and somehow that will - that is the open sesame, that is the slicing of the Gordian knot on the offshore oil and gas issue.

Let me read just one paragraph, it was found on page 157 of the Hansard Report of that day, and I will read the entire paragraph as it was reported in Hansard, the gentleman from St. John's East (Mr. Marshall) speaking.

"Now what I take issue with and I take strong issue with is the attempt to confuse and to say that the courts of the land must decide who has ownership and at the same time to turn around and say it is impossible for the two parties, that is the two governments, the Federal Government and the Provincial Government, to agree irrespective of the courts as to who has the ownership. The hon. gentleman talks about a court case that is on-going and attempts to give the impression," the hon. gentleman being my friend, the Leader of the Opposition (Mr. Jamieson), "and attempts

MR. ROBERTS: to give the impression, and I believe he is repeating what he sincerely believes but at the same token he is completely and absolutely and definitely wrong in his assessment that there needs to be a court case in order to resolve this issue."

And then my hon. friend goes on to talk about boundaries, and he makes it quite clear that in his opinion the extension of the boundaries of the Province, using the procedure set forth in the 1870 British North America Act amendment, will somehow take care of the ownership issue.

Now, I want to say simply, Sir, that of all the false specious doctrines I have ever heard advanced, that is the falsest, most specious, and least correct. It is not worth a jot or a tittle in law.

MR. J. CARTER: Why not?

MR. ROBERTS: Why not? A good question; let me supply the answer. The extension of the boundaries of the

MR. E. ROBERTS: Province does not give the Province any ownership rights.

Consider, for example, if this House or the government by Order in Council were to extend the boundaries of the city of St. John's, which they may do as I understand the act, at any time by Order in Council, would my hon. friend from St. John's North(J.Carter) then think that the St. John's city council, a body corporate by virtue of a statute of this Province, is vested with the ownership of the Dew Drop Inn in Topsail. No, of course it is not.

DR. J. COLLINS: The city is vested with the ownership of the jurisdiction then.

MR. E. ROBERTS: Ah, now the gentleman, the Minister of Finance has just finally understood. The ownership, the ownership of jurisdiction.

DR. J. COLLINS: Do you understand it?

MR. E. ROBERTS: My hon. friend may be a good pediatrician but he is a terrible lawyer.

DR. J. COLLINS: Well, there may be others in this House who are terrible lawyers too.

MR. E. ROBERTS: -terrible lawyer. You should go back to treating children, Sir, and not acting like a child.

DR. J. COLLINS: There might be others in this House who are terrible lawyers also.

MR. E. ROBERTS: Let me say to the Minister of Finance, that ownership, of jurisdiction is a meaningless phrase. The ownership of property carries with it certain rights, so does the jurisdiction to say what is to be done with that property, and they are different issues and I shall deal with each one. I, first of all

DR. COLLINS: Meaningful.

MR. E. ROBERTS: Yes the words ownership of jurisdiction, they may mean something to the hon. member but that, Sir, does not mean they are meaningful to anyone else.

I would simply say, Mr. Speaker, that

MR. E. ROBERTS: extending the boundaries of this Province does not give us any ownership rights. Furthermore, and I will come back to the federal precedents because my learned friend from St. John's East (W. Marshall) dealt only with selected statutes, we look at what has been done in Canada, we look at what has been done, not what a specious legal argument suggests ought to be done.

The ownership, I believe, is ours now and I would have no hesitation in putting our case to the courts. And I will deal, in a minute, with the need for some certain and definite resolution of it.

But, Mr. Speaker, let me deal with the boundary issues first. Extending the boundary of this Province, extending the boundaries of a province is possible under the terms of the 1870 British North America Act Amendment and I will not weary Your Honor and the House by reading all of it - I am sorry, the 1871. It is 34, 35 Victoria, Chapter 28, would Your Honor wish to look it up, and the original copy of it will be found in the Victoria Tower in the House of Lords end of the Westminster Palace Building in London, should Your Honor wish to nip across the pond to have a look at it. And it says that Parliament of Canada may from time to time establish new provinces, and that is Section 2, and Section 3 is, "The Parliament of Canada may, from time to time, with the consent of the Legislature of any province of the said Dominion, increase, diminish or otherwise alter the limits of such province upon such terms or conditions as may be agreed to by the said Legislature, da-da, da-da, da-da."

But, Sir, and that power has been used. The creation of the Provinces of Manitoba - not Manitoba, I am sorry - Saskatchewan, Alberta, the extension of the Northern boundaries of Ontario and Quebec in 1912, those are examples of that. Mr. Speaker, there is nothing in that that enables the Parliament of Canada to extend the boundaries of Canada by agreement with a province. Does Canada own - how far out do the boundaries of Canada go? We claim a twelve-mile territorial sea, that is all that Canada claims. We have a 200-mile economic zone in which we control the fisheries. I believe we

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MR. E. ROBERTS: maintain a claim and we ought to, and I think it is a just one, to the continental shelf, to the margin of the shelf for the sub-sea resources, which would include oil and hydrocarbons.

AN. HON. MEMBER: What about the Hamilton Bank?

MR. E. ROBERTS: Well, the Hamilton Bank is part of the continental shelf. It is a hundred metre line, roughly - I am sorry - two hundred metres, roughly one hundred fathoms, roughly six hundred feet, but it is the two hundred metres, that is considered to be the verge of the continental shelf.

But, Sir, even if we, as Canada, own that, for the Parliament of Canada to divide it up will require the

MR. E. ROBERTS: consent of all the provinces involved in it at the very least. And there has never been an exercise of that power conferred by the 1871 British North America Act, other than with the mutual consent of all the provinces involved, which means in the case of the offshore boundaries of this Province, at the very least the five eastern provinces of Canada.

Mr. Speaker, let me take it a step further, because that argument, while it is sound, while it answers the hon. gentleman's point completely, is rather irrelevant. Because the transfer of the ownership of natural resources has never been equated with the boundaries of the Province. And I would refer hon. gentlemen to a little light reading, to the precedents in Canada, the Alberta Natural Resources Act, the Manitoba Natural Resources Act, the Saskatchewan Natural Resources Act, which are the legislative enactments by means of which the three Western provinces - the three Prairie Provinces, not British Columbia - got title to their natural resources. And without going into them in any detail, I would simply point out that those acts were enacted by the Parliament of Canada and by the Legislatures of the provinces and they took the form of a ratification of an agreement that had been reached - and we have many precedents for that.

And then, Sir, they got force of law by Westminster - the British North America Act, 1930 - 20, 21, George V, chapter 26, "An Act To Confirm And Give Effect To Certain Agreements Entered Into Between The Government Of The Dominion Of Canada And The Governments Of The Provinces Of Manitoba, British Columbia, Alberta And Saskatchewan Respectively."

I would refer hon. members in particular to Section 1, which I shall read: "The agreement set out in the schedule of this act" - they were the agreements I just spoke of - "are hereby confirmed and shall have the force of law notwithstanding anything in the British North America Act, 1860, or any act amending the same, or any act of the Parliament of Canada or any Order in Council or any terms or conditions of union made or approved under any such act as aforesaid."

MR. E. ROBERTS: Sir, the only way - let there be no doubt of this, there is nobody who could argue with any substantive merit that the only way that our title to the ownership of the resources can be vested in this Province beyond any doubt is either by a declaration of the highest court of the land, the Supreme Court of Canada, whether it is upon a reference or upon a matter of litigation brought before them or an amendment to the British North America Act.

A reading of the letter of the former Prime Minister, the Right Honourable Mr. Clark, makes it quite clear, Sir, that he accepted that position.

My hon. friend from Bellevue (Mr. D. Jamieson), the hon. the Leader of the Opposition, demonstrated quite clearly Mr. Clark's letter is different in many significant respects from the letter written by our own Premier. Mr. Clark's letter speaks of constitutional amendments, and that is why it does, Sir, the reasons that I have just set forth. And I say if we own it we do not need any dealings with the Government of Canada on the ownership issue, and if we do not own it, the Government of Canada cannot give us that ownership. It can be done only by an amendment to the Constitution of Canada, and that, Sir, requires the unanimous consent of the provinces. There is no statute, no rule that says what it takes to amend our constitution. In fact, we have never been able to agree in Canada on how to get our amendment.

