

PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
10:00 a.m. - 1:00 p.m.
FRIDAY, MARCH 6, 1981

The House met at 10:00 A.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

ORAL QUESTIONS

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Bonjour Monsieur le Presidente.

MR. SPEAKER: Les debats, s'il vous plait.

MR. NEARY: I have a question for the President of the Council (Mr. Marshall), Mr. Speaker. I wonder if the hon. gentleman could tell the House who is responsible now in this Province for consumer affairs and if the hon. gentleman could tell us whether whoever is responsible on that side of the House for consumer affairs is looking into gasoline prices in this Province?

As hon. members know, gasoline was increased by two cents a gallon, I think it was. It was announced there would be an increase of two cents a gallon at the pumps. I understand from various and sundry sources that the retailers are charging anywhere from two cents up to ten cents extra a gallon. Would the hon. gentleman tell the House what the provincial Department of Consumer Affairs is doing about that?

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

MR. MARSHALL: Mr. Speaker, I can inform the hon. gentleman that Consumer Affairs is in the very capable hands of the hon. the Minister of Justice (Mr. Ottenheimer). I do not think that perhaps the Opposition, after having witnessed the Late Show yesterday, will dare to ask the hon. Minister of Justice any questions today.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: But, Mr. Speaker, as to the hon. gentleman's question with respect to gasoline prices, we are monitoring the prices in this Province, but I would also draw to

MR. MARSHALL: his attention that apparently one of the reasons for the - maybe anyway one of the reasons for it would appear from reports that one of the reasons for the high cost of gasoline as well as for fuel may well be the alleged price fixing with the oil companies , the multi-national corporations. And as the hon. gentleman will recall, his colleagues in Ottawa the other day revealed that they were going to have an investigation in this. I would hope possibly the price of gasoline would have been better if the gentleman's colleagues in Ottawa had looked at this some nine years ago rather than sitting on some ineffective legislation which could not adequately protect the people of Canada or the people of this Province.

MR. NEARY: Supplementary, Mr. Speaker.

MR. SPEAKER (Simms): Supplementary, the hon. member for LaPoile.

MR. NEARY: Mr. Speaker, the hon. gentleman did not answer my question. The consumers in this Province at the moment are being ripped off by adding their own increase to an increase of two cents - that is between a cent and a half and two cents that was announced officially - the oil companies in this Province have now tacked on their own little surtax, their own little increase that ranges anywhere from two cents, I am told, up to ten cents a gallon. And I am asking the minister to let the people of this Province know what action the provincial Department of Consumer Affairs is going to take on this matter?

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

MR. OTTENHEIMER: Mr. Speaker, I think, you know, the two cent increase is a natural result of increases elsewhere. It just flows over. If there are instances of where the natural increase will be two cents and people are adding on ten cents - Is this ten cents a litre or ten cents a gallon, I wonder?

MR. NEARY: A gallon.

MR. OTTENHEIMER: A gallon. Then obviously that matter will be, you know, looked into. I know the hon. gentleman may not wish to say it publicly, but if he is aware of specific outlets which instead of a two cent increase are in fact charging a ten cent increase, then if he were to let us know that in private, I do not mean in public, then that would certainly, you know, be of assistance to us.

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

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

MR. NEARY: Mr. Speaker, the hon. Minister of Justice is asking me to go around now and act like Dick Tracy. Every taxi driver, every individual who drives a motor vehicle in this Province knows at the present time, I am not an inspector for the minister's department. If the hon. gentleman wants me to do the job, make me director of Consumer Affairs. I will quit the House and I will go to work for the hon. gentleman.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: But I am asking the hon. gentleman what action - does the hon. minister have the staff, the investigative staff, the inspectors to go around, check on the pumps this very day, and if they are charging more than the two cents a gallon that was allowed, will the minister demand that the retailers refund the rip-off to the consumers in this Province? That is all I am asking.

