

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY

FOR THE PERIOD:

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

THURSDAY, APRIL 9, 1981

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

ORAL QUESTIONS

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

MR. LUSH: Mr. Speaker, I have a question for the Minister of Labour and Manpower (Dr. Dinn). According to the news today, the warders have settled for 12.5 per cent and my question to the minister is, in view of a statement that he made some weeks ago in the House with respect to the necessity and the absolute importance of the government remaining firm with respect to the hike, increases they were offering workers, particularly those at the College of Trades and Technology, indicating that it was very important to stay close to that 8 per cent, I wonder how the minister can justify this announcement today that the warders have settled for 12.5 per cent - 4.5 per cent in excess of what was offered the NAPE workers at the College of Trades and Technology?

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

MR. DINN: Mr. Speaker, the question more appropriately should be addressed to the President of the Treasury Board (Dr. Collins), and I will defer to the President of the Treasury Board to answer, if I may.

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

DR. COLLINS: Mr. Speaker, I apologize for being a little late - a matter came up that I had to attend to. I had intended making a Ministerial Statement on this and I wonder if the House would give me leave to actually make the statement which might clarify this?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Agreed.

DR. COLLINS:

Thank you.

I will ask one of the Clerks if they would bring a copy of the Statement over to the hon. member.

MR. SPEAKER (Simms):

The time will come out of Question Period, I presume.

SOME HON. MEMBERS:

Oh, oh!

MR. MARSHALL:

We will revert back, Mr. Speaker.

MR. SPEAKER:

Order, please!

Well, what are we doing here?

Are we reverting to Ministerial Statements?

MR. MARSHALL:

Yes, I think that is quite clear, Mr. Speaker. We will revert now to Statements by Ministers.

MR. SPEAKER:

Okay, it is agreed to revert to Ministerial Statements.

DR. COLLINS:

Yes, but may I send a Statement across to one of your colleagues?

MR. LUSH:

Sure.

MR. ROBERTS:

(Inaudible) particularly urgent one, why not send it across and make it at 3:30 P.M. we will agree to revert then and we will carry on with Question Period? unless, you know, it must be made before at this moment.

DR. COLLINS: Well it might be germane to the Question Period.

MR. E. ROBERTS: Alright, make it now then.

MR. SPEAKER (Simms): It has been agreed to revert to Ministerial Statements.

The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, I wish to inform the House of the position of government and the Federation of School Boards with respect to the conciliation board report in the teachers' negotiations as well as provide the details concerning the tentative settlement reached with the warders bargaining unit.

The Federation of School Boards has now concluded its deliberations on the report and I am pleased to announce on behalf of the federation and government that the majority of the recommendations of the conciliation board report, including the monetary aspects, are acceptable to government and the federation. We viewed the board's recommendations as a reasonable compromise between the parties and are prepared to meet with the Newfoundland Teachers' Association to discuss further certain aspects of the report with a view to entering into a new collective agreement that with these recommendations forming the basis of a settlement

Negotiations have been successfully concluded with the warders of H.M. Penitentiary and their negotiating committee will be recommending acceptance of the package in a vote which is anticipated to take place next week.

The basis of the monetary settlement takes into consideration the strong historical relationships which exist between the salaries of the warders with their counterparts in the police and firefighter groups.

DR. COLLINS:                    These two groups signed a three year agreement in 1979 which provided the following salary increases: 8 per cent effective November 1, 1978; 8 per cent effective November 1, 1979; 5 per cent effective November 1, 1980; and 6.5 per cent effective May 1, 1981. These agreements expire on October 31, 1981. Just prior to the signing of these agreements, the warders group signed a two year agreement providing the following increases: 8 per cent effective November 1, 1978; 7 per cent effective November 1, 1979, with the agreement expiring on October 31, 1980.

                                  During the negotiations which were recently concluded, it was agreed to grant the warders the following increases: 1 per cent effective November 1, 1979; 5 per cent effective November 1, 1980; and 6.5 per cent effective May 1, 1981, with the agreement

DR. COLLINS:

to expire on October 31, 1981.

As can be seen, increases received by all three groups are identical over the three years commencing November 1, 1978. Salaries of positions in the warders bargaining unit are now equal to the salaries of corresponding positions in the Constabulary and the fire departments.

So, Mr. Speaker, just in very brief summary, the warders, the police and the firefighters essentially are regarded by government, and indeed regarded by themselves, as performing the same types of duties and they have very strong relationships to one another in terms of salaries. Now, in 1978 the two groups, who do not have the right to strike, that is, the police and the firefighters, they reached a three year agreement. The one group which is strongly linked, the warders, who do have the right to strike, reached a two year agreement and the warders' agreement is now up for a review. And what we have done essentially is to reach an agreement with the warders for a one year agreement so that the agreements now are identical in time. The warders agreement would now run out when the three year agreement with the police and firefighters run out and that the agreement reached with the warders for this final third year will put them over the three year period in an identical position with the police and the firefighters who have had this three year agreement all along.

Thank you very much.

MR. LUSH:

Mr. Speaker.

MR. SPEAKER (Simms):

The hon. the member for Terra Nova.

MR. LUSH:

Mr. Speaker, there is a lot of things here to respond to in a very short period. So what I will do is reserve some of my inquiries about this

MR. T. LUSH: and queries for the Question Period. But what we had here, of course, is two groups in the one instance talking about the conciliation board report with respect to teachers. And the minister advises us, of course, that the government and the Federation of School Boards accept the conciliation report, the recommendations of the conciliation board, I should say. Of course, the major, the big thing here is that the main group concerned have not, as far as I know. I think they have overwhelmingly rejected the recommendations of the conciliation board, Mr. Speaker, and that is the major concern now, that the teachers have rejected that. It is understandable that the government would and that the Federation of School Boards would, but the people who are affected by this have not accepted it, mainly the teachers. And that is a major concern and I would hope that the Minister of Labour and Manpower (Mr. Dinn) or the President of Treasury Board (Dr. Collins), whichever minister, Sir, wields the most influence will certainly do something quickly to avert what appears to be an imminent strike. That would be drastic for Newfoundland at this moment, for the school children particularly at this point in time. And I would hope that the minister, whichever minister is responsible, will take all the steps that are open to him with respect to the procedures in the collective bargaining process and ensure that this situation does not get to a strike situation.

With respect to the warders, Mr. Speaker, again this is a difficult statement to respond to because we have so many classifications and this sort of thing. The only comment I would make is that it does seem apparent here that the government have moved from their original position which they stated, which the Minister of Labour and Manpower stated was a rather stringent and inflexible stand really that they were going to stick by

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MR. T. LUSH:                    their 8 per cent because if they did not this would adversely affect negotiations with other groups, particularly NAPE groups. So right here we have a situation where they have given a 12.5 per cent increase and are still holding out for an 8 per cent increase with the



MR. LUSH: workers of the College of Trades and Technology would certainly, on the face of it, seem to be rather unfair and iniquitous.

MR. SPEAKER (Simms): We are now back to Oral Questions with twenty-eight minutes remaining.

ORAL QUESTIONS:

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

MR. LUSH: So, Mr. Speaker, I come back to my original question. On the basis then of the statement made by the government, namely the Minister of Labour and Manpower (Mr. Dinn) and since he wanted the question directed to the Minister of Finance (Dr. Collins) and the President of Treasury Board, then I will direct my question to him. But to remind him that the statement was made by the Minister of Labour and Manpower recently in this House that the government had to be rather stringent, inflexible if you will, with respect to moving away from its position of 8 per cent for the support staff of the College of Trades and Technology because of the adverse effect it would have with the negotiations with other NAPE groups. And now we find with another NAPE group that they have given 12.5 per cent. So how does the minister justify this position in view of the statements made by the Minister of Labour and Manpower?

MR. SPEAKER: The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, I was not here when the hon. Minister of Labour and Manpower (Mr. Dinn) made his statement so I do not think I will comment on that further. But if I may, I would just like to clarify two points. One, government has been saying all along that it is very concerned to maintain equity in the situation. And we have explained, I think in some detail, that when we consider equity we mean equity for like types of work. And we have also emphasized that there are certain patterns established when a major group

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DR. COLLINS: in a number of bargaining units which are related to one another comes to an agreement with government. That means that that major group to a large

DR. COLLINS:

extent sets the pace for linked groups and this gets back to the equity of similar types of work. Now, government has never said that by setting a particular pattern as set for one group of bargaining units that extended to all groups of bargaining units, because the work content of various types of groups of bargaining units are dissimilar, they are just not similar. I would find it difficult to compare the work carried out, shall we say, by a teacher with the work carried out by, shall we say, a food handler, so that the government when it talks of equity and patterns is talking of like types of occupation or workload or whatever you want to talk about it. So that is one point I should just like to clarify.

The other point I would like to clarify, and I have done this I do not know how many times, hundreds of times, I think, really: we are not offering an eight per cent settlement to the two groups in dispute. We are offering eight per cent as part of the packet, part of the packet, part of the packet - not the whole packet.

MR. LUSH:

What is the other part?

DR. COLLINS:

The other part are cash settlements in addition to the eight per cent.

MR. LUSH:

One hundred dollars a year.

DR. COLLINS:

And in addition to that there are step movements in addition to the eight per cent. So the eight per cent is one part, cash settlements are another part, step movements are another part. And if one wants to consider the whole on an average the settlement works out at 22.5 per cent over a two year period. And if you want to look at that on an annual basis, an average annual basis, that would work out at eleven point two per cent per year. Now these are average figures, I emphasize that. I am not saying that each individual worker will get eleven point two per cent each year. I am

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DR. COLLINS: not saying that every worker will get 22.4 per cent over two years. I am saying these are average. Indeed, if one looks at the lowest paid workers, they get considerably more than that. The lowest paid

DR. COLLINS: workers will get 27 per cent over the two year period and if you wanted to average that over the two years it would mean that there is 13.5 per cent for the lowest paid workers in one year. Again, I am not saying that each individual lowest paid worker will get 13.5 per cent. I am saying that these are the averages out of these various agreements.

MR. LUSH: A supplementary, Mr. Speaker.

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

MR. LUSH: Mr. Speaker, it is quite understandable that workers in different classifications receiving different pay and this sort of thing. The hon. the minister compared teachers to some other groups. That is not the crux of the matter. Government's position has been to the equity with respect to people in the same classifications. So we do not need to compare teachers with carpenters and cooks and this sort of thing, Mr. Speaker. That is not the point. What we are talking about is people within the same classification, people with different departments, people within different groups but doing the same type of work.

So, how does this settlement now affect that arrangement? Are there now workers within the warders group within the same classification - to be very specific, will carpenters within this group now receive more money than carpenters, let us say, within NAPE? And I understand there are some in both groups, not a large group, but just to make a point can the minister address that question? Will the carpenters now in the warders division receive anymore or the same amount of money as those within the College of Trades and Technology? And I just use carpenters as an example. It could be anybody else.

MR. FLIGHT: It could be any trade, yes.

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

DR. COLLINS: Mr. Speaker, the hon. member is bringing up certain areas that I must confess I do not have precise details on at this stage, but I certainly will look into that and will get what information that seems germane. But I would suggest that the hon. member may be over-simplifying it. I would highly doubt whether there are any -well, certainly not many anyway, but possibly even any -carpenters in the warder group and I know the hon. member just used carpenters as an example. He could have used bus drivers or food workers or sick bay attendants or whatever. But

DR. COLLINS: taking that into consideration I would doubt whether there are any individuals like that. I think that the warders group is a fairly homogeneous group and it is essentially those who have to do with the surveillance and restraint of individuals that require those services.

MR. LUSH: Mr. Speaker.

MR. SPEAKER (Simms): A supplementary. The hon. the member for Terra Nova.

MR. LUSH: Mr. Speaker, it is rather strange that the minister would make statements related to the question that I asked a moment ago, and when asked for a specific example is not familiar with it. I remind the minister that a couple of days ago when, again, questioning him in this same area about the hike increase and about pay to workers classified in the same type of work, the minister responded something to the effect that the government system of classification would break down if workers doing essentially the same job were paid different amounts.

Well, Mr. Speaker, I would ask the minister if he is aware of this, for example: I quote here, Mr. Speaker, Clerk stenographer II, working in the general service and working with the hospital support staff, a clerk stenographer II, both of them classified as the same type of work though in different divisions, one within the hospital support area and the other within the general service, Mr. Speaker, and that comparison alone we find that the clerk stenographer II working with the hospital staff received just about \$1,000 a year more than somebody working in the general service division. So, Mr. Speaker, can the minister address himself to that particular issue when he indeed himself said that the system breaks down once people in the same classification receive different amounts of money? And,

MR. LUSH: Mr. Speaker, we are not talking about \$100, we are not talking about \$200, we are talking about \$969 to be precise over a period of one year.

MR. FLIGHT: Almost \$1000. How can that be?

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

DR. COLLINS: Mr. Speaker, the hon. member is using a specific example, or two specific examples, I suppose, and I would be glad to get a little bit more information from him on those. I would just like to be absolutely sure that he is comparing apples with apples because, just to put it on this basis, a stenographer working, shall we say, in a hospital is not doing the same job as a stenographer working in the Trades College. There might be very dissimilar responsibilities in terms of secrecy and that sort of thing. So I would just like to be sure that the hon. member is actually comparing quite definitely similar categorizations.

Now the other point I would like to make is that we have gone back to the union in terms of the units on strike and said, 'If you can point out to us differences in your classification of workers from similar classifications in the general service who accepted our packet, we will be glad, we will be anxious to make whatever adjustments are necessary, we will be glad to overcome any anomalies that there might be in the system'. All I can say



DR. J. COLLINS: is that the union had not come forth with evidence of any such anomalies.

