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TRANSCRIPT

HOUSE OF ASSEMBLY

FOR THE PERIOD:

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

FRIDAY, MARCH 20, 1981

The House met at 10:00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

STATEMENTS BY MINISTERS:

MR. SPEAKER: The hon. Minister of Development.

SOME HON. MEMBERS: Hear, hear!

MR. N. WINDSOR: Mr. Speaker, I am releasing today the Report of the Royal Commission of Enquiry into the Financial Losses of Marystown Shipyard Limited.

Before commenting upon the report in some detail, I must stress that the operation of Marystown Shipyard has been of significant concern to government during the past few years and has warranted detailed consideration. Since 1972, Marystown Shipyard Limited has incurred a gross operating loss of almost \$32 million (before government grants of \$13.5 million and a recent government equity infusion of \$8 million). Major losses started to become evident when the company commenced its first contract with a Norwegian company for anchor handling tugs and offshore supply vessels. At the time, much of the loss was attributed to difficulties in acquiring drawings on time and to internal management, technical and administrative support systems.

In late 1979, when government appointed an expanded board of directors, all reports indicated that substantial progress in these areas was being made and significant improvements in performance were resulting. The credibility of these reports was destroyed when, in a matter of three months, the financial status of the company changed from a projected loss of \$1 million to \$5.8 million for the year 1979-80. This was later adjusted to a loss of \$8.9 million to reflect additional known losses to be incurred in 1980-81 on the same contract.

MR. WINDSOR:

This drastic turn of events resulted in the board and government undertaking a comprehensive review of the company. A task force of senior government officials was appointed in May of 1980 and a Royal Commission of Enquiry in July of 1980.

The task force submitted its report in July of 1980 after concluding that despite the severe downturn in the world shipbuilding industry and the heavy subsidization of that industry in many countries thereby making it difficult for Canadian yards to compete, the financial losses of the yard were attributable mostly to poor management, an unworkable organization structure, inadequate systems and procedures, and an unrealistic financial structure resulting in excessive interest costs. Recommendations, in summary form, included: (1) replace the then managing director; (2) reorganize the company; (3) appoint an interim chief executive officer while the search for a permanent replacement was conducted; (4) embark upon a programme of systems and management improvement; (5) re-finance the company via a combination of long term arrangements with the private sector and additional government involvement.

The Royal Commission Report:

The Royal Commission consisting of Mr. R.J. Olivero as Chairman, Dr. F.W. Russell and Mr. J.G. Day as members, was appointed in July of 1980 with a mandate to enquire into all matters related to the financial losses of the yard.

MR. WINDSOR: The Commission, after a series of public and private hearings has now submitted its report. In many respects, the Commission confirms the validity of the Task Force's findings and recommendations and, indeed, implicitly supports the actions taken during the past year. To quote from the Commission's Report, and I quote, "The attention of the Commission has been focused in the main other than on the activities of the present interim senior management and the present Chairman and Board of Directors who, like the Commission, are seeking remedies for an unacceptable situation."

The significant findings, recommendations and conclusions of the Commission are as follows: Findings:

- (1) During the period of 1967-1980 (September) the company has incurred an actual cash loss of \$31,841,000. From 1973 to March of 1980, 40.25% of this loss was attributable to interest charges.
- (2) The principal cause of losses is the lack of policy direction (strategic planning) and a failure to identify the main purposes and objectives of the company.
- (3) Managerial incompetence at senior levels denied the company the benefit of a strategic plan and is also reflected in inadequate operating procedures, policies, practices, and systems.
- (4) Matters outside the control of the company also contributed to the losses. These include:
  - (a) Inadequate capital structure;
  - (b) High borrowing costs;
  - (c) Diminished demand in the marketplace;
  - (d) Lesser level of subsidies at home as contrasted to these abroad;
  - (e) Lack of availability of acquisition finance for Canadian flag shipowners;

MR. WINDSOR:

- (f) Tax and other legislative factors encouraging tariff free entry of vessels for use under the Canadian flag;
- (g) Lack of readily accessible research and development resources.

The Recommendations

- (a) That the Chairman of the Board not be a government official and that the selection of board members be made on the basis of professional skills in areas of importance to the company's operations.
- (b) The the shipyard should not be utilized solely for oil rig construction or exclusively as a centre for oil and gas related activities.
- (c) That the government should not divest itself of the shipyard and, in the event of a partial divestiture, to only Newfoundland fish companies.
- (d) That a research and development project be established, within an overall ocean industry/marine policy, with funding of approximately \$500,000 to design and develop in consultation with potential customers, two standard trawlers.

MR. N. WINDSOR: The Commission made a number of other recommendations of lesser significance related to budgeting, board committees, salary of the chief executive officer, organization, employment practices and operational and management improvements. Most of these are not of a policy nature and can be acted upon by the board and management. Conclusions: (1) It is essential that government establish a trawler replacement financing programme that relates to federal subsidies and can be incorporated with the marketing efforts of the shipyard. (2) There is a very serious need for an integrated provincial government policy related to ocean industries which would take into account production of vessels for the fishing and offshore oil and gas industries, manpower training and other related matters.

The above conclusions are identified specifically because they are aimed at government for action. The Commission outlined a number of other conclusions related to markets, federal government assistance to the industry, management, workforce morale and other operational factors.

It should be noted again that many of the conclusions of the commission are similar to those of the task force, the board and government itself during the past year. Hence a number of the operational recommendations have already been or are in the process of being implemented. Others, of course, especially those related to a marine industry strategy, are far reaching and will require considerable effort on the part of government prior to full implementation.

In any event, the following steps have been taken during the past year: (1) The Managing Director has been replaced with an Interim President (Mr. T. G. Whelan).

MR. N. WINDSOR: (2) An extensive search for a new permanent chief executive officer is now concluding. (3) The financing of the company has been restructured to reduce its debt servicing load. Government has invested \$8 million in equity and given assurances to enable further significant private sector funding. (4) The recommended organization structure has been partially implemented and is now awaiting the permanent chief executive officer before full implementation. (5) A planning consultant has been retained to work with management to ensure proper implementation of a production planning system placing particular emphasis on obtaining full participation in the process by the management team. (6) A special committee of the board has submitted recommendations to the shareholders with respect to a possible long-term direction for the company which included development of standard design hulls for the fishing and offshore oil and gas industries and a more planned approach with the fish companies with respect to trawler repairs. (7) Preliminary discussions have been held with representatives of both industries regarding the desirability and feasibility of the approach suggested above with encouraging responses.

Other recommendations, Mr. Speaker, both from the task force and the commission of a housekeeping nature will be addressed as time permits.

I would now like to comment on the important recommendations and conclusions of the commission which require government attention.

MR. N. WINDSOR:

The Commission recommends that the Chairman of the Board should not be a government official and that the Board members should be selected on the basis of professional skills in areas of importance to the company's operations. I believe that a good cross-section of available expertise, embracing the legal, engineering, and accounting professions and the local private construction and boat-building industry is already in place on the current Board. I am further convinced that the present Board has worked diligently on this serious problem and should be kept intact to continue its substantial contribution to date.

I agree with the Commission's recommendation that the shipyard should not be utilized solely for oil rig construction or exclusively as a centre for oil and gas related activities. I stress, however, that if the company is to be viable and grow it must be aiming to take advantage of the market potential to the extent practical. While the company should not be allowed to minimize its service to the fishing industry, it should be doing everything possible to take advantage of offshore oil and gas activity.

With respect to the recommendation which favours continued government ownership with emphasis on standard design hulls, I am of the opinion that continued government ownership, in the long term, is not necessary and indeed may not be desirable. I certainly disagree that in the event of divestiture, it is necessary to ensure ownership participation by the local fishing industry in order to ensure in turn that industry is appropriately serviced. I do, however, agree with the concept of a standard design hull but rather than two trawler designs as suggested, I feel that a standard trawler design along with a standard supple vessel design will offer the company more flexibility in the long term. Hence, I support the proposed research and development program proposed with the objective of



MR. WINDSOR: The implication, looking only at the recommendations of the Commission, is that by continuing the Yard as a Crown Corporation and by concentrating on two standard design trawlers along with improvements with respect to the Board of Directors, management and operating and production systems and procedures, the alternative to continued losses can be a reality. It is my opinion, and indeed this seems to be confirmed in the section of the report entitled Industrial and Institutional Factors which offers an excellent insight into the complexities of the world shipbuilding industry, that this is an over-simplification.

The fact is that for some years there has been an extreme over capacity in the industry worldwide, and this has prompted most countries to formulate excessively generous subsidy programs in order to keep their shipbuilding industry from collapse. Canada has not kept pace with other countries in this regard. Rather, in Canada, the shipbuilding subsidy offered by the Department of Industry, Trade and Commerce has continued to decline from 50% in the early 70's to 35%, to 20% and, as of July 1980, currently sits at 9%. Further, no significant protection is offered to Canadian shipyards in terms of tariffs, etc., on imported vessels as is the case in our competing countries. Perhaps most important is the fact that no domestic financing packages are available - compared to packages at 8.5

per cent interest rates in many shipbuilding nations with which we compete.

With few exceptions, the Canadian industry has scrambled after offshore business made possible by the financing package offered foreign owners by the Export Development Corporation. The unfortunate irony of this is that, as stated above, Canadian companies have not been afforded similar financing and have been forced to look to yards in other countries such as Poland, Spain, South Africa, and Japan

MR. WINDSOR: for reasonably priced (in world market terms) vessels. In my opinion, this is embarrassingly short-sighted as a national policy given the tremendous development potential for marine industry in the three major oceans which surround Canada.

With respect to the overcapacity situation, there is some evidence, as the Commission confirms, that this is being eradicated and in some sectors a balance between capacity and demand is even now a reality. While this is encouraging, I am convinced that we should not be overly confident that this potential turn-around will have an automatic impact on Marystown Shipyard.

While the shipyard is sitting firmly at the centre of a potentially extensive market for new offshore trawlers and supply vessels, its future as a new ship construction facility can only realistically be discussed in the context of the world shipbuilding industry and the extent to which the Canadian Government supports the industry. The truth of the matter is that the last of the Company's new construction contracts is due for completion in December of this year, and that the outlook with respect to new construction is bleak unless substantive and immediate change is forthcoming in Canada with respect to subsidy support and financing packages at lower and competitive interest rates.

MR. N. WINDSOR: Indeed the prospect for substantial lay-offs, with the yard functioning solely as a repair facility is quickly approaching reality.

Government is cognizant of the gravity of the situation facing the yard and mindful of the fact that the facility is a critical contributor to a buoyant economy on the Burin Peninsula and a cradle of highly skilled workforce which has been built up with considerable time and investment.

In further addressing this very complex issue over the next few months, Government: (1) has directed the Board to pursue development of standard hull designs, for trawlers and supply vessels, to the degree of detail required to enable determination of market acceptability; (2) has directed the Department of Development to prepare a comprehensive divestiture package and plan aimed at ensuring that the yard will continue as a vibrant part of the economy of the Burin Peninsula. The divestiture effort will not be restricted to fishing companies but will take into account the full potential of the yard and the ability of the prospective purchaser to bring an extensive marketing, and research and development capability; (3) will assess the financial implications of a comprehensive financing package for trawler replacement and offshore supply vessel construction; (4) will not relent in its efforts to convince the federal government that a more extensive and focused programme of support is required to ensure the survival and growth of the Canadian shipbuilding industry. This support could include both direct financial input as well as regulations with respect to tariffs governing use of non-Canadian flag ships operating in Canadian waters. Other Eastern Canadian shipyards are in situations similar to Marystown, and if such support is forthcoming, Marystown Shipyard will gladly compete in a competitive Canadian industry.

MR. N. WINDSOR: If our efforts to bring about such measures are not successful in the relatively short term, I must honestly tell you that I can see no medium term future for the yard except as a viable repair and minor steel fabrication facility. Such an event implies the elimination of a significant number of jobs.

In conclusion, I would like to reiterate the critical points: (1) since 1972 Marystown Shipyard Limited has incurred a gross operating loss of almost \$32 million. 40.25 per cent of this loss was attributable to interest charges. To meet this loss, government has contributed \$13.5 million in grants; a recent equity infusion of \$8 million; and credit support to permit bank financing for the other requirements; (2) government has given serious and detailed consideration to the yard and is thankful for the efforts of the Task Force, the Board, and the Commission of Enquiry in identifying the serious problems at the yard and for taking action where appropriate; (3) operational improvements will continue to be made by the yard's Board and management, but these alone will not be sufficient; (4) the company's new construction contracts are due for completion in December of this year, and even though every effort is being made to attract new orders,

MR. WINDSOR: construction is bleak unless substantive and immediate change is forthcoming in Canada with respect to subsidy support and financing packages at lower and competitive interest rates.

Government is cognizant of the gravity of the situation facing the yard and mindful of the role it plays in the Burin Peninsula economy.

Government has directed the board to pursue the development of standard hull designs, for trawlers and supply vessels, to the degree of detail required to enable determination of market acceptability.

The Department of Development has been directed, using whatever expertise is necessary, to pursue divestiture to the private sector, taking into account the full potential of the yard and the ability of the prospective purchaser to bring an extensive marketing, and research and development capability; and to report back to government within three months.

Government will evaluate financing packages, will make every effort to convince the federal government that a more extensive and focused programme of support is required to ensure the survival and growth of the Canadian shipbuilding industry. Success here is required whether the yard is owned by government or the private sector.

Should these initiatives, individually or in combination, not be successful in the relatively short term, I can see no medium term future for the yard except as a viable repair and minor steel fabrication facility with the resultant reduction in the number of employees.

Mr. Speaker, I now table the Report of the Royal Commission of Enquiry into the Financial Losses of Marystown Shipyard Limited; in so doing, note that

MR. WINDSOR: page 149 has been removed because it contains company confidential information of a technical nature which is not relevant to the body of this report. Except for that, Mr. Speaker, the report is as submitted by the Royal Commission.

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

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

MR. HOLLETT: Thank you very much, Mr. Speaker.

MR. NEARY: Give it to them 'Don'. Heave it at them.

MR. HOLLETT: Mr. Speaker, I think I should say first that on behalf of certainly the workers in the yard in Marystown and everybody who lives on the Burin Peninsula and elsewhere in this Province, that they are happy that eventually this report has been tabled. It has been a matter of great concern, the operation of the yard, for some years. And listening to and reading along with the minister when he was presenting his sort of long and detailed, to a certain extent, Ministerial Statement this morning, it puts one in a very difficult position simply because whereas his statement is confined to probably four areas mainly, without having the full report to read it is difficult to tell whether government did

MR. HOLLETT:

accept or reject and to what extent the Task Force findings.