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

MR. OTTENHEIMER: Mr. Speaker, first, you know, we would have to ascertain to what extent this is accurate, that instead of a two cent increase there is in fact a ten cent increase. And before I announce the appointment of the hon. gentleman as director of Consumer Affairs, actually what I was asking him was not to conduct a survey, but having asked that question I assumed that it was based on some knowledge and was just saying that it would be of aid to the Public Treasury rather than perhaps an inspector going to fifty and then coming across the one who was the culprit or the two or whatever, if the hon. gentleman passed it on in private. I was not suggesting the hon. gentleman, you know, actually conduct a survey on our behalf, and I would have to take the advice of my colleagues before taking up the hon. gentleman's offer and appointing him director of Consumer Affairs, but I will certainly keep an open mind on it.

MR. LUSH: Mr. Speaker.

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

MR. LUSH: Mr. Speaker, I want to ask some questions re the labour disputes in this Province and hope that I can get some accurate answers. In a question asked - and I direct this question, Mr. Speaker, to the Minister of Finance and the President of Treasury Board (Dr. Collins). The minister will recall that a couple of days ago I directed a question to him concerning or trying to ascertain whether or not there were employees working with the College of Trades and Technology who were receiving salaries less than or equivalent to

MR. T. LUSH: what they could receive on social assistance. The minister indicated, I think, at that particular point in time that this was not accurate, that NAPE was using a few specific examples. In view of NAPE's press release yesterday where they specified that there were certain numbers of people who, indeed, do receive salaries less than what they would receive if they were on social assistance or some benefits that they were entitled to based on the level of salary that they were receiving, could the minister comment on that statement this morning, in view of NAPE's statement yesterday?

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

MR. OTTENHEIMER: The Rompkey slaver.

MR. FLIGHT: After Rompkey got finished with him he could hardly stand up.

MR. NEARY: I would say that was a draw last night.

MR. FLIGHT: I would not be very proud of that programme.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

The hon. Minister of Finance.

DR. J. COLLINS: Mr. Speaker, I am not quite sure what question I am required to answer here, there seemed to be a number of voices across the way, but I am going to take it that I have to answer the first question put to me by the hon. member for Terra Nova (Mr. Lush).

I think one would have to perhaps go back to Hansard to see the exact question that I responded to and I do not at this point in time recall what the question was in detail. But as far as I remember, the context was that there is a worker or workers over there that if they were on social assistance they would get more income. My response was that that was not the case. In other words, the information that I have is that if there is a worker with two children the amount of entitlement that he would receive would

DR. J. COLLINS: be \$505 per month. Those are the figures that one has received from Social Services. Now the information that I received as to the lowest take home pay, and I must reiterate that this is take home pay and out of total pay there are a certain number of things come off to arrive at take home pay, including dues for union membership. There are certain things that come off to arrive at take home pay. And, of course, these things that do come up are of benefit to the worker, such as pension payments that you do not get on social assistance and so on and so forth. You certainly do not get payment of union dues on social assistance. Anyway the take home pay that the lowest paid worker would get would be in excess of the amount that a social assistance recipient would be entitled to in terms of the regular social assistance and the allowance for rent and transportation.

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

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

MR. T. LUSH: Mr. Speaker, I am surprised that the minister is not more familiar with the situation in which he labels the government's offer to be fair and equitable. The NAPE press release yesterday states that there are five individuals, at least five individuals, who receive less money than they would if they - or less benefits; I think, money and benefits - than if they were receiving social assistance. There are at least five and the minister should get familiar

MR. LUSH: with that particular situation that he labels as fair and equitable.

I want to put a question, Mr. Speaker, to the Minister of Labour and Manpower (Mr. Dinn), again with respect to this terrible labour situation in the Province, I want to ask the minister whether or not he, as the minister, or whether the government, have done all in their power to resolve this situation, whether they have used all of their powers available to them under the Collective Bargaining Act to resolve this labour dispute?

MR. SPEAKER (Simms): The hon. Minister of Labour and Manpower.

MR. DINN: Yes, Mr. Speaker, we have used everything, every instrument available to us to attempt to -

MR. NEARY: Not true.

SOME HON. MEMBERS: Not true.

MR. DINN: - to attempt to get a satisfactory solution and an end to the strike.

SOME HON. MEMBERS: Not true.

MR. DINN: We could, Mr. Speaker, come into the House of Assembly and take away the right to strike but we do not have any intentions of doing that.