I was at the conference in Victoria in 1971 when we came as close as we have ever come in this country to amending it, to getting a formula to amend it, and that did not work out - the Government of Quebec backed off. The matter has never been resolved. And short of a further resolution, obviously, and it is agreed upon by all concerned, that it takes unanimous consent on any issue that affects the nation, and this one affects the nation as a whole.

So, Sir, let us hear no more talk - we will hear it, I have no doubt, but simply standing in this House saying, 'We have ownership,' does not give us a jot or tittle to title.

MR. ROBERTS: I can stand here and say I own the Royal Trust Building.

MR. J. CARTER: I hear a traitor.

MR. F. B. ROWE: That is unparliamentary.

MR. ROBERTS: Now, my friend from St. John's North

(Mr. J. Carter) says he hears a traitor. Would he care to say who that traitor is?

MR. J. CARTER: I hear treachery, that is what I should say.

MR. ROBERTS: Mr. Speaker, I do not know what he should say, I heard what he said. Now would he care to say who that traitor is?

MR. THOMS: Stand up and be counted.

MR. ROBERTS: Mr. Speaker, let the hon. gentleman be a man. He made a statement. Was he referring to me?

MR. J. CARTER: Mr. Speaker, on a point of order.

MR. SPEAKER (Butt): On a point of order, the hon. member for St. John's North.

MR. J. CARTER: I said I hear a traitor. I did not identify any gentleman. I should have said I hear treachery because I quite agree that to point out that anyone in this House is a traitor is unparliamentary and unacceptable and I certainly do not intend to make that statement. But I certainly would stand by the sentiment and that I certainly feel that the hon. gentleman has been making treacherous statements and I would certainly stand by that.

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

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

MR. ROBERTS: I distinctly heard the member for St. John's North make the statement that he hear a traitor. I was the member speaking. Now I say to him, if he has an ounce of honour, which I have always been prepared to concede to him, or an ounce of integrity, or an ounce of guts, intestinal fortitude, he will either stand by that statement or he will stand and withdraw it unreservedly and offer me the apology to

MR. ROBERTS: which I am entitled under the rules of the House but, furthermore, to which I am entitled by what I have said in this House. I will not stand for that kind of scum, contemptuous statement from any member. I take a back seat to nobody, Mr. Speaker, in this House. I am not a traitor.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: I am not finished. Sit down. I am not finished with the gentleman from St. John's North (Mr. J. Carter) yet. I have heard low, contemptuous, verminous statements, but for one member to stand in this House and say another is a traitor, that is the Tory line. That is why we are in the trouble we are in this day. I ask, Mr. Speaker, that he be directed to withdraw that statement according to the rules of the House, or prove it.

MR. SPEAKER (Butt): A point of order, the hon. member for St. John's North.

MR. J. CARTER: Mr. Speaker, I thought I cleared it up by my previous statement. I certainly unreservedly withdraw any statement that the hon. gentleman is a traitor. I said that just a few moments ago. I do not see that it needs to be carried any further.

MR. ROBERTS: Mr. Speaker, I would ask for a direction from Your Honour that the hon. gentleman be asked to withdraw it.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Mr. Speaker, he got up and weasled and furthermore I believe he owes an apology, Sir. Can an hon. member get away in this House with calling another hon. member a traitor and not be required to apologize.

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

MR. SPEAKER: To the point of order, the hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, the hon. gentleman is - his temperature is a little bit up because of the -

AN HON. MEMBER: And so it should be.

MR. MARSHALL: - because of the exchange. The hon. member for St. John's North (Mr. J. Carter) got up and quite, I think, to my hearing anyway, unreservedly withdrew any statement that might be deemed to be offensive and I do not see any point in - I mean, that is all that can be done if you withdraw it.

MR. THOMS: He did not withdraw it.

MR. SPEAKER (Butt): To the point of order. It is clear to me that the hon. member for St. John's North (Mr. J. Carter) did withdraw so I would ask the hon. member for the Strait of Bell Isle (Mr. Roberts) to continue.

MR. ROBERTS: I would simply say to the hon. member for St. John's North (Mr. J. Carter), he should be aware of Dr. Johnston's words that patriotism is the last refuge of the scoundrel.

Mr. Speaker, I have five minutes left, may I have consent of the House for an extra fifteen or twenty minutes? if not I will move an amendment.

AN HON. MEMBER: By all means.

MR. ROBERTS: I mean I would like a few more minutes and I am prepared to move an amendment if need be.

MR. SPEAKER: By leave?

MR. FLGIHT: Begrudgingly. That was begrudged if ever anything was. Very begrudgingly.

MR. ROBERTS: My understanding is I have fifteen minutes beyond what I have been allowed by the rules but - that is fine.

MR. E. ROBERTS: Now, Mr. Speaker, I can appreciate that the gentleman from St. John's North (Mr. J. Carter) does not agree with what I say, but I would say to him that casting aspersions upon my character is hardly the way to answer it. Let him or his colleagues try to answer the arguments as best they can.

I think I have put forward a case that stands in constitutional law and in law - the hon. gentleman shakes his head. Well, Sir, I am sorry, I will need higher authority, with all respect, than the gentleman from St. John's North. I do not even accept the gentleman from St. John's East (Mr. W. Marshall) who has an infinitely higher authority but makes even less sense on this issue. At least we do not expect more from the man from St. John's North.

MR. L. BARRY: How much research went into your opinion?

MR. E. ROBERTS: Mr. Speaker, more research went into my opinion than went into the gentleman's from St. John's East. And if my friend from Mount Scio (Mr. L. Barry), temporarily absent from his duties as constitutional law professor at Dalhousie to which he fled when the electorate gave him the back of their hand - he was thrown out of the Province once and he came sneaking back in - I beg your pardon?

MR. L. BARRY: Came back in with a flurry.

MR. E. ROBERTS: Mr. Speaker, you know, I would like a full debate and if the government would only set the time aside I think it would be a most useful exercise of time. I would like the government as well, if they feel so happy about it and so confident, to table the opinions they have received. I would like the minister to tell us why the government will not go ahead and have not gone ahead to date with the reference to the Supreme Court.

MR. L. BARRY: Do you want us to write the case for the federal government?

MR. E. ROBERTS: Mr. Speaker, the hon. gentleman

MR. E. ROBERTS: can not even write our own case
let alone the federal government's case.

Mr. Speaker, you know, I have
said that boundary extension does not give ownership nor does
it. I have also said that the precedents in Canada are that
the transfer of natural resources have been done by amendment to
the British North America Act. That stands. Both those statements
stand as good statements of good law. I have heard - I am sorry.

MR. L. BARRY: What was the first point?

MR. E. ROBERTS: The first point is that the
extension of boundaries does not in itself confer ownership.
And I am sure that my friend from Mount Scio (Mr. L. Barry),
learned as he is, will agree with that. He has to agree with it because
it is true.

MR. L. BARRY: The extension of boundaries is
irrevelant.

MR. E. ROBERTS: I agree the extension of
boundaries is irrevelant. It was his friend from St. John's East
(Mr. W. Marshall) who dragged the red herring in. I agree that
it is irrevelant. I have been saying all along it is completely
irrevelant.

MR. L. BARRY: (Inaudible) analogy he gave.

MR. E. ROBERTS: No analogy. Mr. Speaker, I do
not know if the gentleman from Mount Scio was here on Monday or
not. He may have been as disgusted with the speech of his friend
from St. John's East as we were, but his friend from St. John's
East did not speak of an analogy, that was the whole pith - I
do not have a lisp - but the pith and substance of such argument
as the hon. gentleman from St. John's East could muster was that
the extension of boundaries using the 1871 amendment was the
whole -

MR. L. BARRY: (Inaudible)

MR. E. ROBERTS: - right, he said so.

MR. L. BARRY: I was here.