Mr. Speaker, I would just like to make a few comments in the general sense, and of course after reading the complete report I will be having, I am sure, much more to say about it. But the fact that the Marystown shipyard has been having troubles is not new, I do not think, to anybody, certainly not on the Burin Peninsula. And in essence, I think the records show that the union and other interested people in the area have asked for some time to have an enquiry and to let people know what has gone on and what will go on. I will refer my comments this morning to what is going on and we feel should go on. The minister in his statement, in particular on page 11, related to ship construction, and I quote; "I must honestly tell you that I can see no medium term future for the yard except as a viable repair and minor steel fabrication facility," Whereas we are all aware of the troubled shipbuilding industry in our country and what is happening elsewhere in the world, there are a lot of people in Newfoundland who look upon that yard as being terribly important to the future of this Province, especially if we relate it to what is our number one priority, of course, the fishery.

SOME HON. MEMBERS: Hear, hear!

MR. HOLLETT: And whereas to a certain extent I agree with a designed hull for the fishing industry that would be of standard nature, I would trust that the yard would not be limited to building only that particular type hull. Whereas a standard design can be there that you can put various accessories on, we have to leave it open also for people with imagination who want to specialize in the fisheries, who want to have their own design constructed. But if there is only going to be a

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MR. HOLLETT: policy for a one design hull for both the fishery and offshore service, then there are problems in that I can see immediately.

Now, Mr. Speaker, not in any vindictive way either but with the minister's statement here in relation to accept a viable repair, I just cannot resist to say that I think the government's timing was very, very poor when they come out and guarantee a federally owned yard, the CN Dockyard -

MR. WARREN: In St. John's.

MR. HOLLETT: - \$10 million to go in competition with their own yard, which is in trouble. And I might add for the record also that the CN Dockyard in St. John's was in no danger of closing down.

MR. NEARY: A guaranteed loan too.

AN HON. MEMBER: In no danger of closing down?

MR. HOLLETT: No, it cannot close down because it is part of the Terms of Union, as the hon. gentlemen opposite know, and the federal government's responsibility is to maintain the dockyard in St. John's. And if I remember correctly what the hon. Minister of Finance (Dr. Collins) said, the CN Dockyard in St. John's

MR. D. HOLLETT:

has to stand on its own two legs. And I would like to inform them, Mr. Speaker, that it only has to stand on its own two legs, Mr. Speaker, in relation to the amount of subsidy that the parent Crown corporation cares to give it as it does with Via Rail, the telephone service, the Gulf ferry, and there is financing available for that type of thing.

SOME HON. MEMBERS: Hear, hear.

MR. HOLLETT: So in passing I just would like to make that comment, Mr. Speaker. I will, Mr. Speaker, congratulate the minister in taking this report to the stage it is. His predecessors were asked indirectly- his predecessors knew what was transpiring at the yard to a certain extent- but the minister, in conjunction with a lot of concerned people in this Province, I think took the only course available to him. And I am speaking, I am sure, on behalf of everybody on the Peninsula- and I am sure they cannot wait to see the detailed report- and on behalf of the workers and others there, they also have this report this morning and I am sure they will be scrutinizing it quite closely over the next few days. I know I will, and on the weekend, I am sure, I will be holding some meetings with some people on it and after that, Mr. Speaker, I will take advantage of some of the time in this hon. House to say exactly how I feel and I am sure I will be representing the views of a lot of people on the Burin Peninsula.

Thank you very much.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Simms): Any further statements.

Order, please!

In the Speaker's gallery today we have a senior class of eight students who are from Spain, St. Pierre, Venezuela and Cuba. They are from the English Second Language School, which is located in the district of

MR. SPEAKER (Simms): St. John's East, and they are accompanied by their teacher, Mr. Bill Warshick. We would like to welcome them today to the gallery.

SOME HON. MEMBERS: Hear, hear.

ORAL QUESTIONS

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

MR. STIRLING: Thank you very much, Mr. Speaker.

I have a question for the Minister of Finance (Dr. Collins). In view of the fact that we have just ten days to go before the end of the fiscal year, could the minister indicate at what time we may expect the Budget to be brought down?

MR. SPEAKER: The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, I hope to be in a position possibly the middle or towards the end of next week to give a firm date for the Budget. That is the hope and expectation at this time.

DR. COLLINS: Work on the Budget has been going forward since October and it is an onerous task, it has been going ahead smoothly, taking into consideration all the factors which had to be considered and, as I say, I am hoping that by some time next week we will be in a position to inform hon. members as to the firm date.

MR. STIRLING: A supplementary, Mr. Speaker.

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

MR. STIRLING: As I understand from the Minister of Finance (Dr. Collins), he is talking about sometime next week giving an indication of when the Budget will be brought down. Are you suggesting then that that will be a matter of days or are you anticipating that you will have to bring in an interim supply bill?

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

DR. COLLINS: Mr. Speaker, my certain memory does not go back all that far, but nevertheless as far as I can recall all administrations had to bring in an interim supply bill before the main budget was passed by the hon. House. That is not an unusual thing. I do not know if it has been invariable, but it has been certainly extremely common for administrations to have to bring in an interim supply bill. The only opportunity, the only instance where an interim supply bill would not be required would be if the main budget was brought in and passed and approved by this House before the end of the terminating fiscal year and that would be, I suggest, a very unusual situation.

MR. STIRLING: A supplementary, Mr. Speaker.

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

MR. STIRLING: Mr. Speaker, I thought with all of the new changes, the impression that we get is everything

MR. STIRLING: is changed in this government and the attitude is that we are going to have things well in advance for debate and discussion. We now have ten days and it is not usual to wait until the year has expired before they bring in the Budget, and so I would ask the Minister of Finance (Dr. Collins) is he prepared to guarantee us that we will at least see the Budget prior to the year running out or in actual fact will the Budget not be brought in now until after the end of the year?

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

DR. COLLINS: Mr. Speaker, I reiterate that next week I will be in the position, hopefully, to give a firm date and I would also make the point that it is not at all unusual for the Budget to be introduced after the end of a fiscal year.

MR. STIRLING: Not for that government.

MR. ROBERTS: Mr. Speaker.

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

MR. ROBERTS: A supplementary, if I might, Mr. Speaker. I will change it a little because the minister obviously is unable to comprehend the difference between an interim supply bill when the Budget has been tabled on one hand and on the other hand an interim supply bill that amounts to a blank cheque. But given his zero based budgeting thoughts perhaps that explains everything. But I want to ask the minister another financial matter: Could he tell us please when the government will be in a position to announce the appointment of new Auditor General for the Province?

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

DR. J. COLLINS: Mr. Speaker, I would like to welcome the hon. member to the House on one of his infrequent visits.

SOME HON. MEMBERS: Hear, hear!

DR. COLLINS: We are always glad to see him, always glad to hear an odd question or other comment from him.

MR. ROBERTS: I would like an odd answer - most of the minister's answers are -

DR. COLLINS: I am not in a position at this time to give that assurance, perhaps the hon. Premier, who is much more directly in line for making such a decision, might care to answer the hon. member.

MR. ROBERTS: Is the Premier going to answer?

MR. SPEAKER: The hon. member for LaPoile.

MR. ROBERTS: Sure go ahead.

MR. SPEAKER: The hon. the Premier.

MR. ROBERTS: Well, sure, I would like the answer.

PREMIER PECKFORD: Yes, but your colleague was up behind him and I did not want to break the rules of the House. If the member for the Strait of Belle Isle (Mr. Roberts) has something to say to the member for LaPoile (Mr. Neary) he can say it outside of the House.

Yes, within the month, Mr. Speaker.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, talking about the Auditor General's report, I wonder if the Minister of Culture, Recreation and Youth (Mr. Dawe) could shed some light on a

MR. NEARY: section in the Auditor General's report section 39, on page 24, that deals with a matter of \$350,000 that was granted to a municipality or a community for the construction of a stadium that turned out not to be a stadium. Could the hon. gentleman shed some light on that matter for us?

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

MR. DAWE: Yes, Mr. Speaker, I believe that the notes from my department as it related to that particular item were tabled in the House of Assembly at the same time as the Auditor General's report.

MR. DINN: If the hon. member can read.

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I went through the notes and I can find no answer to the question that I just asked the hon. gentleman. Would the minister tell the House who the high ranking official of government, who was the high ranking official of government that gave the authority to spend this \$350,000 allegedly for a stadium that turned out to be something other than a stadium? Who was the official? Would the minister care to identify that official?

MR. SPEAKER: The hon. Minister of Culture, Recreation and Youth.

MR. DAWE: Yes, Mr. Speaker. I do not know who was the minister responsible for the department at that particular time. I understand the ongoing relationship with that particular project. The project was for a stadium. The project is still

MR. DAWE: ongoing. There are additional commitments still being made to that particular facility, and as in a number of facilities that have been built around the Province, as with the recreation capital grants programme that is phased in over a number of years, and that project is still ongoing. The fact that it is not officially an ice stadium right now is no indication that it will not be an ice stadium in the future.

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, would the hon. gentleman care to identify the area of Newfoundland, the

MR. S. NEARY:

community, the part of Newfoundland that has this building that was supposed to be a stadium that turned out to be something other than a stadium? Where is it located, what part of Newfoundland? Would the hon. gentleman tell us? And the hon. gentleman should have the name of the officials who approved that?

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

MR. R. DAWE: Mr. Speaker, I would assume that the hon. gentleman already knows the answer to that question. If I understand it correctly the building concerned is in the community of Trepassey.

MR. G. FLIGHT: Mr. Speaker.

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

MR. S. NEARY: A supplementary, Mr. Speaker.

MR. G. FLIGHT: You have a supplementary?

MR. S. NEARY: Yes.

MR. G. FLIGHT: I yield, Mr. Speaker.

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

MR. S. NEARY: Mr. Speaker, would the hon. gentleman care to tell the House the community of Trepassey received \$350,000 for a stadium that is not a stadium without a formal application being made to the department, without a feasibility study, without plans or specifications?

MR. SPEAKER: The hon. Minister of Recreation, Culture and Youth.

MR. R. DAWE: Mr. Speaker, the Recreation Capital Grants programme was started a number of years ago and has gone through considerable changes over that period of time. It is being refined and modified continually. The particular facility

MR. R. DAWE: under the guidelines of the then existing Recreation Capital Grants programme were met satisfactorily. The committee made application for a facility which it considered necessary. The department officials involved reviewed the process at the time, considered in their wisdom that the facility was needed in the community and went ahead with the project under the regulations as existed at that time.

MR. G. FLIGHT: Mr. Speaker.

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

MR. S. NEARY: A final supplementary, Mr. Speaker.

MR. G. FLIGHT: I will yield, Mr. Speaker.

MR. SPEAKER: The hon. member for Windsor - Buchans wishes to yield again. The hon. member for LaPoile.

MR. S. NEARY: Mr. Speaker, will the minister undertake to identify at an early a date as possible in this House the official who approved that - and by the way, there was no application, there is no application in the file, no formal application - so I would like for the hon. gentleman to identify the official at an early a date as possible, and tell the House now what is the state of this building at the present time? Is it still in the process of being completed? Can it ever be used as a stadium or is going to be used for some other purpose?

MR. SPEAKER: The hon. Minister of Recreation Culture and Youth.

MR. R. DAWE: First of all, Mr. Speaker, I would like to thank the hon. gentleman for the questions today. It is always nice to be welcomed back to the House in this manner.

MR. E. ROBERTS: You were away, were you?

SOME HON. MEMBERS: Hear, hear!

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MR. R. DAWE: Well, only as much as the people from that area.

MR. DINN: The hon. gentleman does not know because he was not here either, you see.

MR. R. DAWE: The hon. gentleman was not here probably.

AN HON. MEMBER: 'Graham' does not know, he was away too, 'Ron'.

MR. DINN: He is always away.

SOME HON. MEMBERS: Oh, oh!

MR. R. DAWE: Obviously, Mr. Speaker, the questions involve some detail and if the hon. member would like to put the question on the Order Paper I will answer it appropriately.

MR. SPEAKER (Simms): Order Paper.

MR. SPEAKER (Simms):  
Windsor-Buchans.

The hon. member for

MR. FLIGHT:

Thank you, Mr. Speaker.

My question is for the

Minister of Mines and Energy (Mr. Barry) -

MR. BARRY:

What? A question?

MR. FLIGHT:

Mines and Energy.

SOME HON. MEMBERS:

Hear, hear!

MR. FLIGHT:

I know, Mr. Speaker, he

feels left out with all the publicity the Premier is getting

these days. As the minister is aware, the

American Smelting and Refining Company or Abitibi-Price

in Buchans indicated a long time ago in various reports to

the government, that in order to maintain its work force -

MR. ROBERTS:

Try to get the answer (inaudible).

MR. FLIGHT:

- and to continue production

in Buchans they would have to have to find new ore bodies, and

have to have brought some new ore bodies into production.

MR. MOORES:

Another man in trouble.

MR. FLIGHT:

Now I am wondering, Mr. Speaker,

if the minister would indicate to the House what the present

projections of Abitibi-Price in the mining industry in Buchans

are presently? What is the last projection that the minister is

aware of that indicates their intentions, or their ability to

continue the mining operation and maintain the work force at

its present level, let us say past June 31st., past June '81?

MR. SPEAKER:

The hon. Minister of Mines

and Energy.

MR. BARRY:

Mr. Speaker, ever since we have

become aware that the ore reserves at Buchans have been depleting,

we have been in constant touch with the mining companies -

MR. MOORES:

Sure you have.

MR. BARRY: -urging additional exploration, pressuring them to see that as much exploration as possible takes place, because it is only by exploration that more deposits of minerals will be found.

Buchans has been fortunate in that there was an addition to the ore reserve of the McLean mine established and this is now being firmed up and, Mr. Speaker, we are hopeful that this additional ore adjacent to the present McLean workings will see an extension of the life of the mine at Buchans. There is a problem in the short term, Mr. Speaker, in that by the time the new deposit has been - the reserves have been firmed up, the present ore may be depleted. But it is a race against time and at the present time, Mr. Speaker, I believe that there is a reasonably good chance that the operation may continue without interruption although at the reduced work force level that we now have there, and if there is any interruption in production that it would be for a reasonably short time.