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

MR. LUSH: Mr. Speaker, the minister no doubt is aware of the normal procedures with respect to resolving labour disputes and my specific question to the minister, my specific question is has the minister followed the normal and the routine or the acceptable procedures with respect to collective bargaining? Has he followed these normal and acceptable procedures to resolve this present labour dispute in the Province right now?

MR. FLIGHT: No.

MR. SPEAKER (Simms): The hon. Minister of Labour and Manpower.

MR. DINN: Yes, Mr. Speaker.

MR. LUSH: A supplementary, Mr. Speaker.

MR. NEARY: No, that is not true.

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

MR. LUSH: Mr. Speaker, as a final supplementary,

could the minister indicate to hon. members whether or not NAPE had applied for the services of a conciliation board?

AN HON. MEMBER: You mean a mediator?

MR. LUSH: No, a conciliation board. Has NAPE made its intentions known as to whether or not it wanted to follow this procedure in the interest of resolving this dispute, have they applied to the minister or to the President of Treasury Board for a conciliation board? Have they demonstrated this interest, their concern to resolve this situation by applying for a conciliation board?

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

MR. DINN: Mr. Speaker, the hon. member should know the legislation. The legislation is such that -

MR. LUSH: I know the legislation.

MR. DINN: The legislation is such that there is a period of time, a point of time during negotiations at which a union has an opportunity to apply for a conciliation board.

Now we have had, I believe, five sets of negotiations up to this point in time, four of which have concluded, two of which have had conciliation boards appointed:

MR. DINN: The General Service, M.O.S., had conciliation boards appointed. The outcome of those conciliation boards, the conciliation report was received. I received a request from the N.A.P.E. negotiating committee for the College of Trades and Technology for a conciliation board. In about 98 per cent of the cases that request conciliation boards, it is normal practice to appoint a conciliation officer who makes a report back to me as minister, and as a result of their recommendations I either appoint or do not appoint a conciliation board.

Because we appointed a conciliation board at a point in negotiations in, I believe, the M.O.S. or the General Service, and the conciliation board report came back and all the items in the negotiations with respect to the College of Trades and Technology were resolved outside of the monetary package, and all the positions in the College of Trades and Technology were exactly the same as those in the General Service dispute, it was recommended to me and I decided that a conciliation board would not be set up.

MR. FLIGHT: A supplementary, Mr. Speaker.

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

MR. FLIGHT: I would like to ask the minister, Mr. Speaker, if he recognizes the unit on strike at the College of Trades as an independent bargaining unit with a right to ask for a conciliation officer -

MR. LUSH: In their own right.

MR. FLIGHT: - in their own right? From the explanation the minister just gave he might as well have said that the Buchans Mining/Steelworkers Union requested a conciliation officer and did not get it. Does not the minister recognize their right to conciliation services in their own right as a bargaining unit?

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

MR. DINN: Mr. Speaker, the hon. member should know that in negotiations, whether it is in the Public Service, that generally in these negotiations there is a lead company. For example, in the Paperworkers dispute of last year or negotiations during last year, Abitibi-Price was the lead company and generally all the local items are concluded in those negotiations until you get to the wage package which generally are settled by an industry, a company that is used as the lead company for those negotiations. So generally what happens, whether it be in the public or the private sector, the Abitibi-Price was used in the Paperworkers last year.

MR. NEARY: Of all the foolish nonsense, talking about the papermakers.

MR. DINN: The hon. the member for LaPoile (Mr. Neary) does not like the answer even though it is the accurate answer, Mr. Speaker.

MR. SPEAKER: Order, please!

MR. NEARY: The hon. the minister does not know what he is talking about.

MR. SPEAKER: Order, please!

MR. DINN: And in this situation we see or I see no difference, absolutely no difference whatsoever.

MR. FLIGHT: Mr. Speaker, a supplementary.

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

MR. G. FLIGHT: Mr. Speaker, I would suggest to the minister that the reason the vocational school workers are separate - Trades College is a separate bargaining unit is because the government wills it so. They want it to stay and continue to be a part of the bargaining unit of the general service. But the minister, it was his doing that created a separate bargaining unit by not recognizing them as part of the general service. So why, Mr. Speaker, having forced them to be an independent bargaining unit on their own, why is he now not recognizing them as having the right of an independent bargaining unit?