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

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

MR. T. LUSH: Mr. Speaker, I find it absolutely astounding that the minister would come into this House and make these general, sweeping statements about equity with respect to people engaged in the same type of work. And then as I have pointed out is the great gap that does exist, Mr. Speaker, the tremendous gap between one special group of workers that I have now mentioned. Well, Mr. Speaker, I found that astounding.

But anyway could the minister just finally indicate to us what is the status again with respect to the workers at the College of Trades and Technology and the government re getting back to the bargaining table? Are we any closer to that or just is it still at an impasse? What is the situation on this?

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

DR. J. COLLINS: Mr. Speaker, perhaps I should just first say that the hon. member is a very astoundable man. He is very easy to astound, but anyway we will let that slide.

In regard to the situation between the Treasury Board and the union, I can again reiterate that we will be glad to discuss with them any meaningful point. If the union - I can say this quite categorically - if the union has a sincere willingness to end this dispute, I think they will find Treasury Board quite willing to respond in like kind. We are anxious. The workers on strike at the present time are very valued workers. They performed excellently over the years. We have no reason to think that they will not perform excellently in times to come.

DR. J. COLLINS: And we do not like to see them out on the street any more than they themselves like to be out on the street. It is unfortunate that the dispute has gone on this long. And if the union has a sincere intention of getting the workers back to work I think they will find that our attitudes match theirs precisely.

MR. E. ROBERTS: Mr. Speaker.

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

MR. E. ROBERTS: Mr. Speaker, my question is to the Minister of Health (Mr. House). I wonder if he could confirm to us if the hospitals throughout the Province have been told they have to reduce their budgets by about 7 per cent from those approved by the department earlier?

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

MR. HOUSE: Mr. Speaker, I am not aware of any consultation with the hospitals on this particular thing at this point in time. I do not think there will be any discussion from my point of view until after the Budget at least discussing this.

MR. ROBERTS: Supplementary, Mr. Speaker.

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

MR. ROBERTS: The minister had confirmed it by not denying it and I accept his word, of course. But I wonder if the minister could tell us whether the hospital budgets for the current financial year of the hospitals which, as he will recall, begin on 1 January, they are all on calendar years, whether those budgets will stand as approved?

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, we have people going from the department discussing budgets, analysing budgets and it is not necessarily done on a calendar year, it is done on the, of course, fiscal year.

MR. E. ROBERTS: No, they are on calendar years.

MR. HOUSE: Well, Mr. Speaker, they may be on the calendar year but there are continued on-going discussions and there will be no final discussions until later on about hospital budgets.

MR. ROBERTS: Supplementary, Mr. Speaker.

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

MR. ROBERTS: Yes, if I might, Mr. Speaker, and I am not trying to get the minister to reveal any budget secrets because, of course, what few secrets there may be will come out on Tuesday when the Minister of Finance (Dr. Collins) presents his bleak outlook, but I wonder if the

MR. ROBERTS: Minister of Health (Mr. House)  
could assure the House that no hospital operating in this  
Province will be ordered or required either by means of an  
order or by means of an insufficient supply of funds  
to reduce its services below the level that it is now offering?

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

MR. HOUSE: Mr. Speaker, I do not think we  
have any intention of asking hospitals to reduce anything  
under the level that they are working now. I have no intention.  
Certainly we have to look at hospital budgets, we have to  
look at the next year, but certainly I think it would be  
premature for me to say now that we are going to ask them  
to reduce. As a matter of fact, I think the record in the  
past has been always that we have been able to improve it  
a little each year.

MR. ROBERTS: Final supplementary, Mr. Speaker.

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

MR. ROBERTS: Can the minister assure the House  
that the hospitals will not have their budgets reduced

MR. ROBERTS: below the levels which have already been approved by his officials? And specifically, can the minister confirm that the Treasury Board have ordered a reduction of, I understand, about 7 per cent in the budgetary levels as they have been approved?

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

MR. HOUSE: Mr. Speaker, I can give no other assurances than what I have already given and that is that I cannot give an assurance, but I do not believe that we will have to cut back services.

MR. THOMS: Mr. Speaker,

MR. SPEAKER: The hon. the member for Grand Bank.

MR. THOMS: Thank you, Mr. Speaker.

I have a question I would like to direct to the Minister of Justice.

A couple of days ago in the House I asked the Minister of Justice if he could assure the House and the people of this Province that there would be no reduction in the RCMP services at the present time or under the terms of any new contract, and at that time the minister assured the House that there would be no reduction. Since that time, the Solicitor General for Canada, Robert Kaplan, has made a statement that in fact the Commissioner of the RCMP has given him a plan to reduce services in Newfoundland. Could the minister explain what are apparently diametrically opposed opinions on this?

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

MR. OTTENHEIMER: Yes, Mr. Speaker, it was a couple of days ago when I gave the hon. member and the House the assurance that, as a result of the fact that the contract has expired and a new one not yet been signed, there would be no reduction or alteration in the quality and level of

MR. OTTENHEIMER:                   policing by the RCMP in areas covered by them, and then after that, the hon. gentleman refers to a statement by the Solicitor General, Mr. Kaplan, where he had made a statement that he had asked the Commissioner for plans for a reduction of services in four provinces and among them Newfoundland was included. Since that statement, I have been in touch with the Solicitor General and also with the Commanding Officer of the RCMP in Newfoundland and can give the hon. gentleman and the House the same assurance I gave them a few days ago. There is in fact no reduction of services. I think one could say that there was a misunderstanding, I suppose, from whatever perspective of this by the Solicitor General of our position, or one could say by us of the Solicitor General's position, you know, however you want to look at it with respect to retroactivity, a fairly, I think, semantic, if one wishes - a difference of opinion. The old contract has expired, a new one has not been signed.

MR. OTTENHEIMER: Obviously there will be a retro-active element for the period from April 1st. to whatever date the new contract is signed.

AN HON. MEMBER: (Inaudible).

MR. OTTENHEIMER: Yes, you know what the terms of that retroactivity will be obviously will depend on what the agreement is. Right. But there is no doubt that retro-activity is a factor.

MR. ROBERTS: In other words, if we are going to pay an increase we will pay it as of 1st. of April.

MR. OTTENHEIMER: Or there could be phasing in over a two or three or for a number of year periods. I mean obviously the agreement will be retroactive because it will have to cover a period where now no agreement covers.

MR. ROBERTS: The minister is fencing.

MR. OTTENHEIMER: But whether it is phasing in, because the Solicitor General has talked about the possibility even of a ten year contract with phasing in over a ten year period. So what the terms will be -

MR. ROBERTS: But then it costs more money.

MR. OTTENHEIMER: - is impossible to say but the fact that retroactivity will be a factor is obvious.

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

MR. THOMS: Yes, Mr. Speaker, I was just wondering for a moment there who was asking the questions.

MR. ROBERTS: Well, nobody was giving any answers.

MR. THOMS: Well then am I to understand from the minister that Newfoundland has now agreed that the contract will be retroactive to April 1st. That has been agreed by the Province with the Solicitor General?

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

MR. OTTENHEIMER: Mr. Speaker, let me say that at the meeting of the Provinces in Toronto in late February, I stated on behalf of Newfoundland that if there was no agreement by the 1st. of April that obviously retroactivity would be a factor. In a telegram to the Solicitor General of some date in late March, the 25th. or around there, that point was made again. And in a telegram received from the Solicitor General on the 31st. of March that was again identified. So obviously there will be a retroactive factor now that we are beyond the date which the old contract expires. Yes, certainly.

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

MR. ROBERTS: It is curiouser and curiouser.

MR. THOMS: Could the minister confirm then whether or not he has been in touch with the Solicitor General or the Solicitor General's Office since the Solicitor General made that statement that we had not agreed to the retroactive date?

MR. ROBERTS: That was on Friday, I think.

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: Yes, Mr. Speaker. Yesterday morning I sent a telex to the Solicitor General pointing out that in our opinion there was a misunderstanding by his office, that we had always recognized that if a contract was not signed at the expiry date there would be a retroactive factor and we have received a reply back from him. And also since that statement, made in the House of Commons I think the day before yesterday, since that I have also been in touch with the Commanding Officer of the RCMP.

MR. THOMS: And you have reconfirmed the retroactivity?

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



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MR. THOMS:

A supplementary, Mr. Speaker.

MR. FLIGHT:

I yield.

MR. SPEAKER(Simms):

The hon. member for Grand Bank.

MR. THOMS:

Mr. Speaker, yes, as I understand it, Ottawa wishes to get rid of the RCMP performing non-essential services in the provinces, non-essential

MR. THOMS: service such as giving driver tests, serving warrants, escorting prisoners to jail, and that this is likely to be a part of any new contract that the provinces arrives at with the Solicitor General. Does the minister have any plans to provide these services throughout the Province? For example, right at the moment the RCMP are involved in the maintaining of the municipal by-laws etc. Are there any contingency plans or any plans really to supply these services throughout Newfoundland when the new contract comes around and RCMP officers are no longer performing these non-essential services?

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

MR. OTTENHEIMER: Mr. Speaker, with respect to the enforcement of municipal by-laws, of course the hon. gentleman knows many municipalities, not all, but many municipalities do have municipal by-law enforcement officers who really are under the municipality and responsible to the mayor and the council. And to the extent that they relate to government at all, and they really do not, but it would be to Municipal Affairs, they would not be peace officers in the sense of the Criminal Code, they would be municipal officials. And granted that and granted also, I think, there are probably increasing tendencies for local municipal by-law enforcement for municipalities to seek a very small force, in some cases one or two, in some cases three or four. So I see that as an increasing trend. But apart from that, in general we do not see any major differences which will result from the contract in terms of the actual work performed in provincial policing by the RCMP under a new contract than under the expired one.

MR. THOMS: A further supplementary, if I may, Mr. Speaker.

MR. SPEAKER: A further supplementary. The hon. member for Grand Bank.

MR. THOMS: Is the minister saying then that the performance by the RCMP in this Province of non-essential services such as escorting prisoners, serving warrants, etc., will be a part of the new contract? Because my understanding is that it will not be a part of the new contract and that we will have to take care of these things ourselves.

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

MR. OTTENHEIMER: Obviously I will have to preface it by saying that the new contract is not yet agreed upon, it is not yet agreed upon. But I will say and repeat that at this particular time when the contract is not agreed upon and negotiations are still ongoing I really do not see any substantial change in the work performed by them under the contract, under the new contract in comparison with the services performed under the old contract.

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

MR. FLIGHT: Mr. Speaker, I have a question for the Minister of Forest Resources and Lands (C. Power). Every day we hear him making announcements that he is going to announce the spray programmes, and the next day and the next day. We know he is meeting with town councils and we know that he is trying to sell the programme. Would the minister tell us when indeed he is going to announce the spray areas that he foresees to spray in the next coming spray programme this year?

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

MR. POWER: Mr. Speaker, we have been holding discussions with town councils in the areas concerned, particularly as it relates to their water supplies. That is done not as a selling programme but simply as a matter of concern on behalf of the government for the jobs that councils perform and certainly on behalf of councils, the concern that they must have for the persons who live within their communities. I must admit that those meetings have gone very well. The councils are glad that someone is at least paying them the courtesy of giving them the information before the announcement is actually made. With regard to the question asked, a press conference has been called for Monday morning at ten o'clock at the Confederation Building to announce the spray blocks.

MR. FLIGHT: A supplementary, Mr. Speaker.

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

MR. FLIGHT: Mr. Speaker, I am wondering if the Minister of Forestry would care to comment on the latest Economic Council of Canada's report on the forestry of Newfoundland. They criticize, Mr. Speaker, his department, the policies of his department. They criticize the paper companies, and

MR. FLIGHT: they told us our forests are in a mess as a result of the forest management practiced by the government. They said we have been standing up and clapping for a government that has been letting the forest be destroyed under our very noses. And I am wondering in view of the fact, the hard evidence laid out in that economic report, Mr. Speaker, is the minister having any second thoughts with regards to his present forest management ?- or mis-management, as they seem to want to call it.

MR. SPEAKER: The hon. the Minister of Forest Resources and Lands.

MR. POWER: Mr. Speaker, I wonder about the reading ability of some members opposite. The Canadian Economic Council has recommended several approaches to better forest management in Newfoundland. When all the things they recommend, particularly as it relates to our protection programme that we have done, a silviculture programme that we have put in place this year, Mr. Speaker, that we will spend \$45 million over the next five years. A new land tenure arrangement, Mr. Speaker, which is the first time in this Province that it has ever been done. New approaches in the export of pulpwood which otherwise would die on the stump. All of the major recommendations of the Canadian Economic Council report on forestry have been put in place by this government and when the Canadian Economic Council -

SOME HON. MEMBERS: Hear, hear!

MR. POWER: - talks about thirty or forty years of mismanagement, Mr. Speaker, an awful lot of that went on from 1949 to 1971.

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

MR. FLIGHT: You are some lucky.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

MR. SPEAKER (Simms):           The hon. the Minister of Develop-  
ment.

MR. WINDSOR:                   Mr. Speaker, I want

MR. WINDSOR: . . . to table the answer to Question No. 32 on the Order Paper of March 23, 1981, from the hon. member for LaPoile (Mr. Neary). The hon. gentleman asked me to provide 'A list showing loans by the Newfoundland and Labrador Development Corporation to industries that failed and assets of companies sold by public auction or some other means to recover part of the funding of such companies'. I table the list of fourteen companies that have been terminated since the inception of NLDC in 1972. And pointing out that since 1972, Mr. Speaker, NLDC has been providing loan financing, equity financing, management advisory services and other related services and assistance. I point out as well that these fourteen companies that have not been successful represent only 9 per cent of the 159 projects which have been funded by the Newfoundland and Labrador Development Corporation since 1972.