So we have to keep our fingers crossed, Mr. Speaker, that the work of proving up the additional reserves adjacent to the McLean mine continues apace.

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

MR. FLIGHT: Mr. Speaker, the minister is aware that the present work force in Buchans is around 330, Would the minister indicate when, based on the reason he just gave in his answer, when it will be possible, when it will be probable there will be a reduction in that work force and when will it be probable that - there is a probability there will be a reduction in the work force - when would the minister anticipate the new ore bodies coming on stream? Has the company indicated that to the minister?

MR. FLIGHT:

He has indicated that there is a problem, that the present ore deposit may run out and Buchans' future operation will depend on the bringing into production of the new ore body he referred to. Now can the minister tell us when ASARCO or Abitibi-Price have advised him that they may have to curtail, reduce their present workforce while they are waiting to bring the new ore body into production? When would they expect that?

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

MR. BARRY: Mr. Speaker, the hon. member is not repeating correctly what I said. My reference to the reduced workforce was the fact that the workforce at present has been reduced, as the member opposite knows, regrettably was reduced somewhat over a year ago. Now, Mr. Speaker, I did not say it was probable that there would be an interruption in production that is now occurring out there; I said it will be a race against time. And when government and the company are in a position to make a joint announcement with respect to either the continuation or interruption in production, that statement will be made.

MR. FLIGHT: Final supplementary, Mr. Speaker.

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

MR. FLIGHT: Would the minister indicate whether or not the operators of the mine, American Smelting and Refining Company, have indeed indicated to the minister that they are expecting a reduction in the workforce in Buchans? Not the reduction that took place almost two years ago; I mean, we are well aware of that. There are 333 people working in Buchans right now. Has ASARCO, the operators of the mine, indicated to the minister that they may indeed be looking at a reduction in the workforce in Buchans in the immediate future?

MR. SPEAKER: The hon. Minister of Mines and Energy.

MR. L. BARRY: Mr. Speaker, as I indicated to this House on a number of previous occasions, if the reserves adjacent to the McLean mine are not firmed up in sufficient time then there is the possibility of an interruption in production, as I mentioned again this morning. Now the company was also looking at having a possible interim production from the Tulk's deposit. Unfortunately there have been metallurgical problems occur there which have not yet been solved which the company is still working upon.

The information that the company has most recently given is that while there is the possibility, as I have indicated a number of times, of such an interruption, that right now if prices remain reasonably firm, that production should continue within the coming year. But the company is not able to, until they establish what the situation is with respect to the metallurgical problem, what the situation is with respect to the additional ore reserves, to make a firm prediction as to the timing of either getting the new reserves into production or the timing of any interruption that might be necessary, not that probably is necessary.

Now, Mr. Speaker, we are in constant touch with the company. We are

MR. BARRY: making every effort to persuade the company to do everything that is humanly possible to keep that operation in production.

SOME HON. MEMBERS: Hear, hear!

MR. WARREN: A final supplementary.

MR. SPEAKER (Simms): I indicated a final supplementary.

Does the hon. member for Torngat wish to yield?

MR. WARREN: I yield.

MR. FLIGHT: Mr. speaker, I have to remind

the minister that this has been ongoing. The minister announced in this House last Fall that ASARCO had just uncovered an ore body, a new ore body, and there was a great positive statement so saying. Right? Now, Mr. Speaker, we only have three months. ASARCO have indicated that if they do not bring that ore body into production there will have to be a curtailment of employment in that town. Now I want to ask the minister -

MR. BARRY: We really want the same thing.

MR. FLIGHT: - there are only three months.

Three hundred and thirty-three people's jobs hang in the balance and there are only three months to June because June was the month that ASARCO and Abitibi-Price indicated that they would either have to have a layoff or not. Now would the minister indicate to the House in view of the fact that there is only three months, whether or not ASARCO and Abitibi-Price have indicated - they have had a year to shore-up that ore body - is the ore body shored-up to a point that they know whether or not they are going into production and therefore maintain the work force, or is it not shored-up? And I would like to ask the minister this - I mean, that is a very straight forward question - when was the last projection, when was the company's last projection given to the Minister of Mines and Energy (Mr. Barry)? When was the last report stating the status of the Buchans mining operation given to the Department of Mines and Energy?

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

MR. BARRY: Mr. Speaker, the last report received was about two days ago, just to show that we are on frequent -

MR. FLIGHT: (Inaudible) information (inaudible).

MR. SPEAKER: Order, please!

MR. BARRY: What is with all these charges and fingers pointing? What is the member raving on about this morning?

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: Mr. Speaker, I can only say again that the member is pointing out nothing that I have not stated already, except for his scare tactics with respect to the three months. And, Mr. Speaker, we have legislation in place that requires certain notice to be given where there is a large scale layoff.

MR. FLIGHT: (Inaudible) to the workers in the union.

MR. SPEAKER: Order, please!

MR. BARRY: There is legislation in place that requires notification to be given where there are large scale layoffs of industry, legislation brought in by a PC government of this Province.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: Mr. Speaker, and as soon as we have - not just with respect to the mining industry but with respect to every area of life in this Province since this government has come into power, it has been a policy of open, full, free disclosure of information.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: And, Mr. Speaker, the workers of Buchans know, the miners of Buchans and the miners

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MR. BARRY: all around this Province know that the Minister of Mines and Energy (Mr. Barry) will keep them fully informed with matters relating to their activities.

AN HON. MEMBER:

Hear, hear!

MR. STIRLING:

A supplementary, Mr. Speaker.

MR. SPEAKER (Simms):

A supplementary, the hon. the Leader of the Opposition.

MR. STIRLING:

Mr. Speaker, this is not just a little debating society. This is the House of Assembly and the minister is playing games -

SOME HON. MEMBERS:

Oh, oh!

MR. STIRLING:

- minister is playing games, Mr. Speaker. This is not good enough. The minister is playing games with the lives of those people in Buchans. Now, my supplementary question is a specific question to the Minister of Mines and Energy (L. Barry). Have you or have you not been told by the company that the workforce in Buchans is likely to reduce to almost nothing by June of 1981? Have you or have you not been told? And stop playing games!

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

The hon. the Minister of Mines Energy.

MR. BARRY:

Mr. Speaker, no.

MR. OTTENHEIMER:

Hear, hear!

MR. WARREN:

Mr. Speaker.

MR. SPEAKER:

The hon. member for Torngat Mountains.

MR. WARREN:

Mr. Speaker, my question is to the Minister of Justice. Could the minister advise the hon. House where the next correctional centre for the Province will be established?

MR. SPEAKER:

The hon. the Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, I will probably give the hon. gentleman an overview there. The next one to be in operation will be Stephenville. This is work on an existing building and that will be a women's penitentiary in Stephenville. The building is there, there are renovations to it. In terms of being built, new buildings, the next one will be Clarenville, and the next two will be Bishops Falls and Labrador. I imagine it is Labrador that the hon. gentleman probably has in the back of his mind. And with respect to a correction facility for Labrador, as the hon. member is probably aware during the past number of months there have been some meetings between people from the corrections branch of the Department of Justice and interested groups in Labrador to discuss location and nature of facility and things in that general area and also it is our hope that there will be participation by the Federal Government in the coast of Labrador agreement for the financing of a correction facility in Labrador.

MR. WARREN: A supplementary, Mr. Speaker.

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

MR. WARREN: Mr. Speaker, I would like to ask a supplementary one. What is the rationale behind this government in looking at Clarenville and Bishops Falls and other areas of this Province before they look at Labrador?

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

MR. OTTENHEIMER: Mr. Speaker, it is not a question of where we, you know, looked first; it is not a question of, you know, looking here first and there second and there third. One can say that within the area of corrections in general, the whole Province was looked at in one exercise in order to establish our priorities and in order to establish a correction

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MR. OTTENHEIMER: programme. So I think from a  
Provincial perspective the needs -

MR. WARREN: (Inaudible)

MR. OTTENHEIMER: - if the hon. gentleman will  
allow me to finish. - were looked at as a unit for an over-  
all plan. As the hon. member know, there is

MR. OTTENHEIMER: the provincial facility in St. John's, many parts of which were quite old and inadequate, and new facilities are being constructed there. The need for a women's prison and the need for regional correction centres: all of this was viewed as a whole, as a comprehensive correction programme within the Province's responsibility for provincial corrections; it is not obviously in the federal area.

And as part of that programme the recognition of the need for a facility in Labrador and the desire of this government, our putting forward the position and our now negotiating the position of federal involvement with respect to the Labrador correctional facility.

MR. WARREN: A final supplementary, Mr. Speaker.

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

MR. WARREN: Yes, Mr. Speaker, my final supplementary to the minister. Can he confirm that, as far as he can determine, the earliest time that we can expect our correctional centre to be established in Labrador would be in the year 1984? And my second part of the question is; When that correctional centre is established in Labrador, will it be a various of two or three smaller correctional centres instead of one large centre?

MR. OTTENHEIMER: If I understood the hon. member correctly, will it be two or three or four small centres rather than one specific centre?

MR. WARREN: Yes.

MR. OTTENHEIMER: First of all, on the first part I would not say it would be 1984, you know, obviously before

MR. OTTENHEIMER: there would be any commencement.

We would like to commence it as soon as possible. And, you know, we hope we will have the involvement of the federal people under the DREE programme.

SOME HON. MEMBERS: Oh, oh!

MR. OTTENHEIMER: They participate in many other matters, as the hon. gentleman knows, in Labrador and it is our hope that they would participate in this as well.

SOME HON. MEMBERS: Oh, oh!

MR. OTTENHEIMER: Now whether there would be three or four - the hon. gentleman is having a difficult time hearing my answer because his colleagues in front -

MR. STIRLING: We are just helping you out.

MR. OTTENHEIMER: When I need the hon. gentlemen's help to help me frame answers, Mr. Speaker, it will be a cold day in hell.

SOME HON. MEMBERS: Hear, hear!

MR. OTTENHEIMER: With respect to three or four centres -

SOME HON. MEMBERS: Oh, oh!

MR. OTTENHEIMER: - as the hon. gentleman probably knows, you know, a centre in Labrador, and I would not be prepared to say right now because that is what these meetings are going on for, and these consultations are going on for, you know, would not be a huge facility. It would not be a huge facility. So whether there would be any practicality in having three or four quite, quite small services rather than one of a , you know, by no means a maximum size as a correction facility, you know,

MR. OTTENHEIMER:

there would obviously be very differing opinions on that. Hopefully one of the important things to be achieved in a corrections facility in Labrador would be to have other services of rehabilitation and of training and of education and that type of service available to the people, not just incarceration, right, but rehabilitation and training and other services. So I think it would have to be planned, and obviously would be planned, with that in mind.

MR. SPEAKER (Simms): The hon. member for Burin-Placentia West, unless he wishes to yield.

MR. HOLLETT: I yield to the hon. gentleman.

MR. SPEAKER: The hon. member for Torngat Mountains.

MR. WARREN: I would like to ask a final supplementary, Mr. Speaker. In view of the number of tax dollars that it is costing government to transport inmates, we will say, from Labrador out to this Province, for the past years - in fact I would venture to say it is astronomical - could not the minister reconsider putting Labrador on the next list immediately because it is costing the taxpayers so much now at the present time, in fact it is one of the greatest costs to the Justice Department in having inmates transferred out of Labrador. Would the minister seriously consider having Labrador as his next priority instead of his next third priority?

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, a slight correction there; it is the present priority. It is not on the third priority, it is on the present priority. We are hoping now to get an agreement. We are hoping now to be able to proceed with the correctional facility and we are hoping that the federal government will agree tomorrow or next week -

MR. WARREN: Oh, oh, the federal government,  
the federal government.

MR. OTTENHEIMER: - so that we can establish that  
facility.

MR. SPEAKER (Simms): Does the hon. member wish to  
yield for a supplementary?

The hon. member for Grand Bank.

MR. THOMS: A supplementary to the Minister  
of Justice.

Recently it has been reported by  
both the CBC and The Evening Telegram that they made attempts to  
get in and view the facilities known as the lockup here in  
St. John's, and that they were refused permission. Would the  
Minister of Justice like to comment on that?

MR. SPEAKER: The hon. Minister of Justice.

MR. OTTENHEIMER: It is only with respect to the  
CBC that I know anything; I am not aware, you know, of The  
Evening Telegram.

MR. THOMS: The Evening Telegram reported  
it.

MR. OTTENHEIMER: Reported it. Oh, reported it,  
yes. I can only speak whereof I know and that was the CBC  
about a week or ten days ago, the hon. gentleman and members  
will recall, they had a programme on the lockup. They phoned  
me and asked could they film inside the lockup. My reply in  
general was, "You cannot film in a way whereby the identity  
of inmates can be made known, nor can you film from the point  
of view of security." Then there was a suggestion that  
perhaps the inmates could be moved all in a cell or to one or  
two cells. My reply to that was, "Obviously you are concerned  
about the inconvenience of overcrowding in the lockup and  
we are not going to add to that inconvenience by moving them all  
in one or two cells in order to facilitate your photography."

SOME HON. MEMBERS: Hear, hear!

MR. G. OTTENHEIMER: I mean we have a responsibility the inmates which comes before our responsibility to CBC. They came back with a counter proposal and said, 'Would you agree to film inside from the point of view of a reporter being in there and us filming the reporter making his report?' And we agreed and they told they were quite pleased and quite satisfied with that.

MR. L. THOMS: A final supplementary, Mr. Speaker.

MR. SPEAKER (Simms): We have time for one final question. The hon. member for Grand Bank.

MR. L. THOMS: Mr. Speaker, I fail to see how somebody who - I know one client right now who has spent three weeks in the lockup downtown - and I fail to see how he is going to be inconvenienced by moving for four or five minutes.

AN HON. MEMBER: He needs a new lawyer.

SOME HON. MEMBERS: Hear, hear!

MR. L. THOMS: He does not happen to be my client.

MR. SPEAKER: Order, please!

We only have time for a quick question.

MR. L. THOMS: Mr. Minister, would you you know, in your grandiose scheme for correctional facilities in the Province -

MR. ROBERTS: A jail in every home.

SOME HON. MEMBERS: Hear, hear!

MR. L. THOMS: - can you tell me how the lockup in this city fits into those plans, how you plan to eliminate the problem there?

MR. SPEAKER: The hon. Minister of Justice.