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

MR. J. DINN: Mr. Speaker -

MR. S. NEARY: He does not know what he is doing.

MR. DINN: - the hon. member should know like in his previous question just to correct something in he said, he meant a conciliation board but he said a conciliation officer. There is a conciliation officer available to the College of Trades and Technology at all times. He was present for months -

MR. LUSH: A board is what we are talking about.

SOME HON. MEMBERS: A board, a board!

MR. DINN: -ready for negotiations. The general service had a board -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

MR. DINN: - and all the items in the general service, all the positions in the general service are equivalent to the positions in the College of Trades and Technology. It was a decision - last year, for example, in all the disputes in Newfoundland, all the negotiations that went on, and there were some 148, I believe, there were five conciliation boards in all last year. So with respect to the College of Trades.

MR. DINN: as we would in industry, and there is no difference whether it is in the public or the private sector, as we would in industry that when a lead group negotiates and generally gets an agreement on all the package, all the local items are generally solved by a conciliation officer. If they are not, there may be a need for a conciliation board when it gets down to just the wage package itself, if that has already been settled by a conciliation board. Generally, and I say generally, 99.9 per cent of the time, there is no conciliation board set up.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER (Simms): Order, please! Order, please!

The hon. member for Torngat Mountains has been trying to get the floor.

MR. WARREN: I yield.

MR. SPEAKER: He yields.

The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I would like to ask the hon. gentleman if it is the policy of the department that in nine cases out of ten a union will bypass a conciliation officer and ask for a conciliation board-and I presume that is what happened in this case, and in nine chances out of ten the minister will go back to the first step, the conciliation officer, and appoint a conciliation officer before he appoints a board? But I would say in 95 per cent of the cases when a board is asked for it is usually appointed. Now we are trying to get at the reason why - and this is a -

MR. L. THOMS: Unless you are the Minister of Labour and Manpower or the Minister of Justice.

MR. S. NEARY: 99 per cent and this is a terrible revelation this morning, Mr. Speaker. We are finding out now that the minister rejected a board in this dispute. Would the minister tell the House if the hon. gentleman is still serving on Treasury Board? The hon. member use to be a member of Treasury Board. Is the hon. minister currently a member of Treasury Board?

MR. SPEAKER (Simms): The hon. Minister of Labour and Manpower.

MR. J. DINN: Mr. Speaker, the answer to that question, to the final question is no. The answer to the preamble, which was not a question but an inference by the hon. member, is that 90 per cent of the time, in all negotiations, there is a request for a conciliation board. It is understood by the labour movement and by management that a conciliation officer goes in and generally takes seven days or so, sometimes a couple of weeks, to decide whether to make a recommendation to the minister as to whether a board should be set up. This was done in this case as is done in all cases, Generally, 99.9 per cent of the time, I would say 100 per cent of the time I cannot remember a recommendation coming from a conciliation officer that I overturned and went the other way. So in my term of office as Minister of Labour and Manpower, 100 per cent of the time that I receive a recommendation from the conciliation officer who was present at negotiations, I received his recommendation and accepted that recommendation of this profession.

MR. J. DINN: And in the case of the College of Trades and Technology I can say without any fear of contradiction that it was recommended that a board not be set up in that case and that it be settled by the officer himself; that they had gone through General Service, that they had a conciliation board, that the conciliation board had reported. Even though the union had recommended at the time that it not be accepted, even though the union executive or the negotiation committee recommended to these some 6,000 workers that it not be accepted, the workers accepted it. And as a matter of fact, between the time of the request of the conciliation board and my decision not to appoint, there was a delay on both sides because there was a feeling that they wanted to wait for the report of the conciliation board in the outcome of the General Service. So there was a time delay there and I received the recommendation of the conciliation officer at the time and acceded to his recommendation as I do in almost 100 per cent, if not 100 per cent of the cases.

MR. SPEAKER (Simms): The hon. member

MR. SPEAKER (Simms): for St. Barbe (T.Bennett), who has not asked a question, followed by the hon. member for Trinity - Bay de Verde (F.Rowe).