MR. E. ROBERTS: Well, the hon. gentleman may have been here but he did not listen, or if he listened he did not hear, and if he heard he did not understand. I mean, it is here in black and white in the lovely blue bound volume of Hansard. You know that goes on and on and on. Did they require a court case to determine who should get it and I am talking of Manitoba.

MR. L. BARRY: The message was simply that the federal government could not do it. Could not do it. They could not do it.

MR. E. ROBERTS: Mr. Speaker, even if the federal government could do it that would not do any anything, it would not give us ownership. The Cabinet can extend the boundaries of the city of St. John's, extend them out to Cape Race on one side, Cape Bauld on another and Cape Ray on another and call it the city of St. John's. That does not give the council of the city of St. John's ownership of anything within those boundaries.

MR. L. BARRY: The federal government could apply for a constitutional amendment.

MR. E. ROBERTS: Oh, oh!

AN HON. MEMBER: Right.

MR. E. ROBERTS: Now, how they come with us. Of course it could, Sir. That is what Mr. Clark said, that is what Mr. Trudeau said, that is what we have been saying all along, it will take a constitutional amendment and that requires unanimous consent of the provinces.

MR. L. BARRY: No. You are wrong. There is where you are wrong.

MR. E. ROBERTS: No! Mr. Speaker, the hon. gentleman, with all due respect, may or may not know some law but he knows little about constitutional law. I will say, Sir, that the Constitution of this country on an issue of this type

MR. E. ROBERTS: can not be amended by any means short of a constitutional amendment with the unanimous consent of all ten provinces and all eleven governments.

MR. L. BARRY: I will give you the precedent to show you tomorrow.

MR. E. ROBERTS: The hon. gentleman can give me all the precedents he wants. Name the precedent. Name it. What is the precedent?

MR. J. CARTER: You are missing the point.

MR. L. BARRY: I will present them in the course of my speech.

MR. E. ROBERTS: Oh, yes, he will do it tomorrow, or tomorrow or tomorrow and tomorrow creeps in this petty pace.

Now, Mr. Speaker -

MR. L. BARRY: As a matter of fact any first year political science book will show you the same thing. Look at (inaudible), Dredger, Dawson.

MR. E. ROBERTS: Mr. Speaker, if I may, without the yapping of the gentleman from Mount Scio (Mr. L. Barry).

MR. SPEAKER (Butt): Order, please!

MR. E. ROBERTS: His learned colleague began by saying he requested that he be allowed to speak without interruption, may I request the same -

MR. L. BARRY: You were allowed (inaudible).

MR. E. ROBERTS: I was, but then it degenerated when the hon. gentleman got into it, and it ceased to be.

MR. L. BARRY: I wanted to point out you were wrong there.

MR. E. ROBERTS: Mr. Speaker, the hon. gentleman may think I am wrong but I will tell you that his thought that I am wrong does not make me wrong if anything it perhaps makes me right. Res ipse loquitor is the legal maxim I would quote to my friend from Mount Scio in that respect.

MR. ROBERTS: Mr. Speaker, let me go on to the third point. I dealt with the ownership issue but I want to talk about what I think is the real issue and not just this question of ownership or even the question of control. I want to talk about the need for certainty because, you see, it is obvious, I think, and I very much hope we all do - and I say that as probably the one Newfoundlander who has no shares in oil or gas companies of any sort whatsoever.

AN HON. MEMBER: It is sad if you do not.

MR. ROBERTS: The hon. gentleman thinks it is sad. Well, Mr. Speaker, I am sorry if he is sad. I am heartbroken that he is sad. I would like to get on with the point of it as opposed to his sorrow and sadness.

If we are on the verge of commercial development it is essential that there be certainty as to who has the ownership, the control and the jurisdiction of these resources. The only reason that the drilling has gone ahead now is not that anybody has accepted the government's regulations, the real reason they have gone ahead is twofold. My hon. friend from Bellevue (Mr. Jamieson) talked on it the other day. One is the super depletion allowances, the five cent dollars the oil companies are playing with. John Crosbie, blessed named, that patron saint of Newfoundland wanted to end those super depletion allowances. I have no idea whether the new administration in Ottawa will continue them or not but the budget so gloriously brought in by Mr. Crosbie, the budget that resulted in the defeat of the Tory administration in Ottawa ended the super depletion allowances. Secondly the real reason, the additional reason or the fact that made it possible that it was going to go ahead was the agreement between the Premier, as he now is, in his capacity as Minister of Mines and Energy and Mr. Allister Gillespie at

MR. ROBERTS: that time Minister of Energy, Mines and Resources in Ottawa back in 1976 or 1977 or 1978 whenever it was. I am a little vague because these agreements have never been made public so I would quite simply make the statement that the agreement embodies in that exchange of letters is what enabled the offshore drilling to go ahead and I would say to the Minister of Mines and Energy (Mr. Barry) that I would hope he would produce those letters and table them. They are in existence, they duke and body an agreement and I will say, not having seen the letters, I have not read them, I have been told what is in them but I have not seen them.

MR. NEARY: It really started under a Liberal -

MR. ROBERTS: It originally started but the companies backed off and they came back in and they came back in only -

AN HON. MEMBER: (Inaudible)
in 1971.

MR. ROBERTS: I am talking about the pull back and then the return. And they came back in only because the Government of Canada and the Government of Newfoundland and Labrador came to an agreement and that was why they went ahead. But, Sir, that will hold us through the exploration stage. It will not hold us through the development stage. The development stage is going to require the commitment and the expenditure of immense sums of money. We are not talking, I understand, hundreds of millions, we are talking billions of dollars to build the recovery systems, the transportation systems, the processing systems, to put them into place to operate them and no responsible corporation is going to commit that kind of money without being certain - and there is no certainty now as to the ownership, The very depth of the passion and lack of reason shown by hon. gentleman opposite indicates

MR. ROBERTS: they are not certain of it. If they were certain they would not have to say treason, they would not have to be on their feet shouting and screaming and bawling. I do not know who they are trying to convince. I suspect they are trying to convince themselves because they realize that there is no certainty on this issue, that nothing short of a Supreme Court of Canada declaration or an amendment to the Constitution of Canada will resolve the issue to the point where responsible corporations or more importantly the banks and financial institutions who have to put up the money will provide the funds.

MR. BARRY: Do you not think you are adding to the certainty?

MR. ROBERTS: Yes, Mr. Speaker, I believe I am adding to the certainty. The hon. gentleman from Mount Scio (Mr. Barry) - I will go into my next point now because he just led me into it, right where I want to be. The hon. gentleman from Mount Scio (Mr. Barry) and his colleagues to date have rejected what we on this side have said and then they attempt - and this is why I originally had the quotation, not for the benefit of my friend from St. John's North (J. Carter), but why I got out my little and had a look at Dr. Samuel Johnson, the statement that patronagism is the last refuge of a scoundrel which is a well known aphorism. The hon. gentleman opposite reject any question and then refuse to give any information. So

MR. E. ROBERTS: I say now, to my friend from Mt. Scio (L. Barry) and to the gentleman opposite, if we on this side as my friend, the Leader of the Opposition (D. Jamieson) made it quite clear, are prepared to cooperate in a by-partisan way on any move, any measure to increase or to strengthen or to make more certain the position of this caucus. We believe that the ownership of this is vested in the people of this province, the crown in right of Newfoundland and Labrador, never any question. But we do say it is not certain and if my learned friend opposite really wants, we believe, Mr. Speaker, I believe I am going to live for many years, but I certain of it. I may take a stroke right here today, the hon. gentleman opposite might be so lucky.

But, Mr. Speaker, and you know, that it is a belief founded, it is a reasonable belief founded on what I understand of the situation. But I will say to my learned friend opposite that if he and his colleagues genuinely, genuinely want to enlist the aid of all Newfoundlanders, they should adopt these suggestions or a variation of them. I do not care who gets the credit for it. Put forward by my friend, the Leader of the Opposition, that we should have a select committee of this House.