MR. G. OTTENHEIMER: Basically, of course, a facility like the lockup should be used only for remand. One of the problems has been - not the only problem but I would say a very important part of the problem - has been the fact that we do not have enough correction units for people under sentence - I am not talking about remand - and in some cases people have been in that remand, what should be a remand centre who should be in a regular correction service. Now with the coming

MR. G. OTTENHEIMER: on stream of an additional approximately seventy units - some in Stephenville, over twenty in St. John's, some here, some there-then that major part of the problem, which means that a remand centre has been used for others than people under remand, that will be a significant contribution towards solving the problem.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The time for Oral Questions has expired.

I would like to welcome to the galleries on behalf of hon. members Mr. Herbert Dimmer, who is a member of and representing the Mortier/Fox Cove Council in the district of Burin - Placentia West.

SOME HON. MEMBERS: Hear, hear!

000

MR. S. NEARY: Mr. Speaker.

MR. SPEAKER: A point of order?

MR. S. NEARY: Well, you could call it a point of order.

MR. SPEAKER: A point of order, the hon. member for LaPoile.

MR. S. NEARY: Before we get to Orders of the Day, Sir, I want to ask the indulgence of the House, if I can get the agreement-and this is probably unusual coming from this side of the House, Mr. Speaker, but it is an unusual situation - if we can get the agreement to send off a telegram, a message of congratulations to Premier Davis of Ontario.

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: Now, Mr. Speaker, the reason -

SOME HON. MEMBERS: Oh, oh!

MR. S. NEARY: Unless the government members do not wish me to proceed well I will just stop (inaudible)

SOME HON. MEMBERS: By leave, by leave!

MR. NEARY: Mr. Speaker, it was a very interesting election and the constitutional issue played a major part in that election, Sir, and the people of Ontario have shown beyond any shadow of doubt that they support the Prime Minister of Canada and the Liberal Government of Canada -

SOME HON. MEMBERS: Hear, hear.

MR. NEARY: - in their attempt to bring the Constitution home and to establish a Charter of Rights for all Canadians. And I think that is what influenced, Mr. Speaker, the outcome of that election. That was the one main issue in that election.

And so, Mr. Speaker, I have, even though it is a Tory government, no hesitation at all in moving that Your Honour dispatch a telegram of congratulations to Premier Davis and to the new government of Ontario.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Simms): Before I recognize the hon. the Premier, I must make a comment here. This is that type of motion that is generally done by agreement and I hesitate to allow a lot of discussion on it for fear of debate. But in view of the fact that we have allowed some comments from one side, we will allow some comments from the other side and then we will put the motion, if that is agreeable.

The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I am very pleased to enter into the agreement with the member for LaPoile (Mr. Neary) on this important motion on sending a telegram to Mr. Davis. I think it is very important, Mr. Speaker, to point out that if the people of Ontario were eager to support the Prime Minister's constitutional proposals, they would have supported the Liberal Party of Ontario.

SOME HON. MEMBERS: Hear, hear.

PREMIER PECKFORD: It is obvious that the people of Ontario recognize-like the people of Newfoundland, like the people of Nova Scotia, like the people of New Brunswick, like

PREMIER PECKFORD: the people of PEI, like the people of Alberta, like the people of Manitoba— that the Conservative Party is the only Party to serve the interests of Canadian people.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Simms): You have heard the motion.  
Those in favour, 'Aye'?

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Contrary?

The motion is carried.

MR. FLIGHT: Were there some 'Nays' over there ?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The Chair did not detect any 'Nays',

I am sorry.

Unless this House wishes to take a division, I have to accept it as carried.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

ORDERS OF THE DAY

MR. SPEAKER: Order 19.

Bill No. 3.

Second reading of a bill entitled,

"An Act Respecting The Freedom Of Information". Bill No. 3

The debate was adjourned by the

hon. member for Grand Bank.

MR. THOMS: Thank you very much, Mr. Speaker.

After listening to the statement

this morning by the Minister of Development (Mr. Windsor), I could not help but think to myself, so much for freedom of information, when he

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MR. THOMS: freedom of information when he said that in tabling his report that page 149 was removed because it contains company confidential information.

MR. WINDSOR: Not confidential, at least, were 149.

MR. THOMS: Yes, because there might be something very, very embarrassing on page 149 and it makes me suspicious.

AN HON. MEMBER: (Inaudible)

MR. THOMS: I do not know that. You do not know that. Have you read page 149?

MR. WINDSOR: Of course I have.

MR. THOMS: If you have this information why do you not give it to all of us?

MR. WINDSOR: We will let the members see it in confidence.

MR. THOMS: I would like to see it. But here we are debating a Freedom of Information bill and the very first thing we find out that there is a report being filed in the House of Assembly in which a page has been extracted. All I am saying is it makes me suspicious.

MR. ROBERTS: It is very peculiar.

MR. THOMS: It is very peculiar and I think it is a sad way to start debate on a Freedom of Information bill.

Mr. Speaker, I would like to repeat very briefly what I said yesterday and that is that the Freedom of Information Act that we are debating in this House now which is obviously, Mr. Speaker, of prime interest to most of the members of the House of Assembly - Mr. Speaker,

I do not think we have a quorum at the moment.

MR. S. NEARY: A quorum call, Mr. Speaker.

MR. THOMS: No, we do not have a quorum

MR. SPEAKER(Butt): A quorum call.

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MR. S. NEARY: No we do not. One, two, three, four, five, six, seven, eight. No, we do not. We have only nine members.

MR. SPEAKER(Butt): Call in the members.

We have a quorum.

The hon. member for Grand Bank.

MR. THOMS: Thank you very much, Mr. Speaker.

MR. MARSHALL: A point of order.

MR. SPEAKER: A point of order.

MR. MARSHALL: I believe the hon. member's time has expired. Yesterday he started speaking at five o'clock and he went on until five thirty. I do not think that he has more time.

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

MR. SPEAKER: The hon. member.

MR. THOMS: If I am not mistaken, and I have not been in the House as long as the President of the Council, but it is my understanding the rules, the new rules which were brought in by him and he is the father of these rules, is that the lead-off speaker on a particular bill has an hour. I have not been speaking an hour, Mr. Speaker. Yesterday was the Late Show, so I spoke from five to five thirty and then the House rose.

MR. MARSHALL: I just want the time checked, Mr. Speaker, how much time he has left.

MR. SPEAKER: If the hon. member does have an hour, I will get the exact time from the table.

The hon. member for Grand Bank.

MR. THOMS: Thank you very much, Mr. Speaker.

MR. NEARY: Do not be harassing the Speaker.

MR. THOMS: It is quite alright. I can take all the harassment that the President of the Council wants to give me. I have not yet asked for the protection of the Chair in this House and the day that I have to ask for the

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MR. THOMS: protection of the Chair I will leave. I will resign. I am not concerned at all about the harassment that comes from the government benches of this House. It does not bother me one little bit.

Now, Mr. Speaker, as I was saying yesterday, this freedom of information legislation will work but it will only work, it will only work if there is an educational process -and I mean an educational process from the top down. If the Premier of this Province does not want this legislation to work, it will not work. If the Minister of Justice (Mr. Ottenheimer) does not want this legislation to work, it will not work. We have to educate. And I am not being offensive to the public service of this Province. but we have to educate the public service to the principle of this bill. We have to make them realize that the principle of the bill is that all information is available to the public. It

MR. THOMS: is the taxpayers who pay for the gathering of that information. There are exemptions, there are necessary exemptions, but the overriding principle is that all information should be available to the public and the educational process has got to start from the top and it has got to go right down, because not only in this Province but in governments all over, probably, Mr. Speaker, all over the world there has grown up this idea that public servants exist only for the government and only to do the work of the government. And we have to get away from the politicians on the government side of the House, the ministers- the deputy-ministers, the assistant deputy ministers - we have to get away from this silly practice that we now have of stamping, labelling everything that goes through the public service, we label it either confidential, we label it either secret or it is labelled top secret.

I do not think I have ever seen a brown envelope come in that elevator since I have been a member of this House of Assembly that did not have secret marked across it and most of it, Mr. Speaker, the majority of what is in these brown envelopes is garbage, is rubbish. But there is something sophisticated, something sophisticated about marking a brown envelope as confidential or secret or top secret. I have seen some of the stuff that has come out of those brown envelopes. I relayed a situation yesterday where in the Registry of the Supreme Court a brown envelope was opened and was marked either secret or top secret-and what did it contain? The dates on which the Supreme Court of Newfoundland trial division was going to be on circuit in Labrador City and in Corner Brook or Grand Falls. Why was it necessary?

MR. THOMS: But that adds to this public service mentality, and when I talk about the public service, I include the ministers. This is the mentality, that everything must be marked secret or top secret.

So there is an educational process, and I cannot stress this enough because this is not going to work unless the politicians and the public servants have a change of mind, and that is not going to happen, Mr. Speaker, overnight. Do not anybody in this Province ever get the idea that if this legislation passes within the next day or so that they are going to be able to go in and get whatever information they want because the natural inclination -

MR. STAGG: (Inaudible)

MR. THOMS: I am sorry. I did not get it.

MR. STAGG: I said the hon. member (inaudible)

MR. THOMS: Oh, yes, but the hon. member, as most hon. members on this side of the House, have a mind that they can change. The problem is there are vacuums for minds on that side of the House. That is the difference, we do have a mind to change.

The hon. Minister of Justice (G. Ottenheimer), there is no change there. There is no change. He brought this piece of legislation in to the last session of the House, Mr. Speaker, and he tabled it and the big thing was, the big reason for tabling it was that he could get input from different organizations, from the Newfoundland Law Society, from the the Canadian Bar Association, from anybody who wanted to make presentations. He said that in the House, that is why he was tabling it so early. So, what happens, Mr. Speaker? What happens? There have been some excellent recommendations for amendments to this legislation coming from, particularly the Newfoundland branch of the Canadian Bar

MR. THOMS:

Association.

The minister introduced the bill yesterday, not one indication that there are going to be any amendments to this bill, none whatsoever.

Now, I ask, Mr. Speaker, why was this tabled months ago? Why was it tabled months ago? Why were these organizations asked for their input if all you are going to do, Mr. Speaker, is get the recommendations and tear them up. That is all he did.

MR. L. THOMS: Nothing else! And the Minister of Finance (Dr. Collins) talks about a person changing his mind. I wish to God there was somebody on the other side of the House who would change their mind.

MR. TULK: They do not have a mind to change.

MR. L. THOMS: You have to make certain assumptions, I suppose. Some of them may have a mind to change. But the Minister of Justice (Mr. Ottenheimer), the minister responsible for this bill, refuses to change his mind. And it is an insult, Mr. Speaker, to the Canadian Bar Association which goes through the trouble to present a brief to the Minister of Justice outlining some of the amendments that they would like to see, and they are completely ignored, completely ignored!

Mr. Speaker, the main thing that is going to make this work is the educational process that I spoke of. But there are other things. I also mentioned the Court of Appeal, the Trial Division of the Supreme Court of Newfoundland. The appeal from the Ombudsman under this Act is to the Trial Division of the Supreme Court of Newfoundland. I am happy to see in the legislation that is a trial de novo - that is good. But the answer, Mr. Speaker, is not to the Trial Division of the Supreme Court because it is going to take months and months and months to have a matter heard before that court. Now anybody who practices law in this city knows what I am talking about. You would have a better chance if the appeal was to the Appeal Division of the Supreme Court. It is my understanding that the Appeal Division is not - the calendar is not as crowded as the Trial Division. I was told by the Chief Justice only two or three weeks ago that the problem is they need two more judges. We have four judges now in the Trial Division. There is a minimum requirement in this Province today for two more Supreme Court judges. And now we are going to give them this extra work load?

MR. L. THOMS: And also, Mr. Speaker, there is the question of cost. Any person who now wants to appeal from the decision of the Ombudsman is going to have to have the services of a lawyer. It is going to defeat the purpose of the bill. This bill has got to be more than just window-dressing. Because if these things are not addressed, if the minister, if this administration does not address itself to these problems, then the bill is useless. If a right is created and the ordinary people of this Province cannot take advantage of that right, then that right might need never have been created in the first place.

Mr. Speaker, there is one glaring omission, there is a glaring omission from the schedule, from the list of those who are covered under this Act, the seventeen departments are covered, the Board of Liquor Control, the Liquor Licensing Board and a batch of others. Mr. Speaker, I would like the Minister of Justice (Mr. Ottenheimer), the Attorney General for this Province, the minister responsible for this bill to explain to me why the cities of St. John's and Corner Brook are exempt under this Act? Why are they not included in the schedule? Why are not all the towns and municipalities, community councils? Why is the Public Service Commission not included in this bill? Why are the school boards not included in this bill? Why are they exempted?

MR. FLIGHT: The school Tax Authority.

MR. THOMS: On what basis did the minister eliminate the cities of St. John's and Corner Brook all of the other municipalities?

MR. FLIGHT: Crown corporation there.

MR. THOMS: Why is the Public Service Commission not included in this?

SOME HON. MEMBERS: Oh, oh!

MR. MOORES: Call a quorum and get them back in here. Make them listen, 'Les', boy.

MR. THOMS: And why are not the school boards included in it? Most of the information that will be sought by constituents of mine, there are not too many of them going to be going to the Department of Justice looking for information or the Department of Finance looking for information, but they may be going to the town councils looking for information and being denied that information. They may be going to the school boards looking for information and being denied that information.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: But the Freedom of Information Act should apply to all those bodies. And I would like to hear the Minister of Justice (Mr. Ottenheimer) in his roundabout way explain why these bodies have been left out. I can see no rhyme nor reason to it. This was a recommendation as well of the Newfoundland Branch of the Canadian Bar Association.

Mr. Speaker, the Canadian Bar Association also brought another legitimate and valid point

MR. THOMS: in an effort to save costs for the consumer, and that was that the burden of proof should be on the department to show why it is necessary to refuse disclosure. I see no reason why the burden of proof should be on the consumer as this Act provides for. It should be on the department. They are the ones who are refusing the information. They are the ones that should have to go before the Ombudsman or before a court and explain why, show why they are refusing the information.

Then there are other - this is what I cannot understand - there are amendments that can be made to this Act that would improve it, but the minister has ignored the suggestions for amendments. Mr. Speaker, under the Act you can seek personal or commercial information, you can seek that. There should be an onus in situations like that on the department concerned to notify parties who might be affected. Somebody may seek information about John Jones Limited, a third party. There should be in this act an onus on the department to notify John Jones Limited that this information is being sought, so that John Jones Limited can intervene. But there is no such onus in the act.

MR. MOORES: Where is the minister? He is not listening to you.

MR. MARSHALL: Yes there is.