MR. BENNETT: A supplementary, Mr. Speaker. My question is to the Minister of Manpower and Labour. With all the controversy back and forth, Mr. Speaker, I would like to suggest that what I have experienced in this strike over here, and I have spoken with a few people, and I would like to suggest that there is downright slave labour over there. I would like to ask the minister how he can tolerate seeing these people over there, you know, and how the wages of these people over there compare with the average and how it would compare with the minister himself. I do not see the reason for conciliation or any other bargaining when we have people on the picket line, fifteen years service, \$284.00 for two weeks, regardless if it is take home pay, Mr. Speaker, or if it is gross earnings. I would like the minister's explanation for this for fifteen years of service and I would like to have the minister explain that. Look, for this government to tolerate that, Mr. Speaker, in my opinion is downright slave labour. The only difference is the people are not in chains, not metal chains, they are in chains of a different nature.

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

MR. DINN: Mr. Speaker, the hon. member - look, first of all he does not know what goes on during negotiations. With respect to -

SOME HON. MEMBERS: Oh, oh!

MR. DINN: - with respect to boards, when a board is requested, the conciliation officer generally finds out what the sense of the negotiating committee on both sides is as to whether they are really pushing for a board.

MR. DINN: There was no outcry at the time,
At the point in negotiations, at the critical point in negotiations -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. DINN: - there was no outcry at that time
from either the negotiating committee on behalf of the NAPE
workers nor Treasury Board for a conciliation board. There
was no indication by either negotiating committee that they
wanted a conciliation board at that point in time. There
is that point in time, and once that point in time passes, seven
days from that point people either go on
strike or give an indication as to what they are going to do.
So there is a point in time that a minister has an obligation
to make a decision, and the decision was made in this case and
I stand by that decision. The negotiating committee on behalf
of NAPE did not indicate to the conciliation officer that in
this situation they wanted a board.

Now, with respect to what is offered
or what is requested by either side, there is no way I will, as
Minister of Labour and Manpower, get into that negotiation with
the hon. member or anyone else in public.

MR. WARREN: Mr. Speaker.

MR. SPEAKER: The hon. member for Torngat Mount-
ains.

MR. WARREN: Mr. Speaker, in the absence of
the Premier, I would like to direct my question to the President
of the Council (W. Marshall). In view of the propoganda programme that
the anti-seal protestors are waging against the committee and
seal hunt, has this government any plans to counteract this
propoganda?

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

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MR. MARSHALL: Mr. Speaker, this government, of course, views these programmes, these anti-sealing programmes very seriously. At the present time the government's

MR. MARSHALL: programme is one of continuing support for the sealing industry, this vital industry in this Province, and it will continue to do so at every turn.

I hope that answers the hon. gentleman's question.

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

MR. LUSH: Mr. Speaker, I want to again ask another question of the Minister of Labour and Manpower because there seems to be something terribly inconsistent here. The minister mentioned in an answer to a question raised by my hon. friend, the member for Windsor-Buchans (Mr. Flight), that the reason why a conciliation board was rejected to NAPE was on the basis of the recommendations of the conciliation board in another public service group. Now, Mr. Speaker, the question I asked is, and what I want the minister to address himself to is this, that my understanding is that the bargaining unit, or the workers of the College of Trades and Technology, were once a part of the General Service bargaining unit. That might not be the exact way of putting it but they were a part of another bargaining unit. and it was the wish of the government that they became a separate bargaining unit. So it was the government that set them up as a separate bargaining unit and now the government is not recognizing that, they are taking the recommendations from another group. So is this not an inconsistent thing and certainly something that is unjust and unfair to this particular bargaining unit?

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

MR. DINN: Mr. Speaker, as usual the hon. member picks a point and tries to make a point out of one point of ten. What happens when a conciliation officer is appointed is he feels the sense of both sides and the bargaining committee on behalf of the College of Trades and Technology at the time did

MR. DINN: not indicate that they wanted a conciliation board.

MR. NEARY: Oh yes, they did.

MR. DINN: Under the Public Service - the hon. member is interrupting and he should know the rules of the House. He is the senior member in the House, he should know the rules. He should not be interrupting. He knows that.

MR. THOMS: (Inaudible).

MR. DINN: But he continues to do it. The hon. member does not want to know the answer. The hon. member for Grand Bank (Mr. Thoms) got annihilated yesterday by the hon. Minister of Justice (Mr. Ottenheimer) -

MR. SPEAKER (Simms): Order, please! Order, please!