We have had select committees on shop closing acts and all sorts of things, but if this is the issue that we believe it is, if it is of the importance we believe it is, then let all the members in on it. We are getting no information, Sir, what we are getting is declamations. We are getting questionings of motives, we are getting aspersions cast upon our patriotism. We are getting the experience of being called a traitor by a gentleman who ought to know better. That is what we are getting and I say, Sir, we on this side, not only resent it, we on this side, Mr. Speaker, feel that the government are deliberately, based on the evidence we have before us, are deliberately trying to subvert any hope of this,

MR. E. ROBERTS: They are trying to make it into a partisan issue for base political purposes.

MR. SPEAKER (Simms): (Inaudible)

MR. E. ROBERTS: Yes, I would certainly permit a question, Sir.

MR. L. BARRY: Would the hon. member not agree that if the Federal Government had the political will regardless of what the legal position with respect to ownership and/or control jurisdiction was, that in fact the Federal Government could agree to delegate the exercise of its ownership rights and any jurisdiction it had to a Newfoundland Government Crown Corporation.

MR. E. ROBERTS: My learned friend, Sir, has obviously either seen my notes or for once his mind is working properly and logically because the next point I have is - let us look at objectives. And that is the point I want to come on to and I will answer the hon. gentleman's question. I believe he and I are of one mind on this.

AN. HON. MEMBER: (Inaudible)

MR. E. ROBERTS: What we should be looking at is not these spurious declarations of ownership or of accusations of treason or questions of patriotism. Anyhow, do we resent it? I resent it. I am as good a Newfoundlander as anybody else, no better. My friends in Lewisporte (F. White) or Grand Bank (L. Thoms) or LaFoile (S. Neary) or St. Mary's the Capes (D. Hancock) or anyone else, every bit as good a Newfoundlander as anybody else. By God, Sir, we deserve better. I have been sent here by my constituents, seventy-seven per cent of them the same majority as the Premier had to speak for them and we all deserve, yes the same majority, as the Premier had on a percentage basis. He was the top Tory and I was the top Liberal at least in that regard.

MR. E. ROBERTS: Mr. Speaker, we deserve better. We have had our patriotism questioned and we are not going to stand for it, nor are the people of Newfoundland and Labrador. And I think the

MR. E. ROBERTS: people of this province will see through the government if, in fact, the government are embarked on a shoddy course of chicanery that I suspect they are based on what we have heard and seen to date. And we will take them on. If they want to have an election on it, let us have it. Oh, I will face the people of this province anytime on this issue and glad to do it.

We saw that, Mr. Speaker, the issue of our patriotism, of our right -

AN. HON. MEMBER: (inaudible)

MR. E. ROBERTS: Yes, or if the hon. gentleman wants to have an election tomorrow on off-shore that, we saw an answer to. On 18 February the Tory vote went up five points, ours went up ten. More Liberals elected than at any time since 1965 in this province. Mr. Speaker, I am pleased at a Liberal Government in Ottawa, yes, the Tory Government would have driven

MR. E. ROBERTS:

us under. I am pleased that I voted Liberal and I will do it again.

MR. S. NEARY:

Hear, hear!

MR. E. ROBERTS:

Given the choice, Sir, between

Mr. Clark and Mr. Trudeau as Prime Minister, I will vote a thousand times for Mr. Trudeau to every once for Joe Clark.

MR. S. NEARY:

Hear, hear!

MR. E. ROBERTS:

I knew Mr. Clark at university when he ran the University of Alberta paper badly - the year I ran the Varsity well in Toronto. He has done considerably better since then, I might add, but not nearly well enough.

Mr. Speaker, I want to come back to looking at objectives. I only have a minute or two and perhaps I might have to beg the indulgence of the House for a few minutes more because the point raised by my learned friend from Mount Scio (Mr. L. Barry) is really the issue. Because the ownership question, as I have shown, is irrelevant and he agrees with me. I think he agrees with me that the constitutional amendment is not a practicable route to go. What we want to do is look at the objectives. We have to look at what we in Newfoundland and Labrador must have with respect to those - the hydrocarbons are there. And I suggest we have to have two things - first of all there has to be certainty and that means either an amendment to the constitution or a declaration by the Supreme Court of Canada in respect of a reference or a litigated matter going up to them, or an agreement between the two levels of government; and we also have to have, I believe, in this Province, the ability to influence significantly - perhaps even to control, but certainly to influence significantly - the rate of development, the control of the development, the social and economic issues of the development and, of course, we have to have the maximum return in dollars we can get. And I believe the way to get that is through a political settlement. I think this is perhaps what my learned friend is getting at. He realizes that the route the government are on now, Sir, is headed for disaster. The route set forth in the

MR. E. ROBERTS: Throne Speech is a prescription for disaster.

MR. NEARY: Hear, hear!

MR. L. BARRY: (Inaudible).

MR. E. ROBERTS: Mr. Speaker, the hon. gentleman has done many things in his past of which he ought heartily to be ashamed, including participating in the Lower Churchill charade which cost us \$100 million.

AN HON. MEMBER: Right.

MR. E. ROBERTS: Mr. Speaker, the hon. gentleman maybe has no sense of shame, I grant him that.

MR. L. BARRY: (Inaudible).

MR. E. ROBERTS: Now, Mr. Speaker, let me carry on, Sir, and spell out what I believe we in this Province should attempt to do. I think we should move on a bipartisan basis, not a non-partisan basis. And there may well be differences on many points, but I think the government of this Province should first of all realize that this is a question that goes to the heart and the soul of this Province and not attempt their base chicanery, which is what they have been trying to perpetrate - talk of traitor, talk of treason.

MR. J. CARTER: (Inaudible).
The hon. gentleman from St. John's North (Mr. J. Carter) ought to be ashamed of himself. The hon. gentleman from St. John's South (Dr. J. Collins), for all he may disagree with me, has not said that.

MR. J. CARTER: (Inaudible).

MR. E. ROBERTS: Well, the hon. gentleman says no, and yet he was in the House. He either was not listening or did not hear. And he said, read the speech of his soulmate, his political bedfellow, the gentleman from St. John's East (Mr. W. Marshall) - read it.

AN HON. MEMBER: It was a marvellous speech.

MR. E. ROBERTS: Yes, the hon. gentleman from St. John's East thinks it is a marvellous speech, but then again, that speaks for itself.

MR. E. ROBERTS:

Now, Sir, I think we should set up a Select Committee and then we should be prepared. The government have to do the negotiations, they are the government. They won the right in the election - no question about that. They sit there by right of the votes of the people - no argument, no question, no challenge. We sit here equally by that right and there can be no argument and no question and no challenge. And let us then spell out what we need as a Province, what we require to meet our needs as a people and let us go forward and let us set up a Select Committee. Let us go to Ottawa then and negotiate the agreement. Of course it can be delegated. I appeared yesterday, in Grand Falls, before the Public Utilities Board as a humble lawyer. And that Board acts in part by virtue of an act of the Parliament of Canada, the Motor Vehicle Act or whatever it is called and it confers certain rights by virtue of that Act. The Minister of Agriculture (Mr. Goudie), whoever he is, is here the gentleman from Naskaupi I believe is in that position. Natural products marketing boards exist by virtue of - The Parliament of Canada; the Government of Canada, acting under authority of the Parliament, can agree at any time

MR. ROBERTS: to delegate things and that is the way out of it. Let us try to work a political solution.

MR. BARRY: The offer went to Mr. Jamieson when he -

MR. SPEAKER (Simms): Order, please!

MR. BARRY: Mr. Speaker, the hon. gentleman -

MR. SPEAKER: Order, please, if I may. The hon. member's time has expired.

MR. ROBERTS: I gather that. May I have -

AN HON. MEMBER: By leave.

MR. SPEAKER: By leave.

MR. ROBERTS: I thank my hon. friends opposite, Sir.

Mr. Speaker, I do not know what went on in the past but I will simply say - I do not know what went on in the past. I was not privy to what between the Government of this Province and the Government of Canada.

MR. BARRY: (Inaudible).