MR. THOMS: Point it out - unless there has been an

amendment made since I read the act, which I doubt.

Mr. Speaker, I think these are amendments that will come about over a period of time. Once the Minister of Justice (Mr. Ottenheimer) can bring these amendments in as his own amendments than rather taking suggestions from other people, I think we will get those amendments.

But in summing up

MR. THOMS: I would like to point out and reiterate what I have already said, that the intent of this Act is good, it is laudible - we will be supporting The Freedom of Information Act-but that it will not work until the attitude, all of our attitudes, change. And that is going to take a considerable period of time, and I am not talking about weeks or months. It is going to take almost a complete turnover in our civil service, particularly in our senior civil service in this Province or in any province, to make The Freedom of Information Act work because there has to be a re-education and it will not work until that happens.

Mr. Speaker, by and large, as I say, we are in agreement with the form and content of this bill. It is a good beginning, a very good beginning and hopefully will substantiate changes within the Public Service, but it is going to be a long time before it has accomplished what we really want to accomplish with this particular piece of legislation. But as I say, we are pleased to support the legislation and I hope that if not in a short run that in the long run that this Act will accomplish what I believe we all hope it will accomplish.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear.

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

SOME HON. MEMBERS: Hear, hear.

MR. MARSHALL: Mr. Speaker, I would like to say a few words about this Act and also a few words about the remarks made by the hon. member with respect to it.

This is a very important piece of legislation; Freedom of Information, it is another arm of the reforms along the lines that have been passed by this government in its sojourn here in office. And for the benefit of our visitors today, Mr. Speaker, and I know I will be allowed

MR. MARSHALL: to make reference to them because they are attending a well-known institution in the good district of St. John's East which I myself represent, I would like to add my welcome to the Speaker's welcome of them here today to say that they are here and they are listening to a debate which is a debate about a very important aspect of public life in this Province that is going to, hopefully to one degree or another, change the tenor of public life. And I hope they are enjoying their sojourn here in St. John's East, we are always glad to have people from other areas and I know that you will be here for awhile and eventually will go back to your respective countries and, even though when you do go back to your respective countries I know that as good and as all they are, I certainly hope that St. John's East can measure halfway up, anyway, to the fine places you came from.

But, Mr. Speaker, on this particular bill that we have here, this Freedom of Information, first of all I think the major point to be made here is not the effect of this bill on the workings in this House, although it will have an effect on the workings of this House because we have taken control of the workings of this House ourselves when the administration took office and

MR. MARSHALL: we have made very, very significant changes in the way in which this House operates. This is a bill that we view as going even deeper than that because I think that this bill to one degree will have a much greater extent - to a much greater extent, will affect the public service of this Province. There has been in all public services, not just in the Province of Newfoundland but in the federal government, in the other provinces and I am sure in the public services of other countries, there has been a great tendency to mark any kind of paper, no matter how consequential that paper may be, as being secret, or private and confidential. And the net result of that is decisions are made, and there are many decisions that are made by people in the public service in the administration that affect the lives of John Q. Citizen, more directly perhaps in recent years where life has become more complicated than any other body, and the tendency has been at every given time, whether with reason or without reason, to put the label secret and confidential on it and the net result of this is that the people cannot find out the legitimate reasons surrounding decisions that are made affecting their lives. And this is one thing, I say this is one major hurdle that this particular piece of legislation seeks to overcome. It sets up in the legislation that the public, the general public have the right to access of information lying in the records of departments. Now that is the general principle.

Of course there have to be certain exceptions and these exceptions are noted there. I noted that the member of the Opposition, the member for Grand Bank (Mr. Thoms) who is their spokesman, did not zero in in any way on the exceptions, because we think the exceptions were

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MR. MARSHALL: weighed, and the exceptions that are there in the act are reasonable and necessary for the reasonable protection of the public as a whole. For instance, items that are communications between public officials and ministers, Mr. Speaker, that are affecting the policy, the policy decisions, Mr. Speaker, of the -

MR. NEARY: A quorum call.

A quorum call, Mr. Speaker, please.

DR. COLLINS: The Speaker has to be in his Chair before he can ask for a quorum.

AN HON. MEMBER: That is right.

MR. SPEAKER (Butt): Order, please! I will ask the Clerk to count the members.

We have a quorum.

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, thank you.

The Opposition is - I will not get on the Opposition this morning, there is no point. They are probably - the reason why there are only two members in the Opposition here, I would gather, is because they are all huddled downstairs or most of them are huddled downstairs in fear and trembling over the outcome of the by-election which we called yesterday.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

That is why the hon. gentlemen are not in the House. But anyway, Mr. Speaker, as I was saying the effect that this bill is going to have, I think its most effect is on the public service. And the way it is going to have a psychological effect as much as anything on the public service I think is going to result, Mr. Speaker, in a very positive way, the dealing of the administrative arm of government with the general public. As I said, the Opposition has not - and I will not deal with the exceptions because the exceptions there are reasonable and I do not believe that any of the spokesmen for the Opposition drew exception to the exceptions.

The situation is there - reasonable there. There are only those exceptions that are absolutely necessary, such as advice from the public servants, the ministry with respect to the formulation of policy is one area and, of course, it just merely preserves the standard secrecy of the Cabinet system of government, which is absolutely essential.

Mr. Speaker, this is another great reform in the long list of reforms that have been brought in by this government in its effort to make the public affairs more relevant to the people of this Province

MR. MARSHALL: and it stands as a shining star with the changes that have been made, for instance, in the rules of the House to allow a question period where a question period before in other days and other climes was not even allowed. I think we forget every now and then - we talk about freedom and rights and all the rest of it - just how much the freedom of this Province has been enhanced over the past few years, almost incredible in a British Parliamentary system, there was one time in the dim dark recesses of the history, and thank God they are dim dark recesses of the history of this Province, where one was not allowed to ask an oral question in this House, that one could not, Mr. Speaker - can you imagine?-you could not come into this House during the day, during the regular routine of business during this day and you could not ask a question. You were told to put it on the order paper.

MR. BARRY: What government was in power then?

MR. MARSHALL: The government then led by the hon. member for LaPoile (Mr. Neary).

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: - of which the hon. member for LaPoile had a very leading part in that government at the particular time.

MR. CARTER: A real mouthpiece.

SOME HON. MEMBERS: Shame!

MR. MARSHALL: So that is one type of reform. The other type of reform, Mr. Speaker, another type of kindred reform, and I think they have to be brought to the attention of the public from time to time just what this party and this government has done, was the establishment of a Public Accounts Committee.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: The Public Accounts Committee, Mr. Speaker, we know has been sitting and examining diligently. We have our little Dick Tracys and Sam Spades and they are examining and they are digging and they are keeping the government on its toes.

So there is the Question Period and the Public Accounts Committee and of course that greatest reform of all, that star that exceeds all stars, the Public Tender Act.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: That great bastion, Mr. Speaker, of the protection of the rights of individuals and the carrying out of proper and effective government. So, Mr. Speaker, this is just one of a long line of the reforms brought in by this party, reforms that have occurred before and reforms that will occur in the future.

Now, it is a good act and an act, of course, can be also abused and I hope that certain people in their great ardour will not in effect abuse the act itself by interpreting the act and the way the act is in accordance with the way in which they want to for their own political economic, social or whatever have you, reasons. - But that remains to be seen. We will stand guard on it and we will foster it and we will see that it works as properly as it can within the context.

MR. W. MARSHALL: Now I want to spend a few moments talking about some of the observations of the member for Grand Bank (Mr. Thoms). Now I do not know, I would assume that the hon. member for Grand Bank read this bill when the hon. member for Grand Bank was speaking. He is the official spokesman for Justice and on an important piece of legislation like this one I think, would at least hope and have the reasonable expectation that the bill was read. But I have the impression, Mr. Speaker, if the bill was read it was not heeded. It was not heeded, Mr. Speaker, because there are certain things, like he introduced his remarks today trying and to cast some kind of colour, as the Opposition does from time to time, on the positive efforts of this government to improve society, by saying, 'Here we have a Freedom of Information bill passed and here' - I got the impression - 'an abrogation of that Act right off the way this morning by the Minister of Development (Mr. Windsor) bringing in the report of the Royal Commission into the Marystown Shipyard and telling us that he had deleted a couple of pages from it -

MR. BARRY: One page. Page 149.

MR. W. MARSHALL: Just one page from it. He tried to colour that, Mr. Speaker, by saying that, you know, this was contrary to the Act right off. And this is the way in which the hon. gentlemen there opposite try to colour our efforts. Now if the hon. gentleman had read the Act he would have read in section eleven that, 'Information may be refused' this is what the Act says, 'for various reasons,' one of which is, if the information is of a financial, commercial, scientific or technical nature, the disclosure of which would effect either the continued access of such information or would effect the competitive position of a person or result in undue financial loss or gain to a person'. Now that is one of the reasons, that is one of the exceptions in the Act, Mr. Speaker. And

MR. W. MARSHALL: I think really, in a way, for the hon. gentleman to bring it up in that fashion right on his feet, without inquiring more-and if he wants to inquire more he could inquire more, in generally speaking-once the hon. gentleman is an elected member of this Assembly, and a representative of people, this government would not be adverse to tell him in a confidential manner as to why that might possibly have been taken out.

But he did not choose to do that, Mr. Speaker. What he wanted to do, he wanted to grand-stand. The hon. gentleman wanted to grand-stand and in attempting to grand-stand he attempts to put a discolouration and to colour the sincere act of this administration to make government open and completely public to the people.

So I utterly and completely, number one, reject what he says this morning when he says that we were acting contrary to the Act, the Minister of Development was, that is number one. I suggest to him that in making those statements that he obviously could not have been aware of the contents of the Act, because if he would have read that he would have seen that it was four square within that particular paragraph. Or, Mr. Speaker, if he has read it and he did understand it, then, Mr. Speaker, he has been acting, I suggest, in a way just for the purpose of making his own political points. And before the hon. gentleman does that, Mr. Speaker, he should consider not just the points he is trying to make but he should consider the jobs of the people down in Marystown itself which this government is trying to protect. He should consider the welfare of those people before he gets up and he makes statements like that that are going to cast some colouration on an Act by the hon. the Minister of Development (Mr. Windsor), which action has been, I can undertake and the government can undertake, is for the benefit of the people of Marystown and the benefit of the jobs.

MR. W. MARSHALL: Now let us hear no more of that. I mean, this government does not need, Mr. Speaker, to really have to justify itself on that basis when it has poured \$30 million, and will undoubtedly have to pour many other dollars, into Marystown for the preservation and the viability of the jobs and the viability of the whole Burin Peninsula.

Would that, Mr. Speaker, the hon. gentlemen there opposite in their irresponsible statements from time to time would take the same attitude towards all of Newfoundland, i.e., the synchrolift, as this government has taken towards Marystown. We do not care where the members come from, we are interested in people and the preservation of jobs and I say that the statement made by the hon. the member for Grand Bank (Mr. Thoms) in trying to put a colour on this particular action by the Minister of Development (Mr. Windsor) flies right in the face of the interest of those people down there. And I think, in addition to - I do not expect him to come in and retract it in the House, but I think on his way down to Grand Bank when he goes through Marystown and he goes on the Burin Peninsula he should drop in on the

MR. MARSHALL:

various leaders of the community and convey his sincerest apologies for this particular action.

Another item, Mr. Speaker, that the hon. member brought up again - because what is the point of getting up and discussing acts in this House, if members are not going to read them, if they do not know - and, you know, make bland statements. We hear bland statements being made from time to time in the House without any authorization, without any backup, without any foundation to it at all. You know somebody says, "I saw a spider walk across the road," type of thing and, you know, that is to be taken as the Holy Writ.

Now, Mr. Speaker, I will tell you something else that the hon. gentleman - the hon. gentleman made a great hullabaloo about the fact that this government did not pay any attention to the representations of the Bar Association, the local Bar Association, the Newfoundland Branch of the Canadian Bar Association. This government, Mr. Speaker, received various observations. Now, what the government does when it passes a bill, it does not bring it in before the House immediately, it consults certain interest groups. Before, in another clime in the dim, dark recesses of the past, the only interest groups in this Province that were recognized at all were the interest groups in government and their few seamy little friends who were alongside.

But, Mr. Speaker, this government does not pass legislation or bring it before the House before it investigates, and it investigates quite fully and comprehensively, the effect of it and it takes the views of all people who may be affected by it. Now that does not mean that you are going to accept the views completely, but you enter into an intellectual

MR. MARSHALL: dialogue with the people concerned and you ask their views and you weigh one against the other and this is what was done with the Canadian Bar Association.

Now, the hon. member, he got up very dramatically and he took the paper and he said, "Here were the views and the brief was put in." You know, it is too bad we do not have TV because he took it in a great dramatic fashion and he tore it up and he threw it on the floor and they paid no attention to it. Not so, Mr. Speaker, not so at all. Here again, if the hon. member had done his homework he would have seen that there was one particular item that was brought in by the Bar Association when it was brought by this government before them and we give them credit for it. They said that, you know, despite the protection you have against secret matters of hurting people irreparably in the matter of deep privacy, there is some secret right to be preferred. You always, when you have this, have a balancing of rights. You have on the one hand a social right for full information and on the other hand a private right. Now what about if in exercising the social right some private right is affected? That third party should at least be given notice so that he can object and make representations to the Ombudsman and eventually to the Trial Division and the Appeal Division of the court.

So consequently, if the hon. the spokesman for the Opposition on Justice had read this bill before he got up in the people's House to debate it, he would have found enshrined there a paragraph, section (15), which said, "Where the head intends," the head of a department, "intends to disclose information requested under this Act, that he has reason to believe might contain (a) trade secrets of a third party; or (b) information that was supplied by a third party or that the head of a department could reasonably foresee

MR. MARSHALL: might effect a result described therein," a bad result, "the head shall subject to subsection (2)," he gives the third party reasonable notice.

In other words, now, who brought that in? The government brings it in here in legislation. How is legislation formed? In this administration legislation is formed after consultation with the people and getting all their views. In this particular case we got their views. In this particular case we heard the Canadian Bar Association and because we heard the Canadian Bar Association, and heeded what they say, and recognized that the fount of all knowledge is not necessarily in the government, that there are other people of interest, we put that in the bill.

Now, for the hon. gentleman to get up in this House and try to indicate that the Minister of Justice (Mr. Ottenheimer) had no heed at all, just sloughed off the Canadian Bar Association, is completely and absolutely without any foundation whatsoever.