MR. DINN: - and he is going to get annihilated again when he interrupts. The fact of the matter is, Mr. Speaker -

MR. THOMS: Not by (inaudible).

MR. DINN: - during the conciliation process, which is a very important point in time in negotiations, the committee, neither the committee on behalf of the union, nor the negotiating committee on behalf of Treasury Board, indicated that they really wanted a conciliation board. It is part of the legislation that that is how they get to a point further down the road in negotiations, that they have to request the appointment of a board. In all cases an officer is appointed. That officer gets the sense of both negotiating committees and comes back with a report. Now the fact of the matter is, it is my opinion that because of the outcome of other conciliation

MR. DINN: boards - and a conciliation board, as the hon. member knows, is made up of an appointee of the union bargaining committee, the employer bargaining committee and two of those picket chairmen - the outcome of those conciliation boards was not favourable -

SOME HON. MEMBERS: Oh, oh!

MR. DINN: - was not favourable with respect to other disputes with respect to the union. The union took the conciliation report and recommended rejection in the case of the General Service. The General Service accepted. Now, they did not make - I can say this without fear of contradiction - they did not make any point of having a conciliation board for the College of Trades and Technology. As a result of that, I received a report from the conciliation officer and one was not appointed.

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

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! Order, please!

Hon. members, I am sure, would like to join with me in inviting to the galleries and welcoming to the galleries today, twenty-six students and four of their teachers from the Pleasantville Training School in the district of Pleasantville. We hope you enjoy your visit.

SOME HON. MEMBERS: Hear, hear!

PRESENTING PETITIONS

MR. SPEAKER: The hon. the member for Burgeo - Bay d'Espoir.

MR. ANDREWS: Mr. Speaker, I rise to present a petition on behalf of 600 residents of the community of Burgeo. In doing so, Mr. Speaker, I ask for a point of clarification, I think, in your ruling of a day or two ago where you mentioned the fact that petitions should be the original. I also have in my possession a petition from 150 people of the community

MR. ANDREWS: of LaPoile and 154 from the community of Grand Bruit in the district of LaPoile. This petition, I think, was presented yesterday by the hon. the member for LaPoile (Mr. Neary). However, I have the original copy which was sent to me and not to the member for LaPoile. So I really do not know what to do with it, Mr. Speaker, at this point.

MR. NEARY: Mr. Speaker, on a point of order.

MR. SPEAKER (Simms): Order, please! Order, please!

On a point of order, the hon. the member for LaPoile.

MR. NEARY: Mr. Speaker, the hon. gentleman should know that it is improper under the rules of the House to present a petition that is not an original petition and Your Honour examined the two petitions I presented yesterday and Your Honour knows that these two petitions were original petitions. So I ask the hon. gentleman to withdraw, Mr. Speaker. That is an incorrect, untrue statement and misleading,

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MR. S. NEARY: and should be withdrawn by the hon. gentleman.

MR. H. ANDREWS: To that point of order, Mr. Speaker.

MR. SPEAKER (Simms): To the point of order, the hon. member for Burgeo - Bay d'Espoir.

MR. H. ANDREWS: To that point of order, Mr. Speaker, I did not say that the hon. gentleman did not present an original petition. I have an original petition from the two communities of Grand Bruit and LaPoile, 154 names and 150. And I challenge anybody in this House, Mr. Speaker, to defy that they are original. However, I will speak to the petition -

MR. SPEAKER: Order, please!

If the hon. member would take his seat, I will rule on the point of order, first of all. The matter yesterday was raised by me because of the fact that this has happened on a number of occasions and the Chair has been very flexible. It is difficult for the Chair to determine whether in fact it is an original or not because the Chair never sees the petition until after it has been tabled. So with respect to the one that is being discussed now, let us leave that as it is. It has been presented, the hon. member has spoken in favour of it. The hon. member wishes now to present another petition, it is my understanding, and I would ask him to do so.

The hon. member for Burgeo - Bay d'Espoir.