MR. ROBERTS: The Leader of the Opposition made a marvellous speech on Monday past in which he set forth his position and it is a very honourable and honest and straightforward and strong one and I agree with it. But I have not been privy to the Government of Canada, or to the Government of this Province since the 18th. of January 1972, whenever it was we were thrown out. I have no idea what is going on. I do not know about political polls and things. I do not know what the Cabinet is doing. I only know what we are told in the House and what we read in the press and what I learn of my own knowledge. But I want to say, Sir, that that is the only solution that will work because the other solution as I think my hon. friend would agree, has at the very least, and I am searching for a measure of consensus now, at the very least has the very great demerit of complete uncertainty and quite conceivably could result, I think he will concede, in suspension of all development activities offshore. Because I say to him no oil company is going to

MR. ROBERTS: apply for a lease, the next stage in the process, no oil company is going to apply for a lease until this issue is resolved to a degree of certainty. He can shake his head, it is not going to happen.

AN HON. MEMBER: That is right.

MR. BARRY: - the Clarke principles.

MR. ROBERTS: Mr. Speaker, the Clarke principles is exactly what Mr. Clarke's present political position is, and that is not very much.

MR. BARRY: The letter by the Prime Minister.

MR. ROBERTS: A letter by the Prime Minister of Canada which was taken no further.

AN HON. MEMBER: It was quite different from the Premier's letter.

MR. ROBERTS: And that letter I have just been reminded again is quite different from the letter which the Premier of the Province sent forward to Ottawa, significantly different, a letter which speaks of constitutional amendments. Mr. Speaker, that is all like Mr. Clark, it is past, is it not.

Now, Sir, what we must do is where we go from here. I say no oil company is going to apply for a development lease from the government of this Province until the uncertainty is removed. And there has been no challenge to that nor can there be any. And I say it is of paramount importance that we must remove that uncertainty and I say there are only three ways to do it. One is by constitutional amendment. Another is by a reference to the Supreme Court and a third is by a political settlement, by an agreement. And the government are not going to get an agreement the way they are going. Confrontation, talk of treason, talk of questioning of motives, that is not going to produce any agreement. That is going to produce an unholy row in which the final suffers, the people who are hurt are the people of this Province, the people we are sworn to protect.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: So I will conclude, Mr. Speaker. There is a great deal more I can say, a great deal more I would like to say because I think this issue is of paramount importance. There are an infinite number of topics growing out of the Throne Speech I would like to speak upon. The needs of my constituency which are being ignored deliberately, scandalously by the present administration, maybe I could talk about those for hours and I will but not at this stage. I want to say quite simply, Sir, that I think this issue is of great importance. I would hope the government of this Province are prepared to respond positively. We on our side, Sir, and I speak for the nineteen of us, are prepared to approach this in the fashion I have outlined. But we are also prepared, Sir, to stand here or on the hustings—at any time the Premier cares to wait upon his Hon. the Governor I have no doubt he will be granted dissolution, and at any time he wishes to do it I would welcome it. I would like nothing better, Sir, but a general election on this issue any time the present hon. gentlemen wish to have it.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: I would like nothing better, Sir, and if the hon. member for St. John's South (Dr. Collins) asks what, I would simply say to him that I can talk at him but I cannot make him understand and I have talked at him in every kind of language that I could. I cannot make him understand, Sir, I am about to give up the attempt. You know there are some things that passeth all understanding. Trying to put toothpaste back into the tube is extraordinarily difficult. So is trying to talk sense into the hon. gentleman, the Minister of Finance (Dr. Collins).

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Mr. Speaker, I do not know what the hon. gentleman understands. I am not sure he understands anything. I mean he makes it obvious he understands little about finance. But, Mr. Speaker -

DR. COLLINS: I understand you are supposed to be a federal Liberal (inaudible).

MR. ROBERTS: Mr. Speaker, the hon. gentleman is trying to twist words. I have said I voted Liberal and I said I will do it again.

DR. COLLINS: They would feel much more comfortable (inaudible).

MR. ROBERTS: But that does not mean I support the federal Liberal Party on every if, and, but. Does the hon. gentleman support the Tory Party on everything?

AN HON. MEMBER: On the Northern cod stocks?

MR. ROBERTS: Mr. Speaker, what I have said on this issue speaks for itself. The hon. gentleman sat in his seat but unfortunately his mind was apparently as closed as his eyes.

AN HON. MEMBER: It is in Hansard.

MR. ROBERTS: It is in Hansard. I hope it is. And I would suggest that the hon. gentleman should go home and read it. It is a lot more intelligent than most of the things, I suspect, that he reads.

Now, Mr. Speaker, as I have said again without that needless interruption - the hon. gentleman tries to be a debator but he comes only half armed the same as he tries to be a wit and he comes half armed. Mr. Speaker, I want to say quite sincerely that we on this side are prepared to do our share if the

MR. ROBERTS:

government are prepared, as I would hope they are, to approach it I think I have shown - and no hon. gentlemen opposite can argue - that the ownership question for the boundaries extension route is not the route to go. I am not sure the litigation route is the route to go in the short-term. I will have no fears over the longer term. The constitutional amendment route is not going to work. There are no precedents that would justify this kind of amendment to the constitution without the unanimous consent of the provinces. I do not know whether we would get it or not. I understand it has not been gotten. Whether it would be gotten or not I do not know but I am not so sure that is the way to go. The way to go is to negotiate a political settlement. The way to go is to come to this House, to lay out all the information, not to have these cheap, snide little remarks, 'Oh do you agree with the federal Liberal Party?' I mean the hon. Minister of Finance (Dr. Collins) ought to rise above that, Sir. If that is the kind of politics he is going to engage in he should go elsewhere.

MR. J. CARTER: (Inaudible).

MR. ROBERTS: My friend from St. John's North (Mr. J. Carter) said something? What did he say? I did not have the benefit of that rare shaft -

MR. J. CARTER: Did you lose something when the voice went up?

MR. ROBERTS: Mr. Speaker, if I lose something that is the way I would lose it not like hon. gentlemen opposite from whom it comes from a different orifice entirely. Now, Mr. Speaker, the fact is there and the situation is there and the government have a choice. They can take the high road and show that they are men and women who believe in Newfoundland and Labrador as I am prepared to concede they are or they can take the low road, the road they seem to have embarked upon. They can try to make this into a

MR. ROBERTS:

narrow, partisan issue, into an issue which will be of some electoral benefit, they hope, to the Tory Party. The people of Newfoundland and Labrador know better than that. The people of Newfoundland and Labrador are very astute. They have shown that in election after election after election some of which we have won, some of which the hon. gentlemen opposite have won. They showed it on February 18th. If they want to have an election, the government want an election, let us have it. I am always delighted to see my constituents, Sir, and March in the North is a lovely month, a lovely month indeed.

Mr. Speaker, I would hope the government will take the high road and the government will - maybe my friend the Leader of the Opposition (Mr. Jamieson) ought not to have put forward the suggestion because maybe hon. gentlemen opposite are so small they will say, 'Well if it comes from the Opposition side we will not accept it'. Well then let them find another way to achieve them. I could not care who gets the dinky little credit. We are not going to claim any of that. Hopefully we can rise above that. We can rise above it. What I want the government to do, Sir, is to take the people of this Province into their confidence honourably, honestly and with integrity, not the treason talk, not the treachery talk, not the questioning of motives, not the low based scurrilous conduct from a bunch of men and women who if they do that are not fit to be the government of this Province. But rather to come forward as Newfoundlanders and Labradorians, as people who believe in this Province, who believe that we have a great future, who know that we have made mistakes and that we are prepared to learn from those mistakes and to go on forward into the future with some confidence. We, Sir, on this side will do our part. It is up to the government now. We have made the offer it is up to the government, Sir, whether they accept it and go forward or not. The people of this Province will be the judge and history will record the results. Thank you, Sir.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. J. CARTER: Mr. Speaker, I suppose any of us who have been in this House for any number of years eventually earn a nickname and I think by today's speech the hon. gentleman opposite has earned a very useful nickname and it is that of 'Digger'. He has dug his grave or his political grave with his own tongue. He has left -

SOME HON. MEMBERS: Hear, hear!