The brief that was put in by the Canadian Bar Association - the brief that was put into the Minister of Justice was November 13th., 1980.

MR. MARSHALL: Now, what did the Minister of Justice (Mr. Ottenheimer) do? The Minister of Justice considered it all, weighed it all, went through it all and responded. Lo and behold, he responded to the President of the Newfoundland Branch of the Canadian Bar Association not accepting everything but accepting some things.

Now, November 13th., the President of the Canadian Bar Association made these representations to the minister. When do you think the minister replied? Did he reply six months time or a year after? He could not have because we are not past that time, he replied on November 24th., 1980. Now there is a minister for you, Mr. Speaker, there is a minister for you.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: So the Opposition, I think, should try to get, if I could suggest to them - I know they will not accept it and really I do not care to make any suggestions to them, but if they really want to debate these bills, these bills that affect the lives of people, I suggest before they do it they do a little bit of background information, before they have the audacity and the gall to stand up here in the people's House, Mr. Speaker, and make statements that cannot be substantiated.

This bill, Mr. Speaker, is long overdue. This is a bill, as I say, which is a very beneficial and a positive act and it is going to be, I think, very effective. Would that we had had this kind of act in the past.

MR. NEARY: (Inaudible).

MR. MARSHALL: Now, I can envisage what the hon. the member for LaPoile (Mr. Neary) is going to be

MR. MARSHALL: doing. In the off season, Mr. Speaker, he will be - if not in the off season, probably this weekend - writing letters to every public servant in this Province. He will have the public service of this Province tied up asking for information most of which, ninety-nine hundred and ninety-nine per cent, will be completely useless, but he will get treated the same way as any other citizen.

Now would that, Mr. Speaker, when in another clime, when the hon. gentlemen were over here, we had the same rights. I can remember sitting over where the hon. gentleman was, I can remember that in the dim, dark past - I do not, I say, foresee it ever in the future, but I do remember in the dim, dark past getting up in this House and getting up on a matter at the time about the Holiday Inn out there on the Portugal Cove Road and about the certain little bit of information that I happened to have dug out - because the hon. the member for LaPoile is not the only digger, Mr. Speaker, there are other diggers in this world - so I got up. We were not allowed to ask questions, Mr. Speaker, mind you. In the House, we were not allowed to ask questions. We had no Public Accounts Committee, Mr. Speaker, that one could go to and ask these questions. No, there was none of that. There were no questions during the day. There was no Late Show, Mr. Speaker. As a matter of fact, there were times, I have to say, when I used to come into this building and I would see some good and trusting public servants and, you know, people whom I would know socially, and I would see them and they would look away from me and they would walk away.

Now, I know the hon. members opposite will say they can understand that, but

MR. MARSHALL: that was not just me  
this was with other members.

AN HON. MEMBER: If you told the truth  
(inaudible).

MR. MARSHALL: That was the climate  
that we had, Mr. Speaker, in that particular -

MR. BARRY: There was no Late Show  
yesterday, either.

MR. MARSHALL: No, well, I mean, you  
can lead the horses to the water but you cannot make them  
drink. I think we have led the horses to the water but  
the problem with it is the horses have been turned around,  
so it has not been very effective.

But anyway, Mr. Speaker,  
on that particular thing, what we could have done with the  
Freedom of Information Act then, what we could have done.  
But instead what happened? When a statement was made, and  
a statement had to be made outside of the House, what  
happened? They did not have a royal commission. I  
remember that vividly, they did not have a royal commission  
into whether or not there had been an unjust profit, and  
I will use the 'unjust', profit made on that land at the  
time. No, they did not do that, the hon. gentlemen  
there opposite had a royal commission into my statements  
and they appointed a commission to find out whether I was  
speaking the truth or not. That is the way in which we  
operated then, Mr. Speaker, and that is why when I look  
at a bill like this, and I look at the reforms that are  
being made in this House of Assembly, and the way it works  
and the way things are going, you look at it, as I say,  
and you can support it enthusiastically.

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

AN HON. MEMBER: A quorum.

MR. J. CARTER: There cannot be a quorum call unless the hon. member is in his seat.

AN HON. MEMBER: I am in my seat.

MR. J. CARTER: You were not.

MR. MARSHALL: No, you are not in your seat.

MR. NEARY: A quorum call, Mr. Speaker.

MR. MARSHALL: I am getting to him now, boy, they cannot bear to hear it.

AN HON. MEMBER: Sure we have all our members.

MR. MOORES: A quorum call, Mr. Speaker.

MR. NEARY: Any more points of order?

MR. SPEAKER (Mr. Butt): A quorum call.  
We have a quorum.  
The hon. the President of the Council.

MR. MARSHALL: They cannot stand it. They cannot stand it.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: The problem with it is, Mr. Speaker, I drive them out of the House and they go out in shame, because the hon. gentlemen there opposite realize in their heart of hearts that when I am saying - the hon. member for Carbonear (Mr. Moores) realizes what I am saying is true. The other hon. gentlemen are, as I say, gone off. They started off when I started speaking, they were down, I say, huddled in fear over what is going to happen in Bellevue. And since I have been speaking the few that were around, I have driven them out in shame.

MR. MARSHALL: But now, Mr. Speaker, in winding up, I see the hon. member for Grand Bank (Mr. Thoms) is back in his seat, and I just like to repeat, because I do like to say in front of somebody's face what I would say behind his back, that I think the hon. gentleman, particularly in his -

MR. TULK: That is inapplicable.

MR. MARSHALL: - observations with respect to the bill and his attempting to paint the actions on Marystown Shipyard or the report on Marystown Shipyard either, first of all, did not read the bill and did not realize that that deletion was made under Clause 11 (f) that I have already mentioned, and that his attitude in what he did and his attempt to colour the bill, as I say, could have caused and can cause, if he keeps up in that frame of attack, irreparable damage to the 500 or 600 jobs of the people down in Marystown itself, and I really do not think that he should proceed in that area any further. As far as I am concerned, Mr. Speaker, I think that he should -

MR. THOMS: (Inaudible).

MR. MARSHALL: Well if he wants to, I have only five minutes, I cannot repeat because most of my time was spent in explaining that. I refer the hon. gentleman to Hansard. I will say we will get an advance copy for him, if he wishes it. And if he has some time the weekend he should go down to the leaders in the Burin Peninsula and try to repair some of the damage that he may well have done by making comments of that particular nature.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Now, Mr. Speaker, this is a forward piece of legislation. This is again, as I say,

MR. MARSHALL: another in the long range of reforms by this government to make government more relevant to the people. In this particular case, I think, it touches the public service much more so than it touches the elected member because through the House, and the changes in the rules of the House, freedom of information came to the people's House when there was a change of government.

But, Mr. Speaker, with respect to this particular bill, I think the biggest thing on this bill is that it will not allow public servants in the future just of their own volition to say that they are not going to release a certain piece of information affecting a certain individual or affecting a certain group of individuals unless it comes within the exceptions, that they are going to have to justify what they do and they cannot hide behind the cloak of putting private and confidential or the word 'secret' on a piece of information. And insofar as this bill, as it will - because we will see that it is enforced, and it will be enforced, but the beauty of it is, of course, it is there for all time when other people in the long distant future - that there may be a change - it will be there like a part of our Constitution, like The Public Tender Act, nobody will dare change it even though I think they will wish to.

But, Mr. Speaker, it is there and I think that it creates, really, a psychology in the public service now, and I hope the message is gone out to the public servants that they can no longer hide behind the cloak of secrecy unless the Legislature by this Act,

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MR. MARSHALL: unless they come within that  
particular ambit and the exceptions that are in the act  
are certainly

MR. W. MARSHALL:

reasonable, they match the exceptions that are in other acts of this nature, and they are only the bare minimum of exceptions that are necessary there in order to protect what I describe as the weight of the public and the private acts.

So I, Mr. Speaker, support this legislation. I congratulate the Minister of Justice (Mr. Ottenheimer) for bringing it in. I point out, contrary to what the member for Grand Bank (Mr. Thoms) said, that the Minister of Justice did consult all groups, including the Canadian Bar Association. Now that he is here, if he wants to read Section 15 (1) he will see a manifestation of this. Again, he might look to Hansard but after he sees Hansard, Mr. Speaker, I hope - I am not asking, Mr. Speaker, that he comes to this House to apologize to the House, that is not what I am asking, I am not on a point of order, but I do think it would be very fitting, particularly in the instance of the attack on the Minister of Development (Mr. Windsor) and his removal of that sheet from the report, that he goes down to the Burin Peninsula and apologizes to the people down there who depend on this shipyard for a livelihood and who can depend upon this government to maintain it and to maintain their jobs, their securities and their economic and social future.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear.

MR. SPEAKER (Butt):

The hon. member for LaPoile.

MR. THOMS: Typical of the hon. members when you do not support their legislation. They cannot stand it when you do not support their legislation.

MR. NEARY:

Mr. Speaker, two things the previous

speaker said that I have to agree with, two things only, the rest of it was all -

MR. WARREN:

Hogwash.

MR. NEARY:

- of a political nature. But the two things that he said that I agree with; number one is that the act is long overdue and, number two is that I will

MR. NEARY: be taking advantage of the act in my research.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: And I will tell the House in a few minutes why I will be taking advantage of it because, Mr. Speaker, just to give the House some idea of the frustrations of doing any kind of research in this Province, there are a number of outstanding items, there is some unfinished business that I have to deal with and I hope to be able to deal with it under this act. But the act is long overdue, Mr. Speaker, and I hope that nobody in this House will fall for what has now become a sort of a typical line, it is like a broken record by the hon. gentleman who just spoke. that all the reforms now as far as the House of Assembly is concerned were brought about since 1972 by the Tories.

I wonder what Mr. W. J. Browne - I hope especially the younger fellows, Mr. Speaker, I am saying this for their benefit: I have been in this House a long time, This month I will start my nineteenth year in this House and, Mr. Speaker, I can tell the House right now that there was more freedom, that you felt more at home in the House fifteen years ago, sixteen years ago than you do today.

SOME HON. MEMBERS: Oh, oh.

MR. NEARY: Mr. Speaker, I can remember looking across the House at three members of the Opposition. There were only three elected and all three of them completely disrupted the proceedings in this House.

AN HON. MEMBER: That is a lie.

MR. NEARY: That is not a lie. It is not a lie, I was here and I saw it. And there were more questions and more information given the House in those days than we are getting at the present time.

AN HON. MEMBER:

What about Question Period?

Let us talk about the Question Period.

MR. NEARY:

There was a Question Period and do not let anybody hoodwink you on that. There was a Question Period, Mr. W. J. Browne, one of the best members of this House that I have ever seen, even though he was on the opposite side of the House, was a real Digger O'Dell. He dug into everything and he practically dominated the whole session of the House himself. How did he do it, Mr. Speaker? Asking questions and getting answers, that is how he did it. Mr. Jim Greene, who was Leader of the Opposition, asked more questions and got more answers -

MR. F. STAGG:

Not as many as you have.

MR. NEARY:

- well maybe not quite as many as I have asked but he certainly got more information than I get when I ask questions.

MR. STAGG:

(Inaudible)

MR. THOMS:

The hon. member for Stephenville (Mr. Stagg) is an expert on nonsense.

MR. NEARY:

The late Mr. Rex Renouf, a very able man, was he a dummy in this House? Was he mute? No, he sat there, I believe he was one of the three, and asked questions day in and day out and got the answers.

MR. CARRIER:

That is not true.

MR. NEARY: That is true. Go and check Hansard. In case anybody disbelieves it go and look at Hansard. And what about Mr. Bill Smith the late Mr. Smith? Was he a dummy in this House? I can see him now, a big hulk of a man who would rise in his seat every day, Mr. Speaker. He would rise in his seat and ask very penetrating questions of the government. A former ranger.

MR. THOMS: And probably got answers too.

MR. NEARY: And got the answers.

MR. CARTER: That is a lie.

MR. NEARY: It is not a lie. And what about the present Minister of Social Services (Mr. Hickey)? Was he always a dummy in this House? Has he only started to be vocal and speak out and ask questions since he went over on the other side of the House? Mr. Ank Murphy, was he a stupid man and a dummy, a dumb-bell? We had more freedom in those days, Mr. Speaker, than we have in the House at the present time.

Let me show what this crowd have done. They bring in a few pieces of good legislation when it suits them, when it is to their advantage. But when they want to suppress and restrict debate in this House what do they do? My hon. friend from Carbonear (Mr. Moores) should know, being a student of political science, that one of the main functions of this House is to pass estimates. What did they do with the estimates? They moved it off the floor, skillfully, cutely, slyly moved it off the floor of the House of Assembly and I was the only one who opposed it. Now it is not working, now the people are not getting the information.

MR. CARTER: Another lie.

MR. HANCOCK: He called you a liar, 'Steve'.

MR. NEARY: Pardon?

MR. HANCOCK: He called you a liar.

MR. CARTER: Another lie.

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SOME HON. MEMBERS:

Oh, oh!

MR. NEARY:

Mr. Speaker, that is about five times now I let him go, Mr. Speaker.

MR. SPEAKER (Simms):

That term, of course, is not parliamentary. However, the hon. member is not speaking but, in the meantime, I would ask him to restrain from making such comments because they are unparliamentary.

MR. NEARY:

If it is unparliamentary, Mr. Speaker, he has to withdraw it.

MR. SPEAKER:

To make things a little easier would the hon. member withdraw it then?

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

MR. CARTER:

Mr. Speaker, to that point of order. Naturally at all times I am in your hands and I will carry out your least wishes, but I was so outraged by the incorrectness of the information emanating from that side that I was overcome. I withdraw.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Then the hon. member has withdrawn.  
The hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, I have to say this too, that I named some of the more able members of the opposition down through the years since I came in the House and I have seen - let me see - five or six leaders. Jim Greene was the Leader of the Opposition when I came here. Then I believe we had after him - I believe my hon. friend the Minister of Justice (Mr. Ottenheimer) succeeded him. And then we had Dr. Noel Murphy, the mayor of Corner Brook. Was he another dumbbell?

MR. STAGG:

(Inaudible) quite obvious.

MR. NEARY:

He was? He saw the light eventually. He was so overcome and so impressed with the administration of that time that he later joined that administration, went

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MR. NEARY: from the opposition benches and became a minister in the Smallwood administration. Did he do that because he thought that we had a dictatorship in this Province? Is that why he did it?

MR. STAGG: Yes, he did.

MR. NEARY: Oh, he did.