MR. H. ANDREWS: I will speak, Mr. Speaker, to the exactly 600 residents of the community of Burgeo and the prayer of the petition reads as follows: 'We, the undersigned residents of the South coast of Newfoundland, while keenly interested in the preservation of the caribou herds, herein express our determined opposition to the proposal of the Corner Brook Tuckamore Wilderness Club published in the Evening Telegram January 10th., 1981. The proposed wilder-

MR. H. ANDREWS: ness area would eliminate or
reduce five big game hunting areas, thereby seriously
restricting opportunities for residents of this area -

MR. L. THOMS: A point of order, Mr. Speaker.

MR. H. ANDREWS: - to participate in an activity
that provides them with an important source of food!

MR. SPEAKER (SIMMS): Order, please!
A point of order has been
raised by the hon. member for Grand Bank.

MR. L. THOMS: Mr. Speaker, I would like
Your Honour's ruling on whether or not it is permissible
to present the same petition twice even though it is in
different sittings in the House of Assembly.. The petition
that is being presented right now is exactly the same petition
that was presented by my hon. friend for LaPoile (Mr. Neary)
at yesterday's sitting of the House.

MR. ANDREWS: How do you know?

MR. TULK: You said so.

MR. W. MARSHALL: To the point of order, Mr. Speaker.

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

MR. MARSHALL: Your Honour has already addressed
yourself to that in your preceeding -

MR. THOMS: Oh, no! Not that way.

MR. W. MARSHALL: I was addressing His Honour, I
was not addressing the hon. member. Your Honour has already
addressed yourself to that point. The hon. gentleman is
bringing a petition in from his district, I understand,
signed by some over 600 people in Burgeo, which is an
original petition and which he has a right as a member of
this House, and not only a right but a duty to bring in.
And the hon. member's petition yesterday was not representative
of the people of Burgeo, it was representative of the
people of LaPoile which is a district that he purportedly represents.

MR. SPEAKER (Simms): With respect to the point of order, there is no rule or regulation that prevents another member presenting a petition which contains the same prayer as a petition that had been presented a few days before. In fact, we have had it happen many times.

MR. SPEAKER (Simms): The hon. member for Burgeo-Bay d'Espoir (Mr. Andrews) may continue.

MR. ANDREWS: To continue with the prayer of the petition, Mr. Speaker, "Outdoor recreational activities such as snowmobiles, ski-dooing, trouting, wood cutting would be severely restricted as well. Furthermore residents of Grand Bruit and LaPoile would be completely barred from their traditional hunting areas.

"In short, the wilderness area proposed by the Corner Brook Tuckamore Club would deprive people of the Southwest Coast of their time-honoured rights to enjoy the hinterland adjacent to their communities, a right enjoyed by residents of all other Newfoundland communities.

"However, since we share the Tuckamore Club's concern for the protection of the caribou herds, we propose the following for the protection of this invaluable resource.

"Number one, increased surveillance of the caribou habitat by wardens, including frequent checking of vehicles entering the Trans Highway from the Burgeo Road, and vehicles along the Burgeo Road as well.

"Number two, if a wilderness area must be established, it must be located West of Grandys River and extending no closer than fifteen miles from the Coast so as to respect the hunting traditions of coastal rivers.

"Number three, an educational campaign be implemented aimed at making people aware of the value of the wildlife and the need for conservation measures."

Mr. Speaker, this is the prayer of the petition by 600 residents of Burgeo. I support it 100 per cent.

MR. NEARY: So do I.

MR. ANDREWS: I think it is an issue that concerns a lot of people in Newfoundland. We all want to respect wildlife but far be it from people who live outside of an area to impose their own will upon residents of another region.

SOME HON. MEMBERS: Hear, hear!

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

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker, I support the prayer of the petition. I guess it is better late than never.

AN HON. MEMBER: So does this side.

MR. NEARY: And in supporting the petition, Mr. Speaker, I want to first of all congratulate the Lions Club of Burgeo who took the trouble -

AN HON. MEMBER: Hear, hear!

MR. NEARY: - who went to great depth and took the trouble to circulate this petition.

The Lions Club in Burgeo kept me completely informed as to what they were doing and asked me for my co-operation and help and it was partly -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: - Mr. Speaker, I might say that it was partly on my advice -

AN HON. MEMBER: Holding it up.

MR. NEARY: - on my advice that the two petitions, the one I presented yesterday and the one the hon. gentleman presented today -

AN HON. MEMBER: Down the tube.