I would have to say, Mr. Speaker, that in view of the fact that the businesses that are funded by this corporation in accordance with its mandate being the riskier ventures, that a 9 per cent failure rate is extremely good and we are very, very pleased with it. Of the 159 projects funded, this has created in this Province, Mr. Speaker, 2,602 direct jobs of which only 339 have been lost through the curtailment of the projects listed. And of those projects, Mr. Speaker, that have failed, during the period of operation they did pay out directly by way of payroll \$7,430,000 into the economy of this Province. So I would have to say, Mr. Speaker, that that is a very admirable success record, in spite of the fact that only fourteen companies have failed.

MR. SPEAKER (Simms): Further answers to questions.  
The hon. Minister of Labour and  
Manpower.

MR. DINN: Mr. Speaker, in answer to a question by the hon. member for LaPoile (Mr. Neary), Question No. 56, dated Tuesday, April 7, 1981, the question relates, 'To ask the hon. Minister of Labour and Manpower to lay upon the Table of the House the following information: What is the number of journeys involving public business which he has made since March, 1979 to places outside Canada, showing for each journey; the names of the countries visited; dates of the journey; the total cost to the government for hotel accommodations, meals, ground transportation and air transportation and other expenses'. Mr. Speaker, to get to the answer, the answer to the first part of his question is there have been no trips, therefore nobody travelled with me; there has been no cost to government so I will have to table the questions since there is no answer.

MR. SPEAKER (Simms): Any further answers to questions?

#### PRESENTING PETITIONS

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

DR. MCNICHOLAS: Mr. Speaker, I have pleasure in presenting a petition on behalf of 787 residents in the district of St. John's Centre. And the petition reads: "To the hon. the House of Assembly assembled, the petition of the undersigned humbly shewth that there are presently two groups of government workers on strike within the Public Service, namely, the Workers' Compensation Board and the College of Trades and Technology, for far too long with no apparent attempt to settle this costly dispute;



DR. McNICHOLAS: that the current dispute between the Government of Newfoundland and Labrador and the workers of the College of Trades and Technology and the Workers' Compensation Board was unnecessary and never should have occurred; that the offer of 8 per cent is inadequate to compensate for the rate of inflation; that something is wrong with a government that refuses to appoint a mediator to help settle the dispute at the College of Trades and Technology and for workers at the Workers' Compensation Board; that government is not making a reasonable effort to bargain with the two groups in good faith. Therefore, we, the undersigned, recommend and request that government make a more determined and concentrated effort to settle this dispute by bargaining in good faith, and more specifically, appoint a mediator to try to settle the dispute, and that accompanying this petition are 787 signatures of the residents of the district of St. John's Centre who support this petition. And your petitioners as in duty bound will ever pray." And it is signed by Noseworthy, Rose and Crest.

SOME HON. MEMBERS: Hear, hear!

DR. McNICHOLAS: Mr. Speaker, I have great pleasure in presenting this petition and supporting it, but I have some reservations and comments that I want to make, specifically dealing with the wording, that 'the dispute is far too long with no apparent attempt to settle this costly dispute'. I know that the government is working very hard to try to settle this dispute. 'That the dispute was unnecessary and never should have occurred' - I disagree with that, because the government was in a particular dilemma, that a large group, about 5,000 civil servants or employees had already settled on what these people were offered, and it would be completely unfair to these people if the others were offered more.

DR. McNICHOLAS: The comment that '8 per cent is not a reasonable increase' - I agree with that completely and I said that on March 31st.

I would like to take this opportunity of correcting a misstatement that I made, if you like, on that day, when I said they were offered a 21 per cent to 23 per cent. I should have said that that offer of 21 per cent to 23 per cent was for a two year period and I omitted to do that.

There is a mention here about a mediator. I am afraid my knowledge of bargaining is very limited, but I think that is a point that could be considered and debated. This thing that the government is not bargaining in good faith, I do not go along with that for one second.

Mr. Speaker, I take pleasure in tabling this petition. There are signatures here of 787, I do not know if these need to be tabled. I would prefer to keep them and reply to these people individually, but if they have to be tabled, that is fine, I can get their names afterwards.

MR. ROBERTS:

Mr. Speaker.

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

MR. E. ROBERTS: Mr. Speaker, I would like to have a few words on behalf of my colleagues over here.

SOME HON. MEMBERS: Hear, hear!

MR. E. ROBERTS: As I mentioned to my friend, the Minister of Justice (Mr. Ottenheimer) I finally achieved absolute power on the Opposition side.

SOME HON. MEMBERS: Hear, hear!

MR. OTTENHEIMER: Remember what Lord Acton said about it.

MR. E. ROBERTS: Well, I remember that and the government exemplifies it, as the minister would be the very first to agree.

Mr. Speaker, in supporting the petition, and I am confident I speak for all of my colleagues on this; many of them have spoken in the House.

I, first of all, want to compliment the hon. gentleman for St. John's Centre (Dr. McNicholas). He, I think it is fair to say, found himself in a very difficult position in that his constituents had asked him to present the petition. And as a member who is concerned with his constituents, I am sure he felt that he was under an obligation to be their voice in the House because there is no way in which a citizen of this Province can speak except through the lips of a member. And at the same time the hon. gentleman, being a man of honour, was elected as a Tory and supports the Tory government, the Tory party. He has not changed his colours, he is not sailing under false colours, and I think that he realizes, we all do, that this petition by a strange nature is extremely critical of the way in which the Tory government of the Province is handling this situation. So I think the hon. member did the right thing to present the petition. And I do not want to make invidious

MR. E. ROBERTS: comparisons, but it is fair and correct to say that he is the only member, if memory serves me correctly, who has presented this petition. I understand a number of other members on Your Honour's left have been asked to present the petition and have declined to do so, thereby muzzling their constituents.

MR. J. CARTER: Will the member give way?

MR. E. ROBERTS: No, if I am wrong I will gladly stand to be corrected. If the hon. member will tell me I am wrong, then I will accept his word. Has the hon. member for St. John's North (Mr. Carter) presented one?

AN HON. MEMBER: Let him speak.

MR. E. ROBERTS: Well, I only have five minutes. The hon. gentleman can speak after me. You know, I do not begrudge the correction. If I am wrong I am the very first to admit it, and I have been wrong many times and will be many times again. Fortunately I have been right many more times than I am wrong, unlike the hon. member for St. John's North.

But, Mr. Speaker, the point I am making is that I think the hon. member for St. John's Centre (Dr. McNicholas) has done the right thing to present the petition and I admire the way in which he did it. He walked a very tricky path through a political mine field. He was walking on egg shells and I compliment him. What more need I say? The petition speaks for itself, Sir, We on this side support it. We do not think the government has been bargaining in good faith, we have said that many times. We think they are discriminating against these men and these women. And I think we saw another example of it today when - I do not begrudge the warders the 12.5 per cent, I do not begrudge them one nickel of it, and

MR. E. ROBERTS: there is an historical relationship, but it is sophistry, it is sophistry at best to pretend that the government can do this for the warders and other groups and will do only 8 per cent for the employees who are on strike or the others who will be on strike.

I simply say to the House, Sir, in supporting this petition that before this year is over this government are going to come to grief on their labour relations policy. And I would hope that they would smarten up now before we have to go through the trauma of strikes. There will be strikes in our hospitals - I do not want to see them but there will be. The nurses will be on strike. and the teachers will be on strike unless - and an important unless - they are treated equitably by this administration and they are not now being treated equitably. They are not now being treated fairly. They are not now being treated properly.

We support the petition, Sir, and in doing so, as I have said, I reiterate that we do not believe the government are acting in good faith. But I compliment the hon. gentleman on having presented it and if others on the other side presented it I am the first to be grateful for a correction, but I would simply say nobody presented better than did the hon. gentleman for St. John's Centre (Dr. McNicholas). And given the position which he found himself, Sir, I think he acted admirably and very well.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): To the petition,

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

MR. CARTER: Mr. Speaker, I certainly  
compliment the member for St. John's Centre (Dr.  
McNicholas) on presenting the petition and the way he  
presented it. I would like to correct something that the  
member for the Strait of Belle Isle (Mr. Roberts) said  
is his support of this petition, that everyone on both  
sides received a petition. I cannot speak for others,  
I can really only speak for myself; I received a large  
number of cards, that is all I received. Cards are not  
a petition. I gladly acknowledge the fact that I have  
received them. I have answered each and every one of  
them with a form letter which I tabled in the House, but  
I cannot very well present a petition that I did not  
receive.

MR. THOMS: Would you have?

MR. CARTER: Well, if I had received one  
I would certainly form my own judgement. It would  
depend on what was in the prayer of the petition whether  
I would present it or not.

MR. THOMS: How weasling.

MR. CARTER: Mr. Speaker, I believe I  
have the floor and I wish you would control the criminal  
element on the other side.

MR. SPEAKER: Order, please!  
The hon. member wishes to be  
heard in silence.

MR. ROBERTS: Mr. Speaker, to a point of  
order, if I may.

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

MR. ROBERTS: I would simply ask Your Honour  
whether the use of the words 'criminal element' in referring  
to any member in this House, or any group of members is

MR. ROBERTS: really parliamentary?

If the hon. gentleman wants to be heard in silence he certainly has the right to do it, although it behooves him ill of all members in this House to ask for that, but he certainly has the right. But are we allowed now to call each other the 'criminal elements' on the other side? If so, sobeit, but is that really in order?

MR. SPEAKER (Simms): To the point or order, the hon. the member for St. John's North.

MR. CARTER: I withdraw. I was unbearably provoked, Mr. Speaker, and I withdraw unqualifiedly.

MR. SPEAKER: The hon. the member has withdrawn those remarks which are unparliamentary.

MR. CARTER: Now, I have five minutes to speak, which I do not require. I would very gladly give way to the hon. gentleman from the Strait of Belle Isle (Mr. Roberts) or any other hon. gentleman if they can explain to me how the government can offer more to the Trades School and the Workers' Compensation Board than they have already granted to the 5500 other workers who apparently, and I believe this to be the case, are in the same category?

And one other point I would like him to deal with, if he wants to get on this feet, and I would certainly give him leave to speak for a full half hour, if the could handle that point and this other point, why does he insist upon saying it is 8 per cent? It is not 8 per cent, it is something greater than 8 per cent, and it is wrong and misleading and I think -

MR. SPEAKER: Order, please!

I think the hon. member is getting into the area of debate and that is not the purpose of a petition.

MR. CARTER: Very well, Mr. Speaker. On that point I will sit down and gladly give way, or grant leave for other hon. gentlemen if they would like to explain their positions.

MR. SPEAKER (Simms): That would be debate.

AN HON. MEMBER: Do we have leave?

MR. ROBERTS: By all means, to respond.

MR. THOMS: Yes, yes. Give him leave.



MR. SPEAKER (Simms): Well, the Chair is in a very precarious position here because that obviously would be debate and I do not think debate is permitted on petitions. If the House wishes to give the hon. member leave to debate a petition then that would be up to the House but the Chair would have to enforce the rule.

Is there leave?

MR. MARSHALL: Well, I think Your Honour has already indicated that.

MR. SPEAKER: Yes. I would not permit debate in any event.

MR. ROBERTS: 'Carter' has no control over the other side.

MR. SPEAKER: Any further petitions?

ORDERS OF THE DAY:

MR. MARSHALL: Order 20, Bill No. 3.  
Motion, second reading of a bill,  
"An Act Respecting The Freedom Of Information." (Bill No. 3)

MR. SPEAKER: I believe debate was adjourned the last day by the hon. member for the Strait of Belle Isle.

MR. ROBERTS: Thank you, Mr. Speaker.

I am sorry, Mr. Speaker, the hon. member for St. John North (Mr. Carter) - I thank my friend from Naskaupi (Mr. Goudie) - the hon. member for St. John's North has said I can debate, or in his opinion I can debate the topic of the petitions under the Freedom of Information Bill. He has made it obvious many times in the House over the years, Mr. Speaker, that he really does not know a great deal about the rules but I think even by his standards that is going a little far. I think he will grant me that I have a certain facility, not unique to me, but a certain facility to stretch the bounds of relevancy to where they ought to be stretched and hopefully not beyond that, but I am not so sure even I could

MR. ROBERTS: do that and I am certainly not going to try. Because there are some important points which I believe ought to be made in reference to the bill, the second reading of which is now before the House.

I would say though to my friend from St. John's North (Mr. Carter) that when the Freedom of Information Act comes into place, as I assume it will, the government have introduced it as a piece of government legislation and it is not in fact even subject to proclamation, it comes into force automatically with the efflux of time. January next, eight months away from now, or a little less than eight months, that when it comes into effect it is going to be most interesting and if I were doing the labour relations or acting for strikers or advising strikers or others dealing with the government, I think I would be the very first to say that this bill, this new act, will be a very powerful tool in the arsenal that these people have in dealing with the government. And I think that is a very good and a very right reason to support this bill, the fact that it will be a tool in the arsenal of those who deal with the government.

I say that, Mr. Speaker, because in my view or my opinion, and I suppose I can say that I have had as much to do with as many facets of the government as most people have over the years -

MR. CARTER: Do not boast.

MR. ROBERTS: Mr. Speaker, I do not know, in response to my friend from St. John's North (Mr. Carter), whether that is boasting or not. I made it as a statement of fact. I was going to go on to say that

MR. ROBERTS:                   there are those who say that in fact I had never, until two or three years past when I began practicing actively at the bar in this Province, I have never done anything except work for the government and they go on to say that that is hardly a boast. But be that as it may, Mr. Speaker, I do want to say that I have had as much experience as must in dealing with the government at all levels and in all types of relationships, and against that background I want to say that I think the principle of this bill is a good principle and I compliment the Minister of Justice (Mr. Ottenheimer) for sponsoring it and I am prepared even to compliment the government of which he is such a leading part and in respect of which he forms such an ornament, such a substantial and shining ornament, I am even prepared to compliment the government on it.