MR. STAGG: That is what he did it for.

MR. NEARY: Oh, I see. Did Dr. Hubert Kitchen, did he join the Liberal party because he thought it was a dictatorship in this Province?

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: Examples of rats swimming towards a sinking ship.

MR. NEARY: I see.

Mr. Speaker, the fact of the matter is that I could go on and give the House a few more examples of why we need this kind of legislation.

MR. STAGG: He was so smart he had (inaudible), 'Steve'.

MR. NEARY: He did it because he thought Smallwood was a dictator. The present Premier of this Province, Mr. Speaker, who still has his Liberal membership card in his wallet, he was a Liberal right up to the time that John Crosbie led him astray and that is the only reason that he is a Tory. It is because he supported John Crosbie and then Crosbie -

MR. MARSHALL: A point of order.

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

MR. MARSHALL: Mr. Speaker, this bill is the Freedom of Information Bill and I do not know whether the minor aberrations of anybody, whoever they may be, are really of relevance to this particular bill, to tell you the honest truth.

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MR. SPEAKER (Simms): To the point of order. Relevance as defined by Beauchesne 'is very difficult to define'. it also says that the benefit of the doubt is generally given to the member speaking. I am not sure if I quite follow the relevance but I believe the hon. member may be trying to make a point. I will allow the hon. member for LaPoile (Mr. Neary) to continue to make his point and -

MR. NEARY: Not only making a point, Mr. Speaker, but answering the points that have been raised by the member who just raised the point of order. And that is why I am on this trend that I am on now.

The hon. gentleman also mentioned that - when he was pointing his finger with contempt at the Liberal side of the House mentioned the fact that 'they will drag up anything, they will bring up anything in the House. They do not need to substantiate it, they will bring up anything and drag it out without having any evidence of whether or not it is true'. Am I summarizing basically what the hon. gentleman said?

AN HON. MEMBER: Exactly. Exactly.

MR. NEARY: Exactly? Well, there you go now. Toe to toe, heart to heart, nose to nose. Now, the hon. gentleman made that statement, Mr. Speaker, and that same hon. gentleman sat in this House the other day and heard one of the most outrageous, one of the most vicious attacks on one of the most decent and honourable Newfoundlanders alive today, Mr. Rompkey. The hon. gentleman sat there and heard the Minister of Fisheries (Mr. Morgan) drag up dirt and slime and innuendo and direct it at the Minister of National Revenue for Canada (Mr. Rompkey). The hon. gentleman sat there, listened to it, did nothing about it, and now he is pointing his finger at us and saying, 'Well, there is an Opposition, they drag up things without them being substantiated'.

MR. ANDREWS: You have not mentioned it.

MR. NEARY: No, we have not talked yet about the low-bed either, and we have not talked about the Moores' years yet. If you want to talk about that, your buddy who looked after you when you were down working with the CBC -

MR. SPEAKER(Simms):

Order, please!

MR. NEARY:

If you want to talk

about that, we will talk about that too.

MR. SPEAKER:

Order, please!

The hon. member should

direct his comments toward the Chair.

MR. NEARY:

So, Mr. Speaker -

AN HON. MEMBER:

(Inaudible) Canadian taxpayers.

MR. NEARY:

Yes, and the Newfoundland

taxpayers.

So, Mr. Speaker, I welcome this act. I welcome this bill. I am not going to come down hard on it. The only thing I can say is, from the tone of the debate from the other side of the House, that they are bringing this bill in grudgingly, that the hon. gentleman who spoke before I rose in my seat pointed his finger across and said there is going to be no abuse of this bill. Well, how much interference are we going to have in the carrying out, the implementation of this bill by the likes of the hon. gentleman? How much interference? How many civil servants will go to their boss, the minister, or go to the hon. gentleman, who is the king of suppressing information and twisting information, and say, 'can we give out this bit of information? Can we give out that bit of information?' especially if it is detrimental to them politically. Do you think we have a chance of getting that kind of information, Mr. Speaker? I am not so naïve as to think that this bill is the end all and the cure all of what it is we are trying to get at in this Province, it is not, it is being brought in very grudgingly. And I will tell the House something else, Mr. Speaker, that they can get up now and crow all they want, and they can boast all they want, there would be no Freedom of Information Bill in this House today but for the fact, Mr. Speaker, that it is the trend right across North America. Right Across North America it is

MR. NEARY:

the trend.

One of the great reforms in the United States - this is not original, by the way, this is a watered-down version of the Freedom of Information laws that we find in other provinces and in states in the United States and in Great Britain, a watered-down version this is. But it is a good beginning. I support it. We would not have it in this House today if it were not the trend right across North America; one of the

MR. NEARY: great reforms in the United States, as I started to say, was the Freedom of Information law. You know, Mr. Speaker, I have, by the way, and I will bet anybody dollars to donuts that I am the only member of this House who has, used the Freedom of Information law in the United States.

AN HON. MEMBER: Go on.

MR. NEARY: And I can even challenge the Minister of Justice (Mr. Ottenheimer) on that to say that even his department has not taken advantage of that law. I have. And do you know why I have, Mr. Speaker? I had to go outside of Newfoundland and outside of Canada to get information that I could not get as a member of this House from the provincial government.

AN HON. MEMBER: (Inaudible).

MR. NEARY: Yes, I could, and that would be the great scandal of the century if the truth of it was ever told. Because that is one of the reasons I went to the SEC under the Freedom of Information in the United States, to get Crosbie's involvement in that scandal, politically motivated.

SOME HON. MEMBERS: Ah ha.

MR. NEARY: Yes, I name names. That whole thing was motivated by none other than Mr. John Crosbie, who could not get his pay off. The only reason that thing -

MR. J. CARTER: Would you say that outside the House?

MR. NEARY: Yes, I will say that outside the House. I have said it. And I have the documentation that I managed to get from the Freedom of Information laws of the United States, down in my office that can prove it, politically motivated. Here is the crowd that are talking about freedom

MR. NEARY: when they summoned the RCMP up to their office and ordered them out to arrest a man. That is what you call freedom. They did not have the evidence.

MR. CARTER: A point of order, Mr. Speaker.

MR. SPEAKER (Simms): Order, please! A point of order has been raised by the hon. member for St. John's North.

MR. CARTER: I would just like to point out, Mr. Speaker, that I would gladly give unanimous consent to the hon. gentleman to go outside the Bar of this House to repeat those statements right now. I think that would be a considerable advance.

MR. SPEAKER: That is not a point of order. The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I hope I will never again have to resort to the laws of another country to get information that I asked for on the floor of this House and was refused it, and I am still refused that information, but I got it anyway.

MR. WARREN: Was that government aware?

MR. NEARY: And I had to use the courts in the State of New York to get certain other information that I asked for in this hon. House.

MR. FLIGHT: Wow! Wow!

MR. NEARY: Oh, yes! Yes, Mr. Speaker. Now, that is the crowd who would get up and boast about the fact that, "Oh, we will give the House and the people all the information they want." We just heard the President of the Council (Mr. Marshall) tell us we could have all the information that we can get.

So, Mr. Speaker, this is a watered-down version but it is a good start, it is a good start. I am all for it. I hope it will work.

AN HON. MEMBER: How reasonable can you get.

MR. NEARY: It will not work if we have political interference. It will not work if the President of the Council (Mr. Marshall) has his way. He points the finger over at the Opposition and says, "I am warning you, we are not going to tolerate abuse." What kind of abuse? Because we go and ask for information that may embarrass the government or certain ministers of the government or former premiers or former ministers?

MR. TULK: He is going to be judge and jury again.

MR. NEARY: That he is going to set himself up as the judge and jury and say, "No, you are not getting that kind of information," and then accuse us of abusing our privilege? That has happened before in this House, Mr. Speaker, it has happened more than once.

I remember the cover that they always used in this House, the cover, my hon. friend from Carbonear (Mr. Moores) should keep this tucked away in the back of his computer, the cover was always, when you had the government on the ropes and you were looking for information that was embarrassing to the government you know what the answer always was, religiously, Mr. Speaker, 'we were negative and we were lowering the decorum of the House; trying to protect the poor old Public Treasury. They even convinced the RCMP of that, by the way. They even convinced the RCMP that people were trying to blackmail them, they were trying to extort funds and the poor, old, foolish RCMP fell into their trap, fell into their trap and instead of going out and doing the investigation they were supposed to be doing - For instance, I could give you an

MR. NEARY:

example where I was a complainant in this House about a certain matter, and as a result of me trying to do my job for the people of this Province, being the complainant, what happened? Did they investigate the complaint? No, they sent the RCMP into my office. And so, Mr. Speaker, I suppose it is necessary to have exemptions. These exemptions should be few and far between. I realize that, for instance, police investigations and police reports are exempt from this act, I personally do not know why they are, I cannot understand why they are. I think the day will come when an individual will be able to walk into the Justice Department, fill out his application, pay his fee and ask for a police report that involved him that he cannot do now. And if anybody else wanted to see it they should have the right to see it because it could possibly involve them.

The day will come, Mr. Speaker, when the machinery will be set up so that nothing will be hidden from the public. And that is the way it should be. I think there are too many exemptions at the present time in this bill -

MR. BARRY: (Inaudible) go now, it is twenty minutes to.

MR. NEARY: Okay. You are coming next, are you? Well, okay, I will wind up what I am going to say.

Mr. Speaker, I agree with one thing that the member for Grand Bank (Mr. Thoms) said, two things actually, and that is, Mr. Speaker, that referring this matter in the first place to the Ombudsman, I think is a mistake. The Ombudsman is a political appointment. By the way, I might say the Ombudsman, Mr. Speaker, was also a member of the Opposition in this House. And I would not consider Mr. Peddle to be a dummy. I remember one time in this House that Mr. Peddle uncovered one of the big scandals

MR. NEARY: of the day in Newfoundland. And could he have done it if there were no questions in this House? Could he have done it if the freedom of the House was suppressed? Could he have done it, Mr. Speaker? No; involving a company that was operating down in Windsor, down in his own district.

AN HON. MEMBER: Furniture Discount.

MR. NEARY: Furniture Discount was the name of the company. Could Mr. Peddle, who is now the Ombudsman, who will be the first one that people will have recourse to if they have a grievance, would be the Ombudsman? Now as good as Mr. Peddle is, and I happen to like the man, I liked his style when he was in the House and I convorted with him when he was in the House and I liked him, he is a nice man and I like him, but as good as he is he has been frustrated and restricted now in carrying out his duties as Ombudsman but I am afraid, Mr. Speaker, that the principle here of putting people to the unnecessary procedure of having to approach the Ombudsman in the first place is wrong. And I think it is wrong, following that step, step two to be the Trial Division of the Supreme Court. Is it called the Supreme Court of Newfoundland or something?

AN HON. MEMBER: Yes.

MR. NEARY: The Trial Division of the Supreme Court of Newfoundland. Everybody knows, Mr. Speaker, that that court cannot handle its work load now, that it is virtually impossible to get a speedy trial in this Province. They have a backlog down there now, they cannot handle it, they have cases backed up three, four, five and six years. So I think, Mr. Speaker, that the bill should be amended so that people who feel grieved should be able to go straight to the Appeals Division of the Newfoundland Supreme Court and then to the

MR. NEARY: Supreme Court of Canada and if the applicant is successful then the government should pay the expenses. Because what I am afraid of with this piece of legislation, Mr. Speaker, like all other bills of this nature, is that the ordinary person will not be able to afford if he runs up against a stone wall, if he runs up against a cantankerous official or a cantankerous minister or a stubborn minister and gets bogged down, he will not be able to afford to fight his case. He will not be able to afford to do it.

Only the rich, the wealthy, big businesses, millionaires will be able to afford to fight this battle that needs to be fought in the courts. And so I think, Mr. Speaker, it should go straight to the Appeal Division. Forget the Ombudsman, forget the Trial Division, go straight to the Appeal Division of the Supreme Court, and the cost should be minimal, or some way should be found to pay the cost for individuals who want information but cannot afford to employ expensive lawyers, or cannot afford to spend the time and the money to get the information they require.

MR. R. MOORES: It will not come under Legal Aid, will it?

MR. S. NEARY: And so, Mr. Speaker, unless the government changes its attitude as expressed by the President of the Council (W. Marshall) who seemed to be hostile, he seems to be hostile towards everything, but who likes to get up and boast about the fact, oh, this is a wonderful piece of legislation brought in by this great Tory government, he cannot resist it, he has to do it every time and we all know - it sets the devil in me, I know, when I realize that we would not have it today if it was not in style, if it was not the thing to do, we would not have it.

God forbid, Mr. Speaker, the Tories bringing in reforms and giving us freedom of this and

MR. NEARY: freedom of that, the Tories.  
What a joke.

So, Mr. Speaker, I hope that there will not be any major problems encountered in implementing this bill. I cannot see why it is delayed until the first of January, 1982. I cannot see why it could not be proclaimed and implemented this year. Perhaps the minister could tell us the reasons. It is quite conceivable that setting up the machinery for the implementation of this bill may be great, I do not know, but I cannot see the justification for -

MR. ROBERTS: They have to have time to clean out the files.

MR. NEARY: Oh, they want to clean out the files? That is another point, Mr. Speaker. I hope none of the files will be cleaned out. What about all the Moores' records that have been hidden? What about all the Moores' records that were scattered around the Mount Scio House? And what about, Mr. Speaker - will we be able to finally get some information on Confederation Trust? Will we be able to go into the Premier's Office? The Public Accounts Committee has not been able to get it. The Premier has refused to give the information to this House. Will we now, under this bill, be able to get all the information we need on Confederation Trust and on the Moores years? We are going to need Orders in Council, we are going to need memorandums to the Cabinet, we are going to need all that sort of thing.

Mr. Speaker, I can see that if this bill goes through and it works at all. I have my work cut out for me. I will be able to get the answers to the questions that I asked in this House in 1978. I have

MR. NEARY: not got the answers yet, 1978 and '79, when Mr. Rex Murphy said the government was 'under seige', that the Opposition was being negative, that we were lowering the decorum of the House, that was the way they set up their smokescreen, they set up their smokescreen and distracted from the real issues and never answered the questions. Well, now I hope we will be able to get the answers and all the answers we want from the Department of Finance.

Mr. Speaker, maybe we can find out now how much Finance paid Mr. Fearn to get rid of him. Something that the people - information that the people have the right to have, questions asked on the Order Paper during the Oral Questions Period in this House, and the information refused point blank by the Minister of Finance (Dr. Collins). He has not told us to this day how much it cost us to send Mr. Fearn out of this Province.