MR. J. CARTER: He has left the clear impression - forget what he said the impression remains and that is all that is going to remain with the people of Newfoundland and with this House - he has left the clear impression that somehow or other these resources which were put there many thousands, I suppose, millions of years ago and not necessarily for our benefit but they happened to be there, are not ours somehow or the fact that we -

AN HON. MEMBER: (Inaudible).

MR. J. CARTER: This is the impression that has been left. This is the impression that has been left.

MR. SPEAKER: Order, please!

AN HON. MEMBER: (Inaudible).

MR. SPEAKER: Order, please!

MR. J. CARTER: You can analyze - Hansard will supply what the hon. gentleman actually said. But the impression is quite clear that the hon. gentleman does not somehow believe that these resources are or should be completely ours.

SOME HON. MEMBERS: Hear, hear!

MR. J. CARTER: And I certainly regret having made some unparliamentary statements while he was speaking but I do not regret saying that the attitude that he evinced was treacherous. To hold such an attitude, that these resources are not ours, is tantamount to treachery. It is a sell-out to the federal government.

SOME HON. MEMBERS: Hear, hear!

MR. J. CARTER: Now, we all heard -

AN HON. MEMBER: Is the gentleman calling us traitors over here?

MR. J. CARTER: No I am not calling the hon. gentlemen traitors.

MR. MARSHALL: On a point of order, Mr. Speaker.

MR. SPEAKER (SIMMS): A point of order. The hon. President of the Council.

MR. MARSHALL: The hon. member for St. John's North is up addressing the House and we are all very interested in what he said. We listened by and large to the Leader of the Opposition (Mr. Jamieson) without interruption and the hon. gentleman is entitled to be heard without hon. gentlemen on the opposite side shouting across remarks like they are making. If the hon. gentlemen do not agree with it that is their prerogative. They can get up and debate. None of us agree on this side with anything the Opposition House leader (MR. Roberts) said as well but we cannot continue on the debate in this manner. The hon. gentleman is entitled to be heard.

MR. STIRLING: On that point of order, Mr. Speaker.

MR. SPEAKER: On the point of order. The hon. member for Bonavista North.

MR. STIRLING: Mr. Speaker, on that point of order. There is no point of order. What was happening is that people on this side of the House were trying to clarify whether or not we were being called traitors again because of the obvious, absolute distortion of the facts and there is no point of order. And we are attempting to give the member the opportunity to be clear as to whether he was calling us all treacherous or traitors.

MR. SPEAKER (SIMMS): Order, please!

If I might, with respect to the point of order let me point out that in order to avoid any confusion - and I refer to previous rulings that have been made, one on November 25th from Hansard, 1975 - to avoid confusion which might develop later that every hon. member has the right to be heard without interruption. But in applying that, of course, there are obviously circumstances in which when an honourable member is speaking he invites and is willing to have certain dialogue and to pose certain questions and is willing to yield for certain answers. When that in the Chair's opinion is the case then the Chair will not interrupt because it is being done.

As far as I can judge with the acquiescence of the hon. member for St. John's North (Mr. J. Carter) comments were being exchanged back and forth the House. If the hon. member wishes to be heard in silence then he certainly has that right and I would like to make that perfectly clear to all members on both sides of the House.

The hon. member for St. John's North.

MR. J. CARTER: Mr. Speaker, I would like to be heard in limited silence. The hon. gentleman, the previous speaker who I have referred to as 'Digger' in my opinion missed the point entirely. Now there may be some constitutional doubt as to who holds what absolute rights over the offshore but there is no question in my mind that if the Prime Minister of Canada says unequivocally that he gives up any right that he or the federal government may have, has or may have or could be construed to have in the offshore resources of a particular province then obviously those resources are ours by default. That is as plain as night and day.

SOME HON. MEMBERS: Hear, hear!

MR. J. CARTER: This was Prime Minister Clark's position and this ought to be the position of Prime Minister Trudeau but it is not and it was quite clear when he came - now he was not Prime Minister

MR. J. CARTER:

when he came down here thank heavens but he was out at the Memorial University and he spoke, he spoke publicly and his speech was not only broadcast live on television it was canned, it was taped and it was rebroadcast and regurgitated both in part and in whole several times - and he said time and time again that his position was, oh he gave the usual shrug of his shoulders and he said, well the courts would have to decide this. Now that is the position. In fact the hon. Leader of the Opposition reminds me of the converted cannibal which on Friday would only eat fishermen.

But anyway, Mr. Speaker, to get back to the point of this speech. The Speech from the Throne allows members to say anything. At this time anything that a member says is relevant. The rule of relevancy in fact no longer applies. This allows a member to speak on about his district or to speak about any point that he wishes. And ordinarily I would use this opportunity to go on about my district and about other concerns but I intend largely to stick with the Speech from the Throne this time because of this concern I have about the offshore oil with the one exception, I would like to mention the very dangerous situation that the City of St. John's has been left in partly because of the weather and partly because of an unacceptable faith that the City -

MR. J. CARTER:

Council has in mild spells coming to Newfoundland. We are in the month of March now and what falls by day freezes by night so we do not have snow banks we have ice banks. And I just got off the telephone about an hour ago talking about a friend of mine who had broken his leg in three places on a bank of ice just yesterday. Now it was not right in the city it was in the outskirts of the city but this illustrates just how dangerous the situation is. It is so bad that elderly people are afraid to go out in the day time, night time, anytime, because there is not room to walk safely and they are afraid that they will injure themselves. And I do not think there is too much can be done at the moment because what should be done or should have been done and it would take a team of very abled men armed with pickaxes to cut away the ice. It has gotten so that no machinery can handle it but I would just like to deplore the situation and hope that we never allow St. John's to get into the same shape again.

I am quite aware that the Liberal Party of 1979 and 1980 is not the Liberal Party of 1949 and 1950. So that the Liberal Party as presently composed is not the party of Valdmanis or of Synawauld or all the old faces, it is not the party of Vardy, Doyle or Shaheen.

AN HON. MEMBER:

Moore

MR. J. CARTER:

Obviously the Conservative Party has changed its character and quite sincerely, and I mean this quite seriously that the present members who have been elected to this House on the Liberal side of this House are probably the finest members of the Opposition that have ever been elected, I mean this quite sincerely. They represent districts that are difficult to service, the more outlying districts and they have a hard time to -

AN HON. MEMBER:

(Inaudible)

MR. J. CARTER:

Individually I think they are fine gentlemen with one or two possible exceptions.

MR. J. CARTER: But I have to say this Mr. Speaker, that collectively they are a grave disappointment. And this is the paradox. Here you have fine gentlemen elected individually who should be able to sit down and discuss something sensibly, but collectively they have taken this absurd paradoxical position on the question of offshore jurisdiction. It boggles the mind, words fail me to try and find the words to comment upon this paradoxical situation. I just do not understand it and I think that their position is a most unacceptable one. I hesitate to use the word Judas Iscariot but this keeps popping into my mind. Thirty pieces of silver, even the suggestion of hanging comes to mind. Obviously since their prejudices is not founded on reason, you know it cannot be removed by argument: so perhaps I am wasting my time. All I can do is point out that I think that they are digging their own graves and perhaps I should welcome that. But I hope I am enough of a parliamentarian to hope that the Opposition will not disappear altogether because quite frankly if they persist in this direction the Opposition are just going to disappear in Newfoundland. The people of Newfoundland are not going to stand for it. So I would hope that the Leader of the Opposition -

SOME HON. MEMBERS: (Inaudible)

MR. J. CARTER: If I might have silence Mr. Speaker, or more silence.

MR. SPEAKER: Order please!

MR. J. CARTER: If I could have more silence.

MR. SPEAKER: Order Please!