                                  It is not a very radical move, as I think the minister will agree. It is idea whose time has come and over the last few years we have seen this kind of legislation in a number of jurisdictions. I suppose the most pointed, the most relevant would be the American federal freedom of information act which has revealed the most interesting and the most pertinent and the most worthwhile bits of information. People are learning how to use it, and particularly the press, because of course freedom of information ought to be something in respect of which each of us has a tender regard, but nobody more so than the press. For example, you know, this type of machinery is most useful. I understand my friend from LaPoile (Mr. Neary), who was thwarted in his valiant and long-standing, long-running effort to find out who were passengers on the government aircraft, GNL, will be able to get that information under the Freedom of Information Act.

MR. CARTER:

There is no list.

MR. ROBERTS:

My friend from - Where are you from?

MR. CARTER:

Hibbs Hole.

MR. ROBERTS:

Mr. Speaker, I do not put any heed on what I am told by the government when common-sense tells me to the contrary. And in this case - the hon. gentleman if from St. John's North, my friend from St. John's North (Mr. Carter) says there is no list. I will tell him there are some lists. Now I have probably been on the government aircraft many more times than he has even since we crossed the floor into Opposition. The French class, speaking of information, the French class - vous sera. I will not attempt it in deference to the Hansard but anyway you will be delighted to know, Your Honour, that the French class tonight will be the last one offered for this term. C'est la dernière classe de cette semaine et de cet terme.

The classes will resume après la fête de pasques en jeudi le trorsième d'avril.

MR. CARTER:

As long as there are no witnesses your pronunciation is terrible.

MR. ROBERTS:

My pronunciation might not be terribly good, I will confess, because one seldom has a chance to use French. Indeed in communicating with the hon. gentlemen opposite even English, Sir, is often unnecessary because they are unable to understand plain English and to comprehend it. In any event, that is the notice.

I do not know whether it is possible to ask the pages as a matter of practice not to put notes in front of members when they are trying to speak unless in fact the note is one of these little billet-doux we get from the Table saying you are running short of time. All of us have a natural tendency when we are given a note to look at it. It may say, "Your tie is undone. Your fly

MR. ROBERTS: is open," you know, it may say anything and perhaps we could simply put it aside until we have finished. After all, there is only one of us speaking, at least in theory, at any given time. Now as I was saying before I got the note about the Easter recess for the budding federal politicians in this House,

MR. ROBERTS: the Freedom of Information Act should prove to be a very useful tool for journalists and for all those who are concerned with public affairs. And I do not know what lists are kept of the passengers on GNL, but as I recall it, a couple of years ago after the Auditor General, then Mr. Howley, made some reference to the use of GNL - oh, no, that actually was the helicopters. The former premier, I believe, was accused - and I do not know whether this was a valid accusation or not - but he was accused of using the helicopter for purposes other than those for which they were being provided.

MR. CARTER: Surely not.

MR. ROBERTS: And my friend says surely not and I agree with him. My friend from St. John's North (Mr. Carter) says exactly that and he is well known to be an enthusiastic supporter and an ardent fan of the former premier, and supported him publicly and privately, Sir, throughout the full tenure of office of Mr. Moores.

The hon. gentleman stood to Mr. Moores' back and many times people said to me they would rather have had him in front than behind them, I assure you.

Now, Mr. Speaker, the point is, I would suggest to my friend from St. John's North, he is trusting, he is a trusting man and we have already seen what happens in this House to trust. Trust can sometimes be abused. But a couple of years ago, as I understand it, the procedures were changed and it is now a requirement that all passengers are listed on the manifest. The manifests are filed. Now, that is my understanding. I do not know if I have been on GNL for a year or so. Well, I went North with the distinguished member for Gander

MR. ROBERTS: (Mrs. Newhook) the other month, the Minister of Municipal Affairs, who was going to speak at a function at St. Anthony, the celebration to mark the 25th anniversary of the service of Councillor Joe Ollerhead, and the minister was kind enough to give me a lift North on the aircraft. And as I recall, you know, the passenger manifest is complete. We will find out. I do not think that anybody can deny that kind of information under the Freedom of Information legislation and if they could it would be a mockery.

Mr. Speaker, I have taken longer than I thought to make that point. I just want to say, quite simply, I think it is a good bill. It is a good principle. It is not a new one or a radical one. It is hardly a reform. It is an idea that has evolved in the fullness of time and it is a good idea now to embody it in legislation and to put it on the books and let people have at it.

It is like the Charter of Rights. It is an idea whose time has come and, as the Minister of Justice (Mr. Ottenheimer) is enshrining this right, the right to information, I am sure that he would equally support and will support in the fullness of time the measures to entrench some other rights in addition to the right to information, which is important, the right, the freedom of mobility, the right to trial, the right to counsel, the right to be educated in one of Canada's two national tongues. You know, c'est un pay binational, M. l'Orateur et nous avons le droit -

MR. CARTER: Are we to be spared nothing?

MR. ROBERTS: The hon. gentleman, Sir, has been spearing us for a great number of years. I find him a very unsparing man, sparse, some might say.

MR. ROBERTS: But, Mr. Speaker, the minister, I know, is a great one for entrenching rights and when an ideas time has come, as this has, then we should entrench it. This, of course, is only a mere legislative right and we have seen really how little these mean in reality because of course all Your Honour has to do is to look at the exception in the bill, you know, that says, if we have this act purports to create it, it does on its bare words, create a right to information. But, of course, there is a little kicker there and the kicker is found in sub-paragraph G of sub-paragraph 1 of clause 9, when it says, that of course the right to information is subject to any other act of the Province that requires a specific type or bit of information to be kept confidential. Now, I do not find that offensive in itself, but I would simply point out, and the



MR. ROBERTS: point I am making is that these rights here are legislative. They are not constitutional, they are not entrenched in any significant sense.

Because our acts, I would think - and I have not looked at them in this light but I suspect that what I say is unchallengeably correct - our legislation is replete with instances where information is directed to be kept confidential, and in each case with a valid reason. But let us not get carried away. What we are doing now is setting up a legislative provision that will only be as good as the legislation which surrounds it, which follows it, which can overcome it, which can suppress it.

Now, Sir, there are only two points really which in my understanding need be debated at any length when you come to talk about freedom of information legislation. I do not think anybody in this day and age would quarrel with the need for such legislation. It is a motherhood bill. It is motherhood, and nobody anywhere will raise his hand and say that government ought to have a right to withhold information. We will all agree that government ought to be obligated and required to give information, and that is fair enough. That is why I say this is hardly a radical bill. It is not even really a step forward, it is sort of a shuffle forward. But there are two points which ought to be looked at, and my colleagues who have spoken on this bill, my friend from Grand Bank (Mr. Thoms) who led for us on it, I assume my friend from LaPoile (Mr. Neary) spoke and perhaps some others on this side and maybe even some on the other side spoke, but the minister would concur, there are only two points: One is the scope of the exceptions and the other is the procedure for appealing a refusal to supply information. I want to speak fairly briefly about the first and a little more extensively about the second.

MR. ROBERTS: The scope of the exceptions in this bill, and there are, as I read the bill, three exceptional clauses, three excepting clauses to be precise. Clause 9 sets down certain matters that are not capable of being released unless the Premier otherwise agrees.

AN HON. MEMBER: The House.

MR. ROBERTS: Well, I will come back to sub a) but most of them are - sub a) is a matter that can be done by agreement with the other provinces because if we do not accept something confidentially we have no obligation to keep it confidential; and sub g) is again subject in the long run to the Premier because it is subject to the House and in the long run the Premier will have his way with the House, he has the support of the majority. So Clause 9 really speaks of what I could call political matters. And again, I do not find it offensive, I do not see how Cabinet government could function without the kinds of exemptions that are spelled out in Clause 9. Perhaps I could quarrel with some of the wording but that is not the point; the point is that these are reasonable matters to exempt. And I am sure I reflect what my friend from Grand Bank (Mr. Thoms) said, I am sure he made the same point, we are prepared to go along with these exemptions.

Then we come to Clause 10.

Clause 10 is a little - not misleading, it is a little tricky because it says that certain types of information shall not be made available and then it goes on to present some exceptions from the exceptions. And I think they are reasonable. This boils down to personal information. And then the exception to the exception is that personal information that deals with an individual's contractual relationship with the government shall be made public, and I think that is fair enough. I do not think it is any business of anybody else's what, for example, my

MR. ROBERTS:                   medical records are. Anybody who is lawfully entitled to get them, get them, but nobody else is entitled to them any more than I am not entitled to the medical records of my friend from St. John's North (Mr. Carter) or the medical criminal employment history of my friend from St. John's North to quote the bill.

MR. CARTER:                   I believe the hon. gentleman (inaudible).

MR. ROBERTS:                   I am sorry?

MR. CARTER:                   I said I think your records are probably more interesting than (inaudible).

MR. ROBERTS: I am sure they would, Sir. My employment record is significantly more substantial than the hon. gentleman's, my medical record and my criminal record - my medical records, I hope, are excellent and my criminal record, hopefully, is not excellent because there is none there. And I am sure that is true of the hon. gentleman from St. John's North (Mr. Carter).

Mr. Speaker, I would be very happy to be examined by a psychiatrist and have the results made public if the hon. gentleman from St. John's North were to persuade his Premier to do the same thing, anytime we want to do it, Sir, put my psychiatric health up against the hon. gentleman's and that of his leader, anytime. Perhaps we should have it as a condition of membership in the House.

MR. CARTER: I move that.

MR. ROBERTS: The hon. gentleman wants to move that, we will probably find somebody on this side to second it. What was it that someone once said, 'You do not have to be crazy to be in politics but it sure as hell helps'. And I think most of us from time to time have felt that that is not a bad observation.

Now, Sir, we come to number 11 which is the discretionary exceptions. I do not know really whether I should quarrel with that. There have to be some discretionary exceptions, I am not sure they need be as widely drawn as this. Remember, Mr. Speaker, section 11 will be a section that will be very important when a person who has been refused information goes before a court to say, "I want the information, I believe I am entitled to it, I have been refused it, now, dear court, please determine whether or not I am entitled to it."

Information in section 9, no problem. Information in section 10, again no problem, I

MR. ROBERTS: think we can all see that clearly.

Number 11 is fairly widely drawn.

I am not sure it is a model act or not, much of this legislation is a uniform bill that has been developed by the commissioners for uniformity but part of it, and I suspect when we get into number eleven - and I have not checked with the uniformity drafts - but I suspect number eleven is a little broader. However, the government are not going to change it, I mean, I am quite sure of that. This government is the most obdurate group of men and women I think I have ever met in my acquaintance of public affairs. I am sure they are not going to change it so I will not waste my breath in destroying it by brilliant analysis. I will say that we in the House should realize that when this matter comes to the test, as it will before the courts of this land in due course, section 11 will be considered to be of great importance, in my view. It sets forth the legislative guidelines and it says; 'A head may refuse access to information'. And then when we come down to that and the court has to decide, then the court is going to look at that with a view of determining on the merits whether a particular piece of information may be withheld under the act or not. And that is what the court will have to decide because you look at section 14, in sub (2) of that that the court shall determine on the merits whether information may be withheld under this act.

Now I would say to the minister - and I know he is listening but I want to be sure I have his full attention on this - that I ask that perhaps he might reconsider that wording. We look at number 11 and it says, 'A head may refuse access to information', and alright, we have to give discretion to our heads as they are defined here in this act and that is fair enough.

Then we go to court and what the court has to determine - now remember how we

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MR. ROBERTS:                    go to court - you go to court  
and this brings me really into the second branch, the second  
point, where I said that really it is the

MR. ROBERTS: process of trying to pry out the information once it has been refused that is the real heart and the pith and the substance of any freedom of information legislation.

There is no trouble where everybody agrees. If I write a letter to a head of a department and I say, "May I have this information please?" And he says, "It is twenty-five cents a page" and he sends it back to me, no sweat, no trouble, everybody is happy. I have got it and I can do what I wish with it, subject to the law. But it is where I am told, "you shall not have it, or you may not have it. Using the powers conferred upon me, I turn it down," and then I am forced to go to the Ombudsman and I am not able to convince him, and then we go on.

Then I say my final resort is with the courts, and that is where it ought to be. That is where it ought to be. And I think even our friends in Ottawa have now come to that, have they not? The federal freedom of information legislation has now come to I believe a judge of the federal court is vested with the final power of decision.

MR. MARSHALL: After freedom - yes.

MR. ROBERTS: Yes, well here we are using the Ombudsman as freedom on information commissioner and that is analogous. Our ombudsman I gather has sufficient time - I suppose somebody has spoken to Mr. Peddle to ensure that he will be able to carry on these duties; if it turns out he cannot then we will end up with a commissioner as well.

But, you know, in the long run it is a judicial process. So what we have to consider is what directions we give to the judiciary. Now giving directions to a judge is not the phrase I want as the minister would - what guidelines we give to the judge. The judges give directions to those of us who appear before them. What guidelines we

MR. ROBERTS: give. And what we are setting forth, and sub (2) is really I think where it comes, I do not see any other section in the act - the minister perhaps can correct me if I am wrong, I do not see any other section in the act that deals with the standards by which the court should exercise its unfettered and undoubted discretion in deciding whether a particular bit of information can be made public or not.

So we come to 14 (2), and it is probably the single most important section in this act, not section 4 which creates a so called right, but section 14(2) because this is a means by which one enforces the right when all is said and done. And in its entirety 14(2) says, "The Trial Division," and that is of course of the Supreme Court, "shall determine the matter de novo and may examine any information in camera in order to determine on the merits whether such information may be withheld under this act."