MR. MOORES: Hundreds, a lot of money.

MR. NEARY: Well, I would not say hundreds,

MR. S. NEARY:

thousands piled up on thousands of dollars to get rid of a man, Mr. Speaker, who was being fired by the government. And the minister refused to give us the information. Now will we be able to get this kind of information, Mr. Speaker? Well, I hope so. And those of us in this House who like research, who like to satisfy their curiosity, who like to even embarrass the government, or those of us who like to see that the people get a fair shake, those of us who like to protect the Public Treasury, those of us who like to eliminate skulduggery in this House, I would say that we have our work cut out for us. And I hope, Mr. Speaker, that more members will take an interest in that sort of thing in the future. All the little things that are hidden in government departments would make your hair stand on end.

And so, Mr. Speaker, I support the bill. I am glad that we have this legislation before the House. I know that no legislation is perfect. There is all kinds of room for improvement in this bill. I hope even before the bill goes through Committee of the Whole that there will be some amendments. And I am sure, Mr. Speaker, in succeeding years, that amendments will have to be made to the bill. But I hope, above everything else, that the general public, that the people of this Province will not be obstructed in any way, shape or form or will not be put to unnecessary expense, in getting the information to which they are entitled.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. L. BARRY: Mr. Speaker, I am very happy to see the member for LaPoile (Mr. Neary) supporting this progressive legislation. But I am a little bothered by the wishy-washy way in which he has given credit where credit is due, which is to this PC administration which has taken

MR. BARRY: this progressive step forward.

And I am saddened to see the Justice critic get up and attempt to obfuscate and take away from -

AN HON. MEMBER: Obfuscate.

MR. BARRY: Obfuscate, take away from, the very excellent piece of legislation that the Minister of Justice (Mr. Ottenheimer) has placed before this House in this session.

Now, the significance to the legislation, Mr. Speaker, is that there is a right to information established. No more will it be a matter of saying, 'Please, pretty please, can I have this or that?' We are as a government saying - we are not afraid, Mr. Speaker, to have all the facts hanging out, we are not afraid, we have nothing to hide - Here is the information, here is your right to information, keep us on our toes, keep us on the ball, do not let us get complacent, make sure we continue to be the efficient progressive team that we are in this government.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: And, Mr. Speaker, I am telling you if I was not going to support this legislation, I would have changed my mind after seeing yesterday afternoon the shameful thing that occurred in this House at 5:00 P.M. when Your Honour had to report that there were no topics for debate on the Late Show. No topics for debate. Not a single item could the Opposition find to indicate that they were not satisfied with the information they had been getting from this government through Oral Questions in this House.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: Mr. Speaker, I think that that is the proof of the pudding in terms of the information that is coming across from this government, the fact that they had their time allotted where they could get up and debate and criticize government if they were not satisfied with information they had received to date. So I would say, Mr. Speaker, that you have to draw a big red line, as far as the files of government are concerned - we will not do this, of course,

MR. BARRY:

but you could draw a big red line across all the files of government as of yesterday, March 19th, and say, "The members of the Opposition are satisfied. There is nothing in the files of government prior to March 19, 1981 that the Opposition requires information on. They are satisfied with what we have told them.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: So, Mr. Speaker, we start off with a fresh new sheet in this government as of March 19, 1981, the Opposition is satisfied with us.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: Satisfied.

MR. STEWART: The day the by-election was called.

MR. THOMS: Call a general election

(inaudible).

MR. BARRY: Now, Mr. Speaker, therefore, if it were only the Opposition that we wanted to give information to to help them in their job of criticizing us, keeping us on our toes, if it were only the Opposition we wanted to get the information out to, the legislation would not even be necessary. But, Mr. Speaker, not only do we want to rely on these members opposite keeping us on our toes, because my God we would be going around, Mr. Speaker,

MR. MORGAN: (Inaudible).

MR. BARRY: - we would be losing our edge within days from the lack of effective criticism that we have seen. It is terrible. Terrible.

MR. STAGG: Their most effective member at this time is out in Western Canada.

MR. BARRY: Mr. Speaker, I have to say that the lack of penetrating questions in this session and in the prior session is very discouraging to members of this House who are here just filled to the brim with information that they are ready to flow across to the other side of the House. We are just filled to the brim waiting, waiting for the moment when we are requested to supply some information and nobody opens the tap, nobody, Mr. Speaker -

MR. STAGG: They are afraid to open the tap.

MR. BARRY: - puts forth the penetrating questions that let us get the information out to the people of the Province. So we said, 'We cannot rely on the Opposition to get the information out. We have to go directly to the people of the Province and we have to give the citizens of our Province the right' - because the Opposition is not protecting their right -

MR. STAGG: Right.

MR. BARRY: - 'to give the individual citizens of our Province the right to come in and demand from government the information which the Opposition is not getting out.'

The normal process would have been there would be enough information going out to the general public just from the questions that would be asked by an intelligent, enlightened, aggressive Opposition.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: But, Mr. Speaker, there has been a total collapse on the other side of the House, a total failure, and, Mr. Speaker, we have concluded

MR. BARRY: that we have to go right to our citizens and give them the right to contact government directly, because they cannot rely on the Opposition, to contact government directly and be entitled to obtain information.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: Now, Mr. Speaker, if anybody were to say that this is not a progressive step, and I am not going to go back and belabour the historical record, because I know members opposite become terribly embarrassed and chagrined and uncomfortable and I hate to do it to my old buddy from LaPoile (Mr. Neary) and so forth, but, Mr. Speaker, it has to be pointed out -

MR. FLIGHT: Where is the leader?

MR. BARRY: And the member for Windsor - Buchans (Mr. Flight) can listen now as somebody who pretends to be interested in resource development. Mr. Speaker, can you imagine the opportunity for criticism and evaluation of resource development policies when you had a government as we had in the past? When the Liberals were in power you had a government that would place awards of concessions, mineral leases or hydro leases in closed files -

MR. STAGG: Yes, that is right.

MR. BARRY: - in closed files, secret and hidden from the people of this Province, not only from the people of this Province, I do not believe that members of the House could get access, on the Opposition side of the House, they were closed documents to members of the House of Assembly.

MR. STAGG: Not even ministers.

MR. BARRY: Now, Mr. Speaker, is there any wonder that members opposite are less than penetrating, shall we say, in their criticism of this

MR. BARRY:

forward by our government?

bold, progressive step

Mr. Speaker, the nature of government and the political process is that information is power. Democracy only works if our citizens have sufficient information. Not propaganda, which hon. members opposite all too often have been confusing with information, not propaganda, Mr. Speaker, but information. And unless the citizens of a democratic nation have the information upon which to test and evaluate the effectiveness of the policies and programmes

MR. BARRY: of government, then democracy  
will be weakened.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: Mr. Speaker, I will give you an  
example, I will give you another example now in terms of the  
Opposition, their need for this legislation.

MR. GOUDIE: Do not embarrass them.

MR. BARRY: We had a symposium, the  
Petroleum Directorate put on a symposium a couple of weeks  
ago, what did we do, did we have it behind closed doors?

SOME HON. MEMBERS: No.

MR. BARRY: What?

SOME HON. MEMBERS: No.

MR. BARRY: For three days we had coast  
to coast television coverage, the news as it happened, at the  
moment, live television coverage.

AN HON. MEMBER: Live and in colour.

MR. BARRY: But, Mr. Speaker, in the course  
of that symposium to which the graciously invited members of the  
Opposition, I was happy to see the Leader of the Opposition  
(Mr. Stirling) was there, the member for Windsor-Buchans  
(Mr. Flight), I am not sure if the member for LaPoile  
(Mr. Neary) was there or not, but the Leader of the Opposition,  
in the course of this great forum that we gave him to give him  
a little bit of exposure to try and boost him up a bit so that  
we could be more effectively criticized, we had a few press  
invited and we introduced them to the Leader of the Opposition  
just to try and boost him up, get his image up there a bit -

MR. STAGG: They do not want another  
Leadership Convention.

MR. BARRY: - and, Mr. Speaker, do you know  
what the story was that came out across Canada, headlines in The  
Globe and Mail? We had released a report at the conference and

MR. BARRY: the Leader of the Opposition - a very important report, Economic Analysis of Hibernia. The Hibernia discovery, I guess, is one of the more significant events that has taken place in this Province in this past year. Mr. Speaker, do you know what the reaction of the Leader of the Opposition was to The Globe and Mail reporter now? He looked at this and took some time to peruse it and he said, "This is the first time I have seen this document, the first time I have seen it. This is terrible. Look, do you see what they are saying here? Do you see what they are saying there? This is the first time I have seen it." Now, this was in the latter part of February or early March,

I forget which, early March I think. Do you know when that report was first released at a press conference publicly? It was back in October or November of last Fall, 1980

SOME HON. MEMBER: Oh, oh!

MR. POWER: Lazy Opposition.

MR. BARRY: Mr. Speaker, now you might think that, okay, well, he might not have been in town that day, you know, his researchers might not have been informing of what was going on. You could maybe excuse him for missing one publication of the report. Mr. Speaker, in January of this year we presented the same report at a public hearing of the National Energy Board, which for the first time in the history of Canada or the history of this Province, came down and held energy hearings right here in St. John's, Newfoundland, indicating incidentally, Mr. Speaker, that there might be a little bit happening as far as energy is concerned in this Province. But, Mr. Speaker, that document - talking about the release of information and why,

MR. L. BARRY: I mean, it is a waste of time, as far as government is concerned, just to release information to the Opposition. That document was submitted to the National Energy Board and made available to all interested parties, the general public, Opposition, newspapers, whoever wanted it in January. So you had the release in October or November, I forget which, submission to the National Energy Board in January and then a re-re-release in March and it finally got through. The Leader of the Opposition (Mr. Stirling) finally found out that there was something going on as far as Hibernia was concerned. The discovery of Hibernia was in 1979. It made headlines from here to Timbuktu. The United States went crazy, Canada went crazy, people in the Province here recognized it as a very significant event, and the Leader of the Opposition had not shown enough interest to obtain the documents that are for public release from the Petroleum Directorate.

SOME HON. MEMBERS: Shame! Shame!

MR. L. BARRY: I mean, what can you do? What can a government do? A government cannot go on like this, their just making information available to an Opposition, government has to take things in its own hands and make the information available directly to the citizens and encourage our citizens to come and get the information directly rather than wait for the normal political process which in other places is effective. But you have to have an effective Opposition for it to be effective, and it is obviously not working in this Province.

SOME HON. MEMBERS: Oh, oh!

MR. L. BARRY: Mr. Speaker, the Justice critic said, 'Oh, the Minister of Development (Mr. Windsor) has torn out one page out of 201 pages of the Marystown report, which, by the way, was noted that there was here confidential company information that would give the yards competitors an advantage, possibly threaten jobs not just in Marystown, in the member's district as well. And I am sure his constituents

MR. L. BARRY: will note his cavalier attitude for the competitive position of the Marystown Shipyard. He wants the information supplied to the Marystown competitors, to the competitors of the Marystown Shipyard. Yes, give them all the information so they can compete with the yard and beat the yard in bidding for contracts. I told the hon. member we would be happy to let him see the page just so he will be convinced that there is nothing on that page where there is some little criticism of government.

SOME HON. MEMBERS: Oh, oh!

MR. L. BARRY: But, Mr. Speaker, when this Act is in place I do not know but they might be able to go after the Minister of Development (Mr. Windsor) as a matter of right and challenge his decision. And I suspect that they would, Mr. Speaker, because there is a

MR. BARRY:

right to information with certain limited exceptions. Now there is one exception which might apply under the act where it says, 'A head of a department may refuse access to information', 11 (c), where the disclosure of which would have a substantial adverse effect on the economic interests of the Province. Now, I think that that is probably a legitimate head upon which this item could legitimately be withheld even though, Mr. Speaker, as I pointed out, government has nothing to hide, we will be happy to show members of the Opposition in confidence what is on that page and so forth. But, Mr. Speaker, the beauty of this legislation, the progressiveness of this legislation, the enlightenment of this legislation is shown not only by the right being

given to obtain information and limited exceptions, it is that it is not just the head of a department, it is not a deputy or a minister who has the right to say whether or not the Province's economic interests might be harmed, because there are certain appeal procedures set up. There is the right to go to the Ombudsman to challenge a decision of the head of a department.

MR. J. MORGAN: Who set up the Ombudsman?

MR. BARRY: And, Mr. Speaker, yes, who set up the Ombudsman in this Province? Was it the Liberal government?

AN HON. MEMBER: No.

MR. BARRY: Not bloody likely. Mr. Speaker, not only do they have the right to challenge a decision of the head of a department to the Ombudsman, there is a further right of appeal to the courts of this Province.

MR. L. THOMS: At what cost?

MR. BARRY: I am sure the hon. member would be glad to contribute his services, Mr. Speaker, pro bono publico as he has always shown his great interest in making his

MR. BARRY: services available to those in need who do not have the financial wherewithal. and I am sure all of his colleagues, including his colleague to his left and our other colleagues in the Law Society of Newfoundland, would never permit injustice to be perpetrated, would never see the situation exist where justice could not prevail and where citizens of our Province would not obtain information that was important for them to receive. And surely the member opposite is not saying that he would let filthy luker stand in the way of any needy individual who came asking his help. Shocking, Mr. Speaker, shocking!

Mr. Speaker, this, I am happy to say, is a piece of legislation which I can

MR. BARRY:

happily support. Not only has it become necessary, Mr. Speaker, because of the ineffectiveness of the Opposition of this Province, not only has it been necessary for us to go directly to the citizens of our Province, to our people to give them the right to obtain information which the Opposition has not been able to get out of government, not only, Mr. Speaker, has the Opposition indicated clearly that as of March 19, 1981, they are happy with government's performance by their failure to raise anything in the Late Show yesterday, Mr. Speaker.

MR. STAGG: You are right.

MR. BARRY: Not only that - tested on its merits against legislation anywhere in the world, Mr. Speaker, it will be seen loud and clear that democracy is alive and well in this Province.

Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: Mr. Speaker.

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

MR. ROBERTS: Mr. Speaker, it is about ten to one. Does the Government House Leader (W. Marshall) agree we can adjourn the debate? Well, I will move that the debate adjourn and the Government House Leader can do whatever is appropriate and we will go on from there.

MR. SPEAKER (Butt): The hon. member adjourns the debate.

The hon. the President of the Council.

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

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