MR. J. CARTER: I would hope that the Leader of the Opposition who is a very talented diplomat who has travelled widely and who obviously knows the Prime Minister, Pierre Trudeau and knows him personally has served on the same Cabinet, I presume they are on a first name basis. And I presume since he is the Leader of the Liberal Party in Newfoundland, he has some access to him, in other words he can either telephone or cable him and say "now what about lunch sometime" and go up and have lunch with him. I would hope that he would sit down

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MR. J. CARTER: to lunch with him and in his most
diplomatic manner say to him " Now Pierre why are you being so lousy?
Why are you sticking the knife into us?

SOME HON. MEMBERS: Hear, hear!

MR. J. CARTER: Why are you sticking the knife into us?
Why are you doing this? Is your digestion at fault?

AN HON. MEMBER: I would like to (inaudible).

MR. J. CARTER: This is what I think he should do because I think that the attitude of the federal government is absolutely hypocritical. I would hate to have the Prime Minister's nerve in a tooth.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (BUTT): Order, please!

The hon. member wishes to continue without interruption.

MR. J. CARTER: Hon. members might notice that I was loud in my willingness to give unlimited time to the Opposition House Leader (Mr. Roberts) to make his statement. And I will repeat myself to say that I will be the first one to respond to any request for unlimited time for hon. gentlemen opposite.

AN HON. MEMBER: (Inaudible).

MR. J. CARTER: Oh, obviously. There is quite a difference there. You know forgiveness can only go so far. You know when the Lord said, "Turn the other cheek", he was talking about your face.

SOME HON. MEMBERS: Hear, hear!

MR. J. CARTER: So I would like to point out that if hon. members wish to get up, even get up more than once, obviously they have to do that by leave but I would be the first one to support such a move on behalf of hon. gentlemen and I think the sentiment is shared over on this side. So that hon. gentlemen will not have to make endless amendments to the Speech from the Throne, so that if they want to get up and try to justify their position and their federal party's position I am sure that we on this side will give unlimited time or relatively unlimited time so that they may try to make these points because I would like to see them try to justify the unjustifiable.

MR. STIRLING: Are you speaking on behalf of the government?

MR. J. CARTER: No. I am just saying I feel that this is the sentiment on this side of the House that we will give unlimited time for hon. gentlemen to try and justify this position because I do not think it is justifiable.

AN HON. MEMBER: (Inaudible).

MR. J. CARTER: I am sure there will be no problem. In fact what more proof does the hon. gentleman want?

MR. STIRLING: Would you permit a question?

MR. J. CARTER: Yes I will permit a question. I will permit a question. Yes certainly.

MR. SPEAKER (BUTT): A question. The hon. member for Bonavista North (Mr. Stirling).

MR. STIRLING: Thank you, Mr. Speaker. In that manner and in the spirit in which the member for St. John's North says in that we are going to be united in this, could he now confirm that the House leader (Mr. Marshall) agrees to that position?

MR. SPEAKER: The hon. member for St. John's North.

MR. J. CARTER: Mr. Speaker, I do not think you need any greater proof than the person who just finished speaking, the hon. 'Digger' from the Straits of Belle Isle (Mr. Roberts). He was given an extra twenty minutes in which to bury himself.

Now, to try and resolve the paradox that I presented or that the hon. members across the way presented, here we have twenty or almost twenty kind men, sensible, reasonable, good quality Newfoundlanders who represent their districts well. And yet as a group are such a disappointment and have taken this unacceptable attitude towards the federal government position on offshore oil. Now the only way I can try to possibly resolve this is that perhaps they are sort of as a leftover of Liberal philosophy of the last decade or the two decades ago, this giveaway philosophy because there was a long list. There was a long list of stuff given away. I have said that the party, they are no longer the party of resettlement. Any

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MR. J. CARTER:

members who favoured resettlement have long since either been thrown out or have changed their views. But there is no question about it,

MR. J. CARTER:

that this giveaway philosophy still seems to be an undercurrent of Liberal philosophy in Newfoundland. For some reason or other we are not happy unless we are giving it all away. We gave it away to Shaheen, we gave it away to Doyle, we gave it away to this one and that one, and it is a giveaway philosophy and I would hope that hon. members would try and change, change from the -

MR. NEARY:

(Inaudible)

McConnell

Advertising.

MR. J. CARTER:

Well perhaps a certain amount of

Liberal philosophy overflowed it was so omnipresent, perhaps some of their philosophy overflowed, but I would hope that -

AN HON. MEMBER:

My cup runneth over.

MR. J. CARTER:

I would hope that - Yes, that cup ran

overflowed

MR. L. STIRLING:

Did you go to the convention John?

Were you at the convention?

MR. J. CARTER:

Which convention is that?

MR. L. STIRLING:

The convention (inaudible) mainland

paid for by the public.

MR. J. CARTER:

No I did not. I was not at that.

MR. NEARY:

You were not?

MR. J. CARTER:

No, my record is clean.

MR. NEARY:

I saw your physog on television.

MR. J. CARTER:

I was not at the 1978 annual meeting.

MR. NEARY:

Your face was there.

MR. J. CARTER:

No, no, no I was not there. I was not

even there in spirit.

MR. L. STIRLING:

Why did you leave the Cabinet at the time

and go as a backbencher?

MR. J. CARTER:

That is ancient history. That is ancient

history.

MR. J. CARTER: So, Mr. Speaker, I would hope that the gentlemen opposite would forget their blind loyalty to their previous; previous,previous; previous,previous,previous leader and I would hope that they would change their attitude and I would like to hear them all get up individually and as a group, therefore, try to justify their attitude towards the Liberal government and the Liberal government's attitude towards our offshore resources. Because is this what Confederation means? If this is what Confederation means then we were perhaps better off without it.

MR. WHITE: Now we hear (inaudible)

MR. J. CARTER: If this is what Confederation means

SOME HON. MEMBERS: (Inaudible)

MR. J. CARTER: No. Think about it, think about it. If Confederation means that we can have nothing, nothing to call our own then it is worthwhile re-examining it. It is worthwhile re-examining it. So is the Liberal party in Newfoundland still going to be the giveaway party or are they going to come to their senses? That is the question I pose and I would be very very -

AN HON. MEMBER: (Inaudible)

MR. J. CARTER: Perhaps the Liberal octopus has sung its swan song but in any event I would like to hear what they have to say. Or perhaps failure has gone to their heads. So, Mr. Speaker, there is not too much more that I can say, I think that the point has been made, and I think that the person who spoke before me made the point much better. He has obviously stated his party's position on offshore resources and I would just hope that it is not too late for them to change their attitude, because they obviously have a certain amount of influence with their federal counterparts and I just hope that they change their tune. I see very little hope of it and it is a very very sad day for Newfoundland when the Opposition should take such a giveaway attitude. So I just hope that they come to their senses before it is too late. Thank you very much.

MR. SPEAKER: (Simms)

The hon. member for Grand Bank.

MR. L. THOMS:

Mr. Speaker, I guess one should not ignore rats but I think in this case I am certainly going to ignore the speech given by the member for St. John's North (Mr. Carter). The tone of this debate, Mr. Speaker, was set on the very first day when the Premier of this Province in his wisdom decided to let the House Leader (Mr. Marshall) lead off for the government side. That is when the tone now I do not think that we are going to fall for what the House Leader is hoping that would happen on this side of the House. We are not going to be that stupid or that blind.

MR. L. THOMS: Before going any further though, Mr. Speaker, I would like to congratulate the mover and seconder of the address in reply both of whom, I thought, did a very commendable and splendid job.

MR. NEARY: Hear, hear;

MR. L. THOMS: I think the member from Fortune-Hermitage (Mr. Stewart) will agree with me when I say that it is unfortunate that the television service on the South Coast of this Province is extremely poor and indeed non-existent in most cases and that the people of his district probably did not get the opportunity to see his speech in this House on television on opening day. Mr. Speaker, as well you know before I had my doubts of whether or not I would support bringing the television cameras into the House of Assembly, but since this debate has started I am now completely in favour of the position that my friend from Lewisporte has taken in that the television cameras should be allowed in the House.