Now I would say to the minister, and I do not say this in any partisan sense. If he feels that he and his colleagues can make partisan points on this then good luck to them, we have said repeatedly and say again - you know, I will compliment the minister and his colleagues on bringing it in.

The last word should not be there. In order to determine on the merits of whether such information may be withheld under this act - now a judge simply - let us remember how it comes, Mr. Speaker. I go into court and I say, "My Lord, the information has been refused. The Ombudsman has reviewed and he has refused. And I want the information." Now what is the question the judge must decide. According to 14, sub (2), what he decides is whether



MR. ROBERTS: the government, and it says 'head'; but, I mean, we are talking of the government, when the government may withhold it.

Well, under the wording of section 11, and the other one, but section 11 particularly, the government may withhold just about anything. So what we get, and this is a big flaw in this bill, is a situation we had in the original Liberal freedom of information information where the judge is asked not to review whether it ought to be released in the public interest or, better still, whether the public interest would be damaged by releasing the information but instead asked to determine whether the government have exercised their powers properly in withholding the information.

Now, I said that was the original Liberal Freedom of Information legislation done before the '79 election. Then came the Tory regime with Mr. Clark as the Prime Minister and they brought in a new bill. Then they were thrown out and back came the Liberals with another administration, Mr. Trudeau again, and brought in a new bill that adopted that feature of the Tory legislation. The bill now - it is in parliament; I do not know if it has got second reading - has it? - yet, but second reading, it has gone on to the Committees, the way that they do them now in Ottawa in the House of Commons, that bill, as I understand it, I do not have it in front of me, I fear, but as I recall it it says that when the government refuses information the question to be determined by the court is not whether the government has the power to refuse that information or not but whether the government is acting properly and in the public interest in doing so.

MR. THOMS: The onus is on the government, right.

MR. ROBERTS: And I think the minister would be the very first - I am sure he has grasped the point - to say that there is a big difference between the two situations. On the one hand the government would be required under this legislation to go before the courts and say, 'The only issue for Your Lordship to decide under sub.(2) of section 14, is whether we as a government have the power to withhold that information'. Right? On the other hypothesis, the one which I advocate, the government would have to go before the court and say, 'May it please Your Lordship, what we are going to do is to show Your Lordship why it would be in the public interest - why the public interest would be hurt if this information came out'.

Now, Mr. Speaker. let me interrupt myself for a moment. I only have three or four minutes left. I wonder if I might have leave to carry on for a few minutes. I do not know if anybody else on this side is going to speak.

MR. SPEAKER (Butt): Is it agreed?

HON. MEMBERS: Agreed.

MR. SPEAKER: Agreed.

MR. ROBERTS: Thank you.

MR. CARTER: (Inaudible) good.

MR. ROBERTS: I am always good. Oftentimes my friend from St. John's North (Mr. Carter) does not realize it, but that is his problem, not mine.

Now, Mr. Speaker, the point I think is a very important one and I make it in all seriousness and all weight, I am not playing the games we all play from time to time in the House, and rightly so, there is a big difference between the standards set up for the courts in this bill and the one which I suggest. It is not just the matter of a few words. It



MR. E. ROBERTS:

eleven, some guidelines that the court could look at and say, 'Well, this is what the Legislature had in mind because here are the words they used'. But everything else ought to be public unless the public interest would be harmed or the public interest, which would include some individual interest in that, but, you know, unless the public interest would be harmed by making it public. And then as my friend for Grand Bank (Mr. Thoms) said to me a few minutes ago, the burden for that ought to be on the government to go before the court and say - I do not know who is behind the Chair, Your Honour, but if whoever it is could keep it down to a little duller roar I would be suitably grateful.

MR. J. CARTER: You have not (inaudible).

MR. E. ROBERTS: I say to my friend for St. John's North (Mr. Carter) I could try to work one out but I long ago learned not to try to do it on my feet in this kind of thing. I think the worst legislative mess I have ever seen was one night in the House of Commons in Ottawa in 1963, Guy Favreau was then the Justice Minister, a brilliant, brilliant lawyer, and they were in committee and they were drafting legislation right on the floor of the House. And Jack Pickerskill, Mr. Pickerskill was the House Leader and I was working as a very minor cog in his staff, and it took three weeks to get undone what two or three lawyers had agreed to on the floor, even brilliant lawyers. And, you know, I can express the principle, even if I had some words they ought to be measured by a draftsman and weighed and considered.

MR. E. ROBERTS: But I think the point is clear that we ought to import into the Act a different standard than the one which is there now. The standard ought to be not that the government may refuse, which is simply to say all the judge can do on this is say, 'I find that the government has a right to refuse. They have exercised that right, Game over, no information, application dismissed and costs to the Crown. That is not what we ought to have. What we ought to have is a standard whereby the government would have to go before the court leading evidence in a trial de novo, which means you start with witnesses and everything that is legitimate and proper under the rules of our court. The judge would have to be satisfied, the court would have to be satisfied that it would harm the public interest if information were to be made public.

And that, I suggest to the minister, is entirely consistent with the principle expressed in clause four which says, 'Every person has a right'. And I submit further, Mr. Speaker, that it protects the public interest because if there was some bit of information that ought not to be made public - and I think we can all agree that there is information which ought not to be made public - then the hearings can be held in camera if that were necessary. The judge has that power, the Crown could go before the court and could say, 'My Lord, here is a bit of information that ought not to be made public' and the court could say very well 'We agree', end of game.

But I would say to the minister that the point is a very important one. I know he has grasped it and I am sure he will weigh it and consider it and I hope we will see some change. Now I have looked through the Act a number of times. I do not see any other section setting the standard by which judicial discretion shall be exercised, which is what we are talking about. You know, we have broad exceptions

MR. E. ROBERTS: in nine - let me read quickly - we have broad exceptions in nine, agreed, and they are political and I think they are justifiable. We have broad exceptions in ten, those are personal, and again I think those are justifiable. Number eleven I am prepared to accept because they are guidelines, but I do think fourteen ought to be varied to give the court a different standard. And simply to repeat it once more, and then I will leave the point, the court ought to be asked to decide not on the ground of whether or not the government has the power to withhold a particular piece of information, but rather on whether or not it would hurt the public interest to disclose

MR. ROBERTS: the information, and if it would not hurt the public interest then the court would order that the information be made public. It is a fairly easily expressed point, I think, Mr. Speaker. I think it is easy to state, easy to grasp. But I would say to the minister that it is a very important point in principle and I would say to him that if the act as it is now drafted does not carry into effect the principle of giving access to the citizens of this Province to freedom of information held by the government with nearly as much effect as it would if the type of change that I put forward were to be implemented. And I say that, I put it forward because it is a good bill, it is a good principle, it is one which ought, in my view, to be put into law in this Province, and perhaps - Who knows? - when we get the Constitution home in a month or two or three, whenever it comes - but come it will - and when we get the amending formula in process, whatever it is, maybe we can, even in Canada, put aside our bickering for long enough to enshrine this right together with the other rights which are going to be enshrined by Westminster at the request of the Parliament of Canada. And I believe that is what will happen. I realize that the courts will rule upon it. I find that more than acceptable. Whatever the courts say is fine, but I do firmly cherish the belief, which I will be happy to debate whenever it is in order, that in the long run Westminster will embody into our law a number of rights and I hope in due course the right to information will be one of them.

Mr. Speaker, one other very brief point which I put forward - it is more procedural but it is of some weight and it relates again to the situation where information is refused - where information is refused, I think it ought to be incumbent on the government -

MR. ROBERTS:                   which is doing the  
refusing - it ought to be incumbent on the government to  
refer the matter to the Ombudsman and if the Ombudsman  
refuses, it ought to be incumbent then for the government  
to take it a stage further. I say that because otherwise  
you are putting the burden on a private citizen and it  
might be better to have it assumed by the government,  
and the government are in a position where they have  
facilities, they have money, let them take the burden.  
Where they feel they must refuse to bring out some  
information, let them take the initiative and refer it  
to the Ombudsman. And I suggest that simply because,  
like the minister - and I believe he is of this view -  
we want to make information as accessible as possible.  
In the whole warp and woof of this bill is to make  
legislation as readily available as possible. And along  
that line too I would hope - and I do not know if the  
matter has been dealt with - but I would hope that the  
minister could give us an assurance that the fees to be  
prescribed will be very nominal. They ought to be really  
no more than the cost of the paper that is necessary to  
reproduce the documents. The point may have been made  
before, and the regulation power is broad.

I also had some question about  
Section 16. I am not sure if it ought to be changed,  
but I do not know where we would be with possible  
defamatory comment. Now, it does say, 'for or  
in relation to the disclosure in good faith of any  
information pursuant to this act.' If that information  
is defamatory of any person, I do not know whether the  
effect of Section 16 is to remove that person's right to  
an action. I think that is something we ought to look at.  
The right to protect one's character by suit in the courts  
is a right which I believe we should cherish. It is well



MR. ROBERTS: entrenched, well established and Clause 16 could conceivably, as I read it, have the effect of depriving a person of the right to bring his action simply because the head has acted in good faith. Now, I can see protecting the head who has acted in good faith but I am not sure we can go any further, or any other person acting in his behalf. I just simply raise that. It is the sort of thing that perhaps the minister might want to have a word with his law officers; perhaps that would allay my concerns.

Mr. Speaker, I want to

MR. ROBERTS:                    thank the House for its indulgence. As always, I am in the hands of the House and I appreciate what they have said and for giving me this extra time. I think it is a good bill but I think it can be made better and I think the change that I have suggested to 14 (2), which is a very important one, a very important point of principle, a very important implementation of the basic principle in this bill, that change would make a good bill infinitely better.

As my colleagues have said, we are prepared to support the bill, and we shall, but I would ask if the minister could look into what I have said, mull it over, ponder upon it and take counsel where he wishes. He is aided by extremely able draft people - draft persons, whatever the word is - and take their advice on it.

As I understand it, 14 (2) is the old Liberal FOI, it is wrong. A number of us felt so at the time and a number of us said so. What I have suggested is the Tory FOI, which is now budding into the new Liberal FOI, which if I understand correctly will shortly become law in Canada and I think it is the right way to go.

Mr. Speaker, I support the bill and I think the minister ought to be proud to have fathered it. There is a lot of legislation goes through this House that is considerably less important than this and I do not think there is a great deal more that will be more important over the years to come.

Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Butt):

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

MR. CARTER:

Mr. Speaker, I would like to compliment the member for the Strait of Belle Isle (E. Roberts) and some of the points that he made I think were very well

MR. CARTER: made. I shudder to think how long a bill would be if he had the writing of it, but nevertheless it would probably be a very good bill. I am sure his points will be considered and weighed very carefully. I would not myself, like the task of having to write legislation and to try and take care of all the possible circumstances that might arise. I certainly support the legislation and I was very interested or am very interested to read the schedule at the end of the bill that points out the various chunks of information that will become available once the bill is signed into law.

But I would like to remind this House, in fact I think this House should never forget the fact that while we are talking about freedom of information and while this bill is being supported by both sides of the House, it should never be forgotten that not too many years ago, information, free information, information of any kind did not readily come from the former government, the one headed by Premier Smallwood.

MR. THOMS: There is no guarantee it is going to come under this one either.

MR. CARTER: Maybe not, maybe not. There is no guarantee that this will come under this legislation.

MR. THOMS: (Inaudible) make it work.

MR. CARTER: But I would like to remind the hon. member that during those dark days there was no Hansard. Now, there were tapes up there. That little cubicle was built when this House of Assembly was built, and I think the same gentleman operated the tapes - it is not his fault-but the tapes were not available to the members and there was no printed record. I assume, I am told that those tapes are still available and a printed record is going to be made of the series but for a long, long time there was no Hansard available, certainly to the members of the Opposition. What the Only Living Millstone got, I

MR. CARTER: do not know. Presumably he got something that told him what enormities he had said the day before .

MR. THOMS: Well, Hansard was brought in by the Liberals.

MR. CARTER: Mr. Speaker, there was a sort of Hansard way back in the early days of Confederation, there was some sort of Hansard, but during the late '60's there was no available Hansard. I would say that,

MR. CARTER: you know, there may well have been something printed, there was certainly something recorded, in fact, there was a steno-typist here. As well as the tapes, there was a steno-typist on the floor who took down every word, even the off-the-cuff remarks that the microphones cannot get, but there was no printed record available for the members of the Opposition. Something else they ought to remember, too, was that there was no Question Period.

MR. THOMS: When did Hansard come in?

MR. CARTER: Mr. Speaker, I cannot give the hon. gentleman the list of dates of the various times when Hansard was regurgitated, there were several attempts made, but suffice it to say that I can safely say that during the late '60s - and the Minister of Justice (Mr. Ottenheimer) who was a member of this House at the time -

MR. OTTENHEIMER: (Inaudible).

MR. CARTER: - and who used to -

MR. OTTENHEIMER: 1970 or thereabout.

MR. CARTER: - bewail and bemoan the lack of Hansard, will be able to supply those dates much more readily than I can. We had a device worked out whereby we were going to, perhaps, provoke the former, former Premier into providing Hansard, we were going to get some member of the Opposition to get up and say, "Well, of course, yesterday the Premier said, 'all my ministers are fools, what more can I be expected to do?'" And then if he challenged that we would say, "let us look at Hansard, perhaps he did not say it." And a statement like that made every couple of days, might have jerked him into some kind of action.

So there was no Hansard and no Question Period as we understand it today, or as we understand it in any civilized democracy. A question was greeted with the response on this side - 'Oh, put it on the Order Paper, or it is not urgent.' It was very, very occasionally there would be a question answered. We all remember the time

MR. CARTER: when the former Premier told one of his ministers to sit down, close his mouth.

Now, furthermore, there was no research assistance or very minimal research assistance given to the members of the Opposition at that time. There was a very small vote - I think I am correct in saying that it was \$10,000 for the entire office of the Opposition. Well, I think it was something less than that earlier than that, but in the late '60s it was something like \$10,000 to pay the salaries of a secretary or a stenographer and the research assistant and telephone bills and stamps and mail and stationery and all the bits and pieces that running an office requires. So I would like to couple these remarks with the remarks of the member for the Strait of Belle Isle (Mr. Roberts) and say, how can he on one hand promote a bill like this? In fact, he is even promoting an improved version of this bill and yet, at the same time, how can he remain silent, or the member for LaPoile (Mr. Neary), who was a minister in that government, how can he remain silent on the enormities of the Smallwood era?

MR. NEARY: You are making a fool of yourself. I have been away for a day and when I come back you are still making a fool of yourself.

MR. CARTER: So I would be very interested to see what kind of mental gymnastics the hon. member is capable of.

MR. NEARY: There is not a word of truth in anything you have said for the last five minutes, not a word of truth.

MR. CARTER: I believe the member is shying on the verge of the unparliamentary. I will allow him to get up and deliberately mislead the House, if he wants to. I will gladly give way if he wishes to deliberately mislead the House or to bear false witness, or to make libelous remarks. I will gladly give way. I am sure he

MR. CARTER: he would do very well.

MR. ROBERTS: (Inaudible) have a few words, John.

MR. CARTER: I would gladly cut my remarks a little bit short so that the hon. member can abuse his privilege for a short while in this House.

I would also like to remind the member for the Strait of Belle Isle (Mr. Roberts) that all members on the government side at that time were absolutely terrified by the former, former administration, absolutely terrified.

MR. NEARY: You look like a crowd that are easily frightened.

MR. CARTER: I believe the member for LaPoile (Mr. Neary) used to sit down there, in the middle of that spot somewhere.

MR. NEARY: (Inaudible)

MR. CARTER: I can still recall him squirming. I think he may have wanted to go out to the bathroom but he was afraid even to get up and leave for that period of time, because I can still see him squirming in his seat. A few times he was allowed to get up and say a few remarks. The only remarks that one was allowed to make in those days were how great was the Premier of that day. You could get up and speak for hours, in fact you would be given leave to go on far beyond your allotted period if you were making remarks along those lines.

And since the member for the Strait of Belle Isle (Mr. Roberts) has already spoken and the member for LaPoile (Mr. Neary) has served notice that he is about to get up and abuse his privileges and address this House, I would like to give him a couple of themes for him to discuss. How is it that both he and the member for the Strait of Belle Isle (Mr. Roberts) can represent such distant districts and still maintain the figment that they are supporting democracy?

MR. CARTER: They were not born in LaPoile or the Strait of Belle Isle. Their only connection with it must be as tenuous as possible. They reside in St. John's. I presume they go out to their district occasionally. The member has been absent recently. I do not know whether he has been down to Panama or whether he has been over to LaPoile. I presume it is LaPoile because Panama is a little more distant. So I would like to hear him justify how he can represent a district that is so remote from his place of residence and so remote from his interests and so remote from his concerns? I would like him to explain that. It is not directly within the ambit of this bill.

AN HON. MEMBER: (Inaudible).

MR. CARTER: No, Mr. Speaker.

MR. THOMS: Do we have to suffer that?

MR. CARTER: Yes, Mr. Speaker, they do have to suffer it. It was no inconvenience for them to suffer from 1949 to 1971, they can surely suffer for a few minutes now. Of course the reason the member for the Straits of Belle Isle (Mr. Roberts) represents that district is not hard to define. At that time it was known as a yellow dog district, a safe Liberal district. So anyone, no matter how misshapen or how strange, could be sent up to a district like that and would be guaranteed an election. In fact, even his opponents would be sure to lose their deposit. So it is no wonder why -

MR. FLIGHT: Why was there (inaudible) Tory in the yellow dog district (inaudible)?

MR. CARTER: And I am sure that the people up there very deeply resented the term 'yellow dog district' and I would suggest that the hon. members' majority has been cut in the last few elections and it will not be too long before these districts elect government members on the Conservative side.



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Tape No. 1114

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MR. CARTER: Now, another point I would like to make, Mr. Speaker, before sitting down is that if this bill had been in force during the Smallwood era,

MR. CARTER: we would have known who owned the liquor stores. It took a full investigation. There was no way we could pay 25¢ and find out who owned the liquor stores, it took a full investigation to determine that. And perhaps we might have been able to find out something more about the letter of intent that was signed between this government and the Government of Quebec.

MR. FLIGHT: (Inaudible)?

MR. CARTER: I have no idea but if the member wants to get up and speak on that I will gladly give way. I do not think the member has spoken in this debate yet so he will be able to get up and mislead the House if he wishes to.

So, these are most of the points I wanted to make, Mr. Speaker. I do look forward to us being able to get a little more information on the Memorial University, on the Newfoundland Hydro Corporation and, also, of course, on the Newfoundland Liquor Corporation - at long last we may be able to find out just how much water they do put in the Screech - the Newfoundland Medical Care Commission. The point is here that - not that the information that they have is so interesting or so vital, but it will prevent abuses from taking place that might have taken place in the past. And I certainly think that this is going to be a very worthwhile bill and I take pleasure in supporting it and I take pleasure in hearing the hon. gentlemen opposite describe how they could possibly, how they can possibly support, could possibly have supported a government that so long denied the basic rights of Newfoundlanders.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. CARTER: The other thing that surprises me, Mr. Speaker, is that they still revere the former, former premier who knifed the Liberal party, who decided to run as an Independent Liberal, who spoiled the member for the Strait of Belle Isle (Mr. Roberts) - his only chance of ever becoming premier. An analysis of the 1975 election would show that, unfortunately, perversely there was a great deal more support for the Liberals than we thought and the member for the Strait of Belle Isle could well have been the premier for a few fleeting months if he had not been so roundly knifed and so severely knifed by the former, former premier. So I would like hon. gentlemen to include some reference to this fact in their remarks when they discuss this bill.

So thank you very much, Mr. Speaker.

SOME HON. MEMBERS: (Inaudible).

MR. SPEAKER (Butt): I will have to check with the Clerk on that.

MR. NEARY: The hon. gentleman invited me to have a few words.

MR. SPEAKER: The hon. member for Lapoile (Mr. Neary) has already spoken in this debate. If the hon. Minister of Justice (Mr. Ottenheimer) speaks now he closes debate.

The hon. Minister of Justice.

SOME HON. MEMBERS: Hear, hear!

MR. OTTENHEIMER: What a speech, what a speech!

Mr. Speaker, I do not plan to be long on this bill, but I do wish to refer to a number of the matters which have been brought up by hon. members on both sides. It is difficult when there is sort of a hiatus between when the bill starts and when it resumed again because one tends to forget what has transpired but that becomes necessary at times. So to work backwards

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Tape No. 1115

GS - 3

MR. OTTENHEIMER: on a few matters, on four particular matters first, and then I will just refer to my notes on the other ones that I briefly made.

The hon. member for the Strait of Belle Isle (Mr. Roberts) referred to Section 16 of the bill which reads, "Notwithstanding any other Act of the Province, no action lies against the head or any person acting on his behalf, for or in

MR. OTTENHEIMER: relation to the disclosure and good faith of any information pursuant to this act." I think his general intention there was with respect to libel. Of course, hon. members can see there is something of a conundrum, Number one, one could well ask whether any information required to be made public by this act could by its nature be libelous, and, you know, it is almost impossible to answer that. But I would think that that would be obviously not impossible, but perhaps extremely unlikely, but I mean nobody can say that for sure. The other observation there is if you put yourself in the place of a head of a department who has a statutory obligation or indeed is acting under a recommendation from the Ombudsman or an order from the court, whatever, to make the information available, then to have that head of the department or his agents, you know, for a libel action would put such a person in an impossible situation. But, you know, certainly his comments are matters that we will have looked into there.

Working backwards again, the hon. member and I think others, also, said that they hoped the fees would be nominal. I think I have already indicated that it is not the intention of the government at all to have the fees of such a nature which would be inhibitory with respect to people exercising their rights, but merely nominal or administrative and to cover various costs. That is the intention with respect to fees.

Hon. gentlemen also referred to Clause 14 (2) with respect to what could be called, I suppose, the burden of proof. The government does maintain that - obviously the purpose of the bill is stated in Clause 3 - 'The purpose of this act is to provide a right of access by the public to information, etc. etc.' It clearly establishes

MR. OTTENHEIMER: the purpose. And four, one could say, establishes the right, where it reads, 'Every person who is A, B, C, has a right to and shall on request be permitted access of information under the control of a department.'

However, the remarks of the hon. gentleman with respect to that point are ones that I have certainly made notes of and, you know, we shall certainly give them serious consideration.

On a few other matters just to recapitulate with respect to—and I will not identify hon. members, some of these criticisms or remarks, whatever you want to call them, may not even have been made in this House, may have been made outside, and I am not going to, you know, try to attribute them to whatever source, but they could be called criticisms or misconceptions in a number of cases. Number one, it has been said that municipalities should be covered by the act. And I would point out that the new Municipalities Act does, in fact, cover freedom of information in a municipal area, for all municipalities that it covers, except St. John's and Corner Brook, and these two cities are getting new acts which will have a similar reference. So that will take care of municipalities.

It has been stated that it should cover school boards. Now, there I would point out, number one, of course, that the Lieutenant-Governor in Council can add to the schedule, but apart from that, that school boards in this Province, where our system of education is different from other areas, school boards are church bodies, church related bodies, and I do not think it is appropriate for the Legislature to legislate for church bodies, to tell

MR. OTTENHEIMER: the Roman Catholic School Board of such a place or the Pentecostal School Board or the Integrated School Board what they must or must not do. School boards are church related bodies in Newfoundland, and in other areas they are not, they are totally state, if you wish, or municipal or public bodies in that sense, many of them, you know, without any religious affiliation. But when you have church school boards, then I do not think it is appropriate for us to legislate for the churches, obviously, or the church related groups.

Also a statement was made, and this was not by any member of this House it was made in comment on the bill, that it was greatly inadequate because it did not provide financial information of the Province. Of course, it is quite obvious that the report of the Auditor General and the Public Accounts of the Province which is tabled every year in this Legislature and must be done so by statute, does provide all the financial information of the Province, and it is not the purpose of the Freedom Of Information Act to

MR. OTTENHEIMER: repeat the requirements of the Auditor General. Also some criticism with respect to that the appeal should go directly to the Appeal Division of the Supreme Court rather than the Trial Division. And the reason that it should go to the Trial Division: actually this is a protection of the public because, obviously, an appeal could go further, to the Appeal Division, on a point of law. But if it were to go directly from the Ombudsman, which is not a judicial determination and which is only a recommendation, if it were to go directly from there to a Court of Appeal there would not be a trial as such nor would witnesses be called. So by having the appeal to the Trial Division an additional right is given people whereby witnesses can be called. And to jump over that step would be actually to deprive people of that particular right.

AN HON. MEMBER: Hurry up and sit down.

MR. OTTENHEIMER: A point was made for my grandchildren in case they want to know what their grandfather - I do not have any obviously, I do not have any but in case I do one of these days they will be able to see what the purpose of it is. And the hon. President of the Council (Mr. Marshall) is very interested in my remarks and the Minister of Finance (Dr. Collins) as well, I can see, by their whispering, 'Hurry up and sit down'. However, I have endeavoured to reply to the matters made. That there should be an education campaign and that this legislation will only be as good as the attitude, I suppose, of the people who implement it, I think that that is accurate. There is a requirement in the bill for the government and various government departments and agencies to publish, to make public the kinds or classes of information they have. That in itself, obviously, will not be enough, and I think I have indicated already that it is the government's



MR. OTTENHEIMER:           intention to have a kind of Province-wide publicity or education campaign to inform people of their basic rights under this, something similar to what was done with the Matrimonial Property Act. And I point out that this was entirely done by the Department of Justice, no public relations, you know, nobody else. This can be done, I think, by a department without any great cost. Obviously it costs several thousands of dollars to do it but, you know, without huge cost.

And also it is our intention to call together, some time before the act comes into operation, the heads or their representatives of the various government departments and the agencies responsible here to, if you wish, have a kind of an in-service training, I suppose, or a familiarization programme so that they will know what their statutory obligation is.

Now, some comment was made as well that the government should bear all the costs with respect to any determination by the court. But I would point out that the courts themselves determine costs and may well - it is up to them - the courts may well determine that the costs would be attributed to the Crown or to Memorial University or C.A. Pippy Park Commission or whoever it is. And the traditional system is that the courts themselves attribute the costs.

So that I think, Mr. Speaker, in general would be my remarks to the various observations made with respect to Section 16 and Section 14 too. We will certainly look into the matters which were raised there and I thank hon. members for their participation and their evident burning interest in this excellent piece of legislation.

SOME HON. MEMBERS:           Hear, hear!

On motion, a bill, "An Act Respecting Freedom Of Information", read a second time, ordered referred to a Committee of the Whole House, now by leave (Bill No. 3).

MR. MARSHALL: Order 6, Bill No. 1.

Second reading of that bill.

MR. SPEAKER (Baird): Order 6, Bill No. 1.

MR. MARSHALL: The hon. member from Windsor-Buchans (Mr. Flight) adjourned the debate.

I believe, Mr. Speaker, that the hon. member for Windsor-Buchans - this is an adjourned debate and the hon. member for Windsor-Buchans adjourned it, I believe.