SOME HON. MEMBERS: Hear, hear;

MR. L. THOMS: My mind has been changed not really by my friend from Fogo at all but by the hon. member for St. John's East (Mr. Marshall) and even more so by the hon. member from Stephenville (Mr. Stagg) and even more so by the hon. member from St. John's North (Mr. Carter). There would be nothing that would defeat this government quicker than if the television cameras could come in and focus on these three individuals on the other side of the House, nothing, I doubt very much, I doubt very much whether or not your House Leader would be elected of all places St. John's East if you had television in this House. And there is no doubt about it that the old story about the yellow dog really applies. So I would certainly like to support the suggestion, and I believe there is a resolution maybe coming up on this, of having television in the House. I would certainly urge, as I said before about the television

MR. L. THOMS: reception on the South Coast is a serious problem and I think it is one that something has got to be done about it. I have a great deal of sympathy for my friend from Fortune-Hermitage (Mr. Stewart) who made a beautiful speech on opening day and because of the poor television reception and non-existence of same in some places they could not even hear him or see him.

Now, Mr. Speaker, as my friend I think the Opposition House Leader (Mr. Roberts) said thirty minutes does not give you that much time, and there are lots of things that one would like to say about ones district -

MR. NEARY: That is another thing they did, they muzzled the Opposition.

MR. L. THOMS: about ones district that one does not really have the time to get into, but as he said there will be other opportunities. I would like to start, Mr. Speaker, by having a few words about again, the Minister of Justice (Mr. Ottenheimer) is not in his seat now, but I can serve warning on him that it is something that I am going to bring up in this House time after time after time until something is done, and that is the question of the administrative of justice in this Province.

AN HON. MEMBER: Hear, hear;

MR. L. THOMS: I have no arguments, I have no arguments at all with the words in the Throne Speech where the Throne Speech says, " While we are the inheritors of a noble democratic legal tradition, we must also be aware of the inequities that remain within our legal system and must harbour a deep, abiding desire to constantly reform our legal system to attain a more equitable society."

MR. H. YOUNG: Weasel words

MR. L. THOMS: They are not weasel words, no, they are not, they are motherhood words. They are motherhood words, anybody can say them, anybody. But there are some serious problems, there are some serious problems facing the administration of justice in this Province

MR. L. THOMS: and they cannot be tackled piecemeal as we saw last Friday with the Minister of Justice (Mr. Ottenheimer). I agree, I agree with everything that the Minister of Justice said last Friday. No doubt at all that it had to be done, but I would say to hon. members, Mr. Speaker, that the Minister of Justice is not always going to have an unpopular Police Chief that he can retire to cure an immediate problem. He is not always going to have a situation like that. Now the image of our whole legal system, the image of the lawyers, the courts, the judges, the provincial courts, our magistrates leave an awful lot to be desired. The only other group that is probably on the same plane are politicians where I was reading very shortly only about

MR. THOMS:

sixteen per cent of the people polled in Canada believe that politicians are not any good . It is an image that has got to change. The image of the administration of justice in this Province has got to change. And it is not going to change if we have to wait for particular problems to surface like they did in the Royal Newfoundland Constabulary. That is not the answer. Why the Minister of Justice (Mr. Ottenheimer) in this Province acts like an Ostrich and buries his head in the sand and says that, you know, I want to do it individually, particular problems arise and we cure them. But there is no particular problem that is going to arise that is going to give any more confidence to the people of Newfoundland in the administration of justice than they have today. And that confidence I feel just is not there.

The Minister of Justice hides his head in the sand. Maybe with a new police chief the quota system of giving out tickets in St. John's, of a constable having to meet a quota, it may change with the new Chief of Police. There is one thing that a royal commission could look at. I believe it is wrong - and do not anybody construe what I am going to say as a criticism of the new Chief of Police, I do not know the man. As far as I know I have never met Chief Roche. Okay? And he will probably make a splendid Chief of Policy. But I believe that it is wrong that the Minister of Justice has the authority and the right to appoint the Chief of Police. There should be a broader base. It really puts it in the realm of a political appointment. And the Chief of Police in St. John's should not be a political appointment. Look at the possibilities of setting up a Police Commission for the city of St. John's. That may be the answer. I do not know. This is why I am asking for a royal commission into the administration of justice.

We saw an example a couple of days ago when the Premier made a ministerial statement involving the taking of a political poll in this Province and in connection with public funds being used to pay for the P.C. Convention out in Gander. Our Minister of Justice, what is his attitude on it? We cannot

MR. THOMS:

order an investigation. The Auditor General did not mention any fraud.

MR. NEARY:

He did not mention it in the A.B. Walsh case either.

MR. THOMS:

There was no mention of it in that case. An enquiry was set up. When there was an enquiry set up in to the leaking of a police report in this Province, when the Minister of Justice (Mr. Ottenheimer) set up that enquiry there was no inference that there was any fraud or anything but it was set up. Now anybody who has seen this memorandum to the Executive Council dated July 6, 1978 - and this was one in connection with the payment of \$56,000 for the political poll. The company shall design - the have engaged devine advertising systems - the services to be provided -

MR. NEARY:

Formerly known as Live In Concert Company.

MR. THOMS:

Live In Concern Company.

MR. THOMS:

The services to be provided under that contract were that the company shall design, research and compile a system of organization of scheduling for use by the Province in order to expand dissemination of government policies at the community level; design, research and implement a system of opinion surveys within the Province to assist the government in evaluating the affect of legislative policy. The company should provide a format of youth involvement on a Province wide basis so that they become more familiar with the policies and practices of the government legislative programmes. Any resemblance between that memorandum to the executive council for approval of the funds and what the funds were actually paid for believe you me is strictly coincidental, Mr. Speaker, strictly coincidental.

Now I believe that the Minister of Justice (Mr. Ottenheimer) does have enough evidence. There is enough evidence in this alone and in the ministerial statement to set up an enquiry into this particular matter. But the Minister of Justice sits there, puts his head in his hand, plays at being an ostrich and says, Oh no, we cannot investigate this matter.

AN HON. MEMBER: (Inaudible).

MR. THOMS: Well you had no problem setting up an enquiry to look into the leaking of the police document. You had no problem in setting up an enquiry to look into the Walsh situation. And I would suspect that this is just as unsavoury.

Mr. Speaker, there is one thing that I refuse to do. In spite of what the House Leader (Mr. Marshall) has said on the other side, in spite of what the member for Stephenville (Mr. Stagg) has said, in spite of what the member for St. John's North (Mr. J. Carter) has said I refuse to stand on my feet here today and say that I am a Canadian and to say that I am a Newfoundlander. I refuse to say that because it is so obvious. And I will tell the minister the policy that I follow and I will tell the minister before I sit down the policy that I follow if the minister

MR. THOMS:

will shut up and listen. It is as simple as that.

MR. SPEAKER (SIMMS): Order, please!

MR. THOMS: Mr. Speaker, at this time I would like to move the adjournment of the debate.

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

MR. MARSHALL: Mr. Speaker, I move that the House at its rising do adjourn - before I move the motion I would like to extend to the members of the Opposition the courtesy of letting them know what will be coming up next week. On Monday we will be back into the Throne Speech and/or the Environmental Assessment Act. We have not fully decided yet which one we are going to but one of the two we will be on. And we will be doing that act next week with the Throne Speech.

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

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

MR. F. ROWE: Probably the House Leader could indicate to us on Monday morning exactly what he will be -

MR. MARSHALL: Mr. Speaker, with due respect what I have told the hon. gentleman is that we are going to do either one or the other. And I will let him know as early as I can on Monday but surely that should be enough notice that we are going to do either one or the other. You know I am not telling the hon. gentleman we are going to have the whole Order Paper up for debate. I am saying one of two things. So we can govern ourselves accordingly.

PREMIER PECKFORD: And do your homework over the weekend.

MR. MARSHALL: I forget, Mr. Speaker, whereabouts I was on the motion but I move we adjourn until tomorrow, Monday at 3:00 P.M. and that this House do now adjourn.

On motion the House at its rising adjourned until tomorrow, Monday, at three of the clock, carried.