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

MR. FLIGHT: Mr. Speaker, I would want a few words to say on the bill. It is the kind of a bill that exemplifies, Mr. Speaker, this government, what this government is capable of. There is nothing in it, it is a nothing bill, Mr. Speaker. It does not do a thing for anybody, nothing, nothing. Mr. Speaker, it compares with the Matrimonial Property Act, it compares with - what are those other nonsense bills they have brought in? - and they hold them up and say, 'Look, just look what we are accomplishing'. Now, Mr. Speaker, if this bills accomplishes one thing, it will serve to confuse the general public and to take away the little bit of protection that the general public have been led to believe they were going to get. Let us look at Consumer Affairs, Mr. Speaker, the one department of government that people could look to. We know, Mr. Speaker, the consumer today is getting ripped off with oil rates, increasing oil

MR. FLIGHT: prices, fuel prices, electric rates, finance company charges. And, Mr. Speaker, he had an option, he could go to the Department of Consumer Affairs. And what did the government? They wiped out Consumer Affairs and there is no longer a Department of Consumer Affairs, Mr. Speaker.. It is going to be hidden away in the Department of Justice, and if there is one department in this Province, in this Cabinet, Mr. Speaker, that is accused of tardiness and slowness - months and months to get anything through - it is the Department of Justice. And, Mr. Speaker, Consumer Affairs is now hidden away down in the Department of Justice, the minister has no real concern for it. So, Mr. Speaker, again the poor people get it. So, just as they were getting to believe that the government was concerned about them, just as they were getting to believe that the government was going to protect them against the gouging, as I said yesterday, that goes on, they find that the government lets them down and does away with the one department that could be of any assistance to them.

Mr. Speaker, Environment is gone altogether. The Department of Environment is gone, there is no longer a Department of Environment. Now the minister says he has a bill that he is going to bring in to create a new Department of Environment but, for the time being, there is no Department of Environment. Now what minister will be responsible for the new Environmental Act we passed last year while we are waiting for that new Department of Environment to be created? Mr. Speaker, there is a major project right now under consideration,

MR. FLIGHT: from an environmental point of view, the Cat Arm hydro-electric development with all sorts of potential damage to the environment.

The Minister of Environment has an impact report on his desk. Some ministers have to make a decision, Mr. Speaker, whether or not there is an Environmental Impact Committee set up to report to a minister and that minister has to make a decision whether to accept the report of that Environmental Impact Committee or not. Now in the interim, while we are waiting for a new Department of Environment, what will happen to that kind of legislation? What will happen to all the projects there are now that environmental impact studies are pending on? Will that be sloughed off into the background, Mr. Speaker? Will the Cat Arm be under contract before we have a Department of Environment to protect the environment of this Province? The House Leader (Mr. Marshall) does not look up, I do not know if he is listening. When he closes debate he will probably answer that question, I would hope he does.

MR. MOORES: He is listening, do not kid yourself.

MR. FLIGHT: The Department of Tourism, the Department of Tourism. Mr. Speaker, it was not long ago in this Province that the Department of Tourism

MR. FLIGHT: was looked at as a resource department. Everybody who ever passed through these hallowed Chambers, Mr. Speaker, got up in this House and said that one day the Department of Tourism will mean as much economically to this Province - the present Minister of Forestry (Mr. Power), Mr. Speaker, had great dreams of the jobs he was going to create in the Department of Tourism. And, Mr. Speaker, they have wiped it out. How does the minister feel about that? They have wiped out the Department of Tourism. It is gone. There is no Department of Tourism.

MR. POWER: That does not mean they have wiped out the (inaudible).

MR. FLIGHT: No Department of Tourism. Mr. Speaker -

MR. POWER: They have put a new name on it.

MR. FLIGHT: Mr. Speaker, the Wildlife Division of Tourism goes with the new Department of Recreation, Culture and Youth.

MR. SPEAKER (BAIRD): Order. please!

I do not wish to interrupt the hon. gentleman but I wish to advise the House nothing has been received for the Late Show so at five-thirty a motion will be deemed in order to adjourn the House.

The hon. member for Windsor-Buchans.

MR. FLIGHT: Now, Mr. Speaker, what about the Department of Tourism? We have wildlife and parks gone to the new Department of Recreation, Culture and Youth. We have any development in the Department of Tourism staying with the present Minister of Development (Mr. Windsor). I do not follow the logic, Mr. Speaker. I would like to hear the minister, when he stands up, the President of the Council (Mr. Marshall), explain the logic of wiping out a department like tourism, a department that had potential - there are areas

MR. FLIGHT: in this Province that saw their future in the development of the tourist potential of the Province, Mr. Speaker. And they had a department in place with a minister responsible to develop and take the wildlife aspect of the department itself. There are areas where people believe that they could have created enough jobs around the wildlife potential of those areas to maintain a basis of some kind of an economy. Why would a department like the Department of Tourism be demolished completely?

And another interesting question here, Mr. Speaker. I would like to hear some of the deputy ministers and assistant deputy ministers who are affected by these changes. There are some people, Mr. Speaker, who say that one of the reasons for these changes is to get rid of some deputy ministers, to give them the old knife. You know, when the present Minister of Social Services (Mr. Hickey) wanted to be the leader of the P.C. Party, one of the greatest planks, his only plank was that if he was elected leader he would fire half the civil servants. Maybe this is the way to get at them, Mr. Speaker. Maybe the author of this bill - where is the Minister of Social Services?

MR. MOORES: No, it is not Social Services.

MR. FLIGHT: It is Social Services, Tom Hickey.

MR. MOORES: This is the Premier's bill.

MR. FLIGHT: Oh, yes. I know, I know.

Maybe the Minister of Social Services had more to do with this bill than the Premier. Maybe it was his way to do through the backdoor what he could not use the frontdoor for. I mean, Mr. Speaker, he frightened half the top civil servants in the Province to death when he threatened on provincial T.V. that if he was elected leader he would fire

MR. FLIGHT: half the top civil servants. He made the statement, I think, Mr. Speaker, that most of them do not know yet that the government has changed.

Now, Mr. Speaker, I wonder if there is any devious - I wonder what will happen to the various deputy ministers who are affected by this legislation? Has that already been figured out, Mr. Speaker? Would the Speaker know? The Chair would not know at this point. What would happen to the various deputy ministers? The Deputy Minister of Tourism, for instance, where is he going? Where is the Deputy Minister of Tourism going? Where is the Assistant Deputy Minister of Tourism going? The department is going to disappear. Environment has disappeared.

MR. HOUSE: Sit down.

MR. FLIGHT: Now, Mr. Speaker, the Minister of Health (Mr. House) says, 'Sit down'. He should have sat down today when he tried to answer the question asked by the hon. member. I tell you he is going to sit down in a few days when the nurses sit down to talk to him, Mr. Speaker.

So, Mr. Speaker, as I said, it is a nothing bill. To oppose it or support it makes no difference, Mr. Speaker. If you support it nothing happens. If you oppose it nothing happens. So, Mr. Speaker, I am not sure that the 'Whip' or the House Leader on our side yet has determined whether or not the Opposition will support this legislation. Have we, Mr. House Leader?

MR. LUSH: We are easy on it.

MR. FLIGHT: We are easy on it. So, Mr. Speaker, having said that, I do want the House Leader to address himself to a couple

MR. FLIGHT:

of points that I raised; I want to know about the staff, what happens to the staff, the top staff, the top deputy ministers and assistant deputy ministers who are affected by these changes? Where do they go?

MR. LUSH: They are probably going to be laid off.

MR. FLIGHT: Whether there are going to be any job losses as a result of this. I want to know who is going to be doing the job of the Minister of Environment from now until the new Department of Environment is brought in? Is there a minister responsible for that?

AN HON. MEMBER: (Inaudible)

MR. NEARY: Ten in Grand Falls, fourteen in Corner Brook.

MR. FLIGHT: Consumer Affairs, Mr. Speaker, I want assurances from him that the people who are depending on Consumer Affairs to protect them from the price gouging that this administration seems to be prepared to go along with.

SOME HON. MEMBERS: Carried.

MR. FLIGHT: So, Mr. Speaker, it is a nothing bill. And we are going to sit down now and try to decide whether we are going to support it or oppose it.

MR. SPEAKER(Baird): If the hon. House Leader speaks now he will close the debate.

The hon. the House Leader.

MR. MARSHALL: Mr. Speaker, quickly in response to the three questions: First of all, the hon. member for Windsor-Buchans(Mr. Flight) asked is there going to be any loss of jobs? No loss of jobs, no, Mr. Speaker. The next one is the Department of Environment. That is going to be with the Department of Environment. There is an act here that should come up after this, An Act Respecting The Department Of Environment, which will create the Department



MR. MARSHALL: of Environment as such and put a focal point on environment, which is very important.

MR. FLIGHT: It will still be under the same -

MR. MARSHALL: No, no under the hon. Minister for the Environment, it will be the hon. member for Burgeo-Bay d'Espoir (Mr. Andrews).

MR. FLIGHT: (Inaudible) there?

MR. MARSHALL: Yes.

MR. FLIGHT: (Inaudible).

MR. MARSHALL: No, no. The hon. member assumes that if you have a department and it is solely one department, that the emphasis is going to be greater than if it is in the competent hands of a person who can handle two or three things. I mean, the members on this side - well, the hon. members on the opposite side I would appreciate would see it that way, that you can only do one thing at a time and I have no doubt but that is the way that they would look on things. Over on this side we have thirty-four people who can handle two, three, four things. And there is a great emphasis, Mr. Speaker, on environment in this administration as has been seen by the introduction of The Environmental Assessment Act and the determination of this government, in the case of the Michelin - is it the Michelin deposits up in Labrador?

MR. GOUDIE: Kitts-Michelin.

MR. MARSHALL: Kitts-Michelin, I always forget the first, Kitts-Michelin, and the way in which we had the environment assessment studies, and we looked at it and because it came in negatively, we decided that it would not go ahead, the uranium mining up there would not go ahead for the present -

MR. FLIGHT: (Inaudible) that decision?

MR. MARSHALL: - so that there is no government that has ever sat in this Province that is more conscious

MR. MARSHALL: and aware of environmental matters than this particular government is, and it will continue to do so, and it has shown it by creating the Department of the Environment.

So that is one question answered, that is two questions answered. Who will take on Tourism?

MR. NEARY: Only if you say so (inaudible).

MR. FLIGHT: Who is the minister?

MR. MARSHALL: No, no not because I say so. No, Mr. Speaker, not because I say so, because of what I say so or what this government says so, 90 to 95 per cent of the people in this Province will accept it. Because what the hon. member for LaPoile (Mr. Neary) says, and his followers on the other side, they might find from their brothers and sisters and cousins and all the rest that 1 or 2 per cent might follow them

MR. MARSHALL:

But, Mr. Speaker, on tourism -

MR. NEARY: (Inaudible).

MR. MARSHALL: - on the matter of tourism; the matter of tourism is in the hands of the Minister of Development the hon. the member for Mount Pearl (Mr. Windsor). Here again, Mr. Speaker, there is no government that have ever sat in this Province that has been more conscious of the benefits of tourism and have put a greater emphasis on it. For instance, I would imagine that one of the areas in which the hon. minister will be very concerned about will be the announced and the projected removal of the Ambrose Shea from the ferry service which is going to have a grossly detrimental effect on the tourism industry of this Province.

MR. OTTENHEIMER: Carried.

MR. MARSHALL: The Minister of Justice (Mr. Ottenheimer) is interrupting me, Mr. Speaker. So I would imagine he will be consumed with that. And if the hon. member for Windsor-Buchans (Mr. Flight) wants to make a contribution, I suggest what he could do is go to his colleague in Ottawa, the Minister of Transport, Mr. Pepin, and our five fine fellows up there who represent the federal government and represent the federal interests and not the Newfoundland interests in Ottawa. So, if he really wants to do something, he can do that because I am sure our minister is going to be very concerned.

Mr. Speaker, this is a normal reordering of government and is a part of the necessary structure of government and the delivery of the type of

MR. MARSHALL: government that we have exhibited.  
So I have much pleasure, Mr. Speaker, in -

MR. FLIGHT: (Inaudible) permit a question.

MR. MARSHALL: Yes, I certainly shall,  
Mr. Speaker.

MR. FLIGHT: Can I speak?

MR. MARSHALL: Yes.

MR. FLIGHT: I thought he was closing the debate?

MR. SPEAKER (Baird): Order, please! The hon. member  
from Windsor-Buchans (Mr. Flight). I think the House  
Leader (Mr. Marshall) has yielded for a question.

MR. FLIGHT: A question very quickly,  
Mr. Speaker. I rushed to accommodate the House Leader,  
I hurried with my few remarks and sat down. I wonder  
if the minister, before we close the debate, would  
indicate to the House the logic of putting social housing,  
the responsibility for building houses for people who  
cannot afford to build them for themselves, social housing,  
under the Minister of Development (Mr. Windsor)? Could  
the minister indicate the logic of that move and also,  
Mr. Speaker, with regard to Consumer Affairs, would he  
tell us now what the standards of 'Peckford's Grub Baskets'  
are?

MR. MARSHALL: Okay.

MR. FLIGHT: You know, that -

MR. MARSHALL: All right, all right.

MR. FLIGHT: - that survey that the -

MR. MARSHALL: I yielded, Mr. Speaker.

MR. FLIGHT: - Premier was getting to reduce prices -

MR. MARSHALL: Okay.

MR. SPEAKER: Order, please! The hon.  
House Leader.

MR. MARSHALL: I cannot think of anything more  
necessary to the development of the person, Mr. Speaker,

MR. MARSHALL: than adequate housing, that is number one. It is very necessary. There can be no development in this Province unless you develop the human resources and there is nothing that is more necessary to the development of human resources than housing. That is number one and, number two, the present minister who holds the portfolio of Development is the best suited person in Newfoundland to look after the housing needs of this Province. He knows it from 'a' to 'z' and has done a capital job. The second thing, on Consumer Affairs, there are many things in Consumer Affairs, Mr. Speaker, that are judicial in nature and, again, I know that the hon. the Minister of Justice (Mr. Ottenheimer) - it is one of his burning concerns, is one of his greatest interests in life at the present time, and I can think, again, of no person who can better carry out the functions of Consumer Affairs.

So, having answered the question, Mr. Speaker, I now move then second reading.

On motion, a bill, "An Act Respecting The Reorganization Of Certain Government Departments And Matters Related Or Incidental Thereto", read a second time, ordered referred to a Committee of the Whole House now, by leave. (Bill No. 1).

MR. MARSHALL: Mr. Speaker, just looking on the Order Paper I think it is probably just as well to call Bill No. 4 now as the companion bill, the Department of Environment. No, I think what we will do, Mr. Speaker, instead, we will do the Environment one tomorrow. I think we will move the House into Committee of the Whole to consider certain bills and we will see what we can do with Orders 2 and 3.

MR. ROBERTS: So that is Order 1 (inaudible).

April 9, 1981

Tape No. 1121

GS - 4

MR. MARSHALL:

Yes.

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

COMMITTEE OF THE WHOLE:

MR. CHAIRMAN (BUTT): Order, please!

A bill, "An Act To Provide For The Protection Of The Forests Of The Province From Insects And Disease." (Bill No. 54)

MR. CHAIRMAN: Shall clause (1) carry?

MR. ROBERTS: Are there no amendments to that?

MR. MARSHALL: Wait now, Mr. Chairman, I think we are only on clause (1). I do have an amendment to clause (1), I am sorry, and the amendment is to item 7.5, sub-clause (b). I move, Mr. Chairman, that clause (1) of bill 54 be amended by striking out paragraph (b) of section 7.5 and substituting therefore the following: "The inaction founded on nuisance or trespass may lie against any of the parties mentioned in paragraph (a) as a result either directly or indirectly of measures authorized or directed by the minister under section 7.1, only where such nuisance or trespass results in actual injury to persons or actual damage to property."

Mr. Chairman, the purpose of this amendment has arisen as a result of consideration, by government, of the bill, as a result of consideration of the debate on the bill in second reading and it, in effect will give the right of actions for nuisance and trespass, But in cases where there has been actual damage or injury to persons or property, the idea is that spurious claims that do not cause damage, that no action would lie but only when there are real damages concerned.

MR. CHAIRMAN: Shall the amendment carry?

MR. ROBERTS: I wonder -

MR. CHAIRMAN: The hon. member for the Straits of Belle Isle.

MR. ROBERTS: I do not object to it but I wonder if there is some way we could at least look at it.

MR. MARSHALL: I am sorry, Mr. Chairman, but we have given a copy to the Opposition but it has been a while.

MR. ROBERTS: Well, they have not shared it around.

MR. MARSHALL: I see.

MR. ROBERTS: I will not say you did not give us one. All I say is I have not seen it.

MR. MARSHALL: No.

MR. ROBERTS: Sure, okay. Is there any way that - I know it is the only clause in the bill. Can we go on to another bill and -

MR. MARSHALL: I will tell you what we can do, we can do the other bill while the hon. gentleman is looking at it perhaps, Mr. Chairman, and then we can come back.

MR. CHAIRMAN (BUTT): Is it agreed to leave this bill?

MR. MARSHALL: No, we will just push it over and deal with the other and then the hon. member for the Strait (Mr. Roberts) will have an opportunity to see it.

MR. ROBERTS: Yes, I would like to see it. It is really a very germane change, is it not?

MR. MARSHALL: So we will do Order 3 now, Bill 58, Mr. Chairman.

MR. CHAIRMAN: Order, please!

A bill, "An Act To Provide For The Funding Of Certain Pension Plans And Retirement Benefits Sponsored By The Province And Consequential Amendments Of Certain Pension Acts Related Thereto." (Bill No. 58)

On motion, clause (1) through clause (18) carried.

Motion, that the Committee report the bill without amendment, carried.

MR. ROBERTS: Well, Mr. Chairman, we are back on Bill 54 are we?



April 9, 1981

Tape No. 1122

IB - 3

MR. CHAIRMAN (BUTT):

Bill 54 on the amendment.

A bill, "An Act To Provide For

The Protection Of The Forests Of The Province From Insects And  
Disease". (No. 54)

MR. ROBERTS:

I have had a look at the amendment

and it reads as I thought it read which means that it reflects

what the government undertook, I understand, during second

reading, did they not? They were being hammered and they undertook

to bring it in. You know for our part

MR. ROBERTS: we are not going to argue the principle again, that has been disposed of. It would appear to allow an action retrospectively and we can simply say we accept that. We feel that is an improvement over the bill, the clause that was there. So in that sense we will support the amendment. If I understand their feelings correctly, we still do not like the situation whereby you cannot bring an action to enjoin something which you believe will happen. And my friend for St. John's East (Mr. Marshall) and I have differed, I mean, there is no point hammering over all that again and hashing it over.

I do feel, however, he is a little unfair when he talks of an injunction or a request for an injunction being spurious. I do not think that is necessarily correct. It could be spurious or it could not. That, after all, is the reason we have provisions for ex parte injunction in our rules, in the courts of Newfoundland, and then a provision that within a few days - three or four at most, is it? - a judge hears an ex parte injunction and decides whether it is legitimate or not.

As I have said, I mean, that is water under the bridge now or injunctions gone by the board, rights gone by the board. We will support the amendment.

On motion amendment carried.

On motion Clause (1) as amended,  
carried.

MR. ROBERTS: Are there any questions for 5:30?

SOME HON. MEMBERS: No, no.

MR. ROBERTS: We go home now, do we?

AN HON. MEMBER: Yes.

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

MR. MARSHALL: I wonder if I could have leave of the Committee, Mr. Chairman - I would not call Freedom Of Information for committee because the hon. Minister of Justice (Mr. Ottenheimer) indicated that he wants to consider such items raised in the debate. But I wonder with leave could we not call The Reorganization Bill in committee now? And there are no amendments. Is that permissible?

MR. ROBERTS: (Inaudible) reorganizing this House for ten years now and (inaudible).

AN HON. MEMBER: Okay.

MR. MARSHALL: Okay. Well, I would like to call Bill No. 1, with the approval of the committee, Mr. Chairman.

MR. CHAIRMAN: Bill No. 1

A bill "An Act Respecting The Reorganization Of Certain Government Departments And Matters Related Or Incidental Thereto".

On motion Clauses (1) through (6.), carried.

MR. CHAIRMAN: Is there leave to -

MR. MARSHALL: Mr. Chairman, I move that clauses 1 through 55 carry.

MR. CHAIRMAN: Clauses 1 through 56?

MR. MARSHALL: No, 1 through 55 because there is an inconsequential amendment to clause 56.

On motion, clauses 1 through 55, carried.

MR. MARSHALL: Mr. Chairman, in clause 56 I move that it be amended by striking out the words and figures, "This Act comes into force on April 1st, 1981" and by substituting the words and figures, "This act is deemed to have come into force on April 1st, 1981" because of the fact we are now past April 1, 1981.

MR. ROBERTS:            Could the hon. gentleman estimate  
how much time this administration and his predecessor  
put into reorganization?

MR. MARSHALL:            It is -

MR. ROBERTS:            Millions of hours.

MR. MARSHALL:            It depends upon the talent that is  
available, and as you will agree, there is a great deal of talent.

MR. ROBERTS:            (Inaudible) and no talent.

(inaudible) the results we have seen.

MR. MARSHALL:            We make the garment    suit the cloth.

MR. ROBERTS:            That is it.

MR. MARSHALL: I move the Committee rise and report progress?

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: Let sleeping dogs lie.

MR. CHAIRMAN(Butt): Order, please!

On motion, clause 56 as amended, carried.

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

On motion, that the Committee rise and report bills 1 and 54 as amended and bill 58 without amendment, Mr. Speaker returned to the Chair.

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

MR. CHAIRMAN(Butt): Mr. Speaker, the Committee of the Whole has considered the matters to it referred and reports Bills No. 1 and No. 54 with amendment, and Bill No. 58 without amendment and ask leave to sit again.

On motion, report received and adopted, Committee ordered to sit again on tomorrow.

On motion, amendments read a first and second time.

On motion, the following bills were read a third time, ordered passed and their titles be as on the order Paper:

A Bill, "An Act To Provide For The Funding Of Certain Pension Plans And Retirement Benefits Sponsored By The Province And Consequential Amendments Of Certain Pension Acts Related Thereto". (Bill No. 58).

A Bill, "An Act Respecting The Reorganization Of Certain Government Departments And Matters Related Or Incidental Thereto". (Bill No. 1).

A Bill, "An Act To Provide  
For The Protection Of The Forests Of The Province From  
Insects And Disease". (Bill No. 54).

MR. MARSHALL: Before we call it five  
thirty, Mr. Speaker -

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

MR. MARSHALL: - I would like to inform  
the House that tomorrow we will be going on an Act With  
Respect To The Protection Of Privacy and then if there is  
time, the Department of the Environment Act, and then if  
there is time, the Financial Administration Act, order 15.  
I would like to thank the hon. members for their  
co-operation and note that the hon. the member for LaPoile  
(Mr. Neary) came back just in time to get the House in order  
and get business moving again.

MR. ROBERTS: Well said. Well said.

MR. SPEAKER: Is it agreed to call it five  
thirty then?

SOME HON. MEMBERS: Agreed.

On motion, the House at its  
rising adjourned until tomorrow Friday, April 10, 1981 at  
10:00 a.m.

I N D E X

ANSWERS TO QUESTIONS

TABLED

APRIL 9, 1981

ANSWER TO QUESTION #32

Appearing on Order Paper #14 of 81, Monday 23rd March 1981

Asked by The Honourable The Member for Lapoile, Mr. Neary

QUESTION: Mr. Neary (LaPoile) - To ask the Honourable the Minister of Development to lay upon the Table of the House the following information:

A list showing loans by the Newfoundland and Labrador Development Corporation to industries that failed and assets of companies sold by public auction or some other means to recover part of the funding of such companies.

The list should provide specifically the following information:

- (a) amount of original loan;
- (b) subsequent loans or operating capital;
- (c) location of industry receiving loan;
- (d) jobs created and then lost due to failure of the industry;
- (e) revenue received by the Corporation as a result of sale of companies assets' through public auction or other means.

ANSWER:

In addition to the answer requested by the Honourable The Member for LaPoile, I would like to place this information in the context of the Newfoundland and Labrador Development Corporation's (NLDC) overall performance. The 14 projects listed as defaults represent approximately 9 percent of the 159 projects funded since inception of this Corporation. Total employment created with the assistance of NLDC financing is estimated at 2,602 direct jobs of which 339 were lost through curtailment of the projects listed. Since these projects are riskier than those handled by the conventional financial institutions, the success rate is considerably higher than one might anticipate.

As per attached sheet.



NEWFOUNDLAND AND LABRADOR DEVELOPMENT CORPORATION LIMITED  
SUMMARY OF RECOVERIES FROM DISPOSAL OF SECURITY ON DEFAULTED LOANS  
AS OF NOVEMBER 30, 1980

<u>BORROWER</u>	<u>BUSINESS LOCATION</u>	<u>DATE OF ORIGINAL LOAN</u>	<u>AMOUNT OF ORIGINAL LOAN</u>	<u>SUBSEQUENT LOANS</u>	<u>REVENUE REALIZED FROM SECURITY DISPOSALS</u>	<u>JOB'S CREATED</u>	<u>JOB'S REMAINING AFTER SALE OF ASSETS</u>	<u>JOB'S LOST</u>
BLUE HAVEN ENTERPRISES LTD.	Eastport	April 1973	\$ 30,000.00	NIL	\$ 30,500.00	3	3	NIL
RAYO FOREST ENTERPRISES LTD.	Gambo	April 1973	225,000.00	\$195,000.00	78,989.85	50	NIL	50
NFLD. LEATHER FUR & HIDE CO. LTD	Carbonear	June 1973	90,000.00	20,000.00	80,125.25	8	NIL	8
GREEN BAY MINING CO. LTD.	Springdale	Sept. 1973	830,000.00	370,000.00	275,241.22	70	NIL	70
SOUTHERN FISHERY LTD.	Bay L'Argent	Dec. 1973	28,535.00	NIL	6,062.50	20	NIL	20
BLOMIDON BY PRODUCTS LTD.	Curling	Jan. 1974	245,000.00	145,000.00	168,125.51	7	NIL	7
K.O.A. NFLD. LTD.	Pasadena	April 1974	150,000.00	60,000.00	64,287.27	4	4	NIL
RALLAND FOREST PRODUCTS LTD.	Bay D'Espoir	April 1974	420,000.00	344,000.00	420,000.00	70	NIL	70
PELCON LTD.	St. John's	July 1974	400,000.00	NIL	79,995.00	50	NIL	50
RODDICKTON INDUSTRIES LTD.	Roddickton	Sept. 1974	200,000.00	NIL	58,400.00	34	NIL	34
CANADIAN CUSHION CRAFT LTD.	St. John's	Nov. 1974	111,000.00	NIL	14,158.06	7	NIL	7
WATERWAY PARK AND CAMPGROUND LTD	Birchy Lake	Sept. 1975	30,000.00	NIL	35,000.00	2	2	NIL
BAYSHORE FOODS LTD.	Stephenville	April 1976	65,000.00	120,000.00	48,749.00	21	NIL	21
EARL R. FLIGHT LTD.	Buchans	Feb. 1977	10,000.00	NIL	3,188.52	2	NIL	2