MR. NEARY: - came into the House of Assembly the way they did. Because I suggested to the Lions Club that the hon. gentleman present a petition from his part of the Southwest Coast and I present the petition from my part and that is the way it worked out and that is fine and that is the way it should be. And so I have no hesitation at all in supporting the

MR. NEARY:

petition, Mr. Speaker.

I do want to say this though, for the benefit of my colleague who is an environmentalist, who came into this House on his great fight against disrupting the environment in this Province, that I am not against having a wilderness area, and I do not think the hon. gentleman is, and I do not think the people on the Southwest Coast are, but what they are.

MR. NEARY:

objecting to is the massive amount of territory that would be taken into that wilderness area. If the Tuckamore Club in Corner Brook had their way, the whole Southwest Coast would be a wilderness area, everybody would be out sitting on a park bench smoking his pipe and chipping away at his little stick of wood. Now, that is not the way it should be, Mr. Speaker.

AN HON. MEMBER:

And shooting down rabbits.

MR. NEARY:

Well, I do not know. That is the Premier's specialty, rabbits and moose. They would not be allowed to hunt for game, they would not be allowed to fish, they would not be allowed to use their skidoos. And I might say, Mr. Speaker, that the finest skidoos in Newfoundland are on that coast. My constituents from Port aux Basques go down to Burgeo on their skidoos in the Wintertime. I do not know if they were able to do it this Winter or not, it has been a very poor Winter.

But it is a very good petition, Mr. Speaker, and I do hope that the minister responsible will take the recommendations in the petition into consideration and that the Tuckamore Club in Corner Brook, even though their heart may be in the right place, Mr. Speaker, I think they went a little bit too far in this particular instance.

MR. SPEAKER (Simms):

Further petitions?

Orders of the Day.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for LaPoile.

MR. NEARY:

I move under Standing Order 23 that the regular order of business of the House be suspended to debate a matter of urgent public importance, namely, the provincial government's policy in encouraging and paying scabs and strike breakers to cross picket lines at the College of Trades and Technology and the Workers' Compensation Board and

MR. NEARY: that this policy is costing the taxpayers of this Province an outstanding amount of money not budgeted for in this year's Estimates.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: I refer Your Honour to the same authorities that were referred to the other day when a similar motion came up. Now, the one the other day did not have the characteristic of the urgency of debate which such a motion must have. This particular one, Mr. Speaker, is couched in language that is obviously being brought on for political purposes and not because it is a matter of urgency of debate. It is only in very rare cases that the House would be adjourned for this purpose and this is in absolute cases where it is not just the urgency of the matter. A matter may be urgent, but there must be an urgency of debate. The hon. gentleman has comments to make with respect to these items which he brings up and if he wants to bring them up in a parliamentary rather than a base political manner, he has plenty of opportunity to do it in the Address in Reply which is on the Order Paper, in Question Period and through many of the other proceedings that are before the House at the present time.

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

MR. NEARY: Mr. Speaker, before you deal with the matter, Mr. Speaker, I would like to raise a point of order that the hon. gentleman, who is supposed to be the expert on the other side on the rules of this House, knows full well, Mr. Speaker, that you cannot attribute motive to what members do in this hon. House. And the hon. gentleman made a statement that was incorrect, untrue, false—that this was done for political reasons, attributing motives. I happen to be an old labour man, Mr. Speaker, and I believe in union principles and labour principles and that is why I brought it in, because we have a government that is encouraging strike-breaking, encouraging scabs to go across picket lines, paying out fantastic amounts of money in overtime. I understand anywhere from \$150 to \$300 a week - a day, rather in overtime to scabs and strike-breakers and that is why I brought it in, Mr. Speaker, not for political reasons as the hon. gentleman said.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I understand the hon. member for LaPoile has raised a -

MR. NEARY: A point of order.

MR. SPEAKER: - the matter himself, a point of order himself of imputing motives and maybe the quickest way to dispense of that matter would be to simply ask the hon. President of the Council (W.Marshall) if it was his intention or not to impute motives. I am sure it was not,

SOME HON. MEMBERS: Hear, hear!

AN HON. MEMBER: Come on !

MR. SPEAKER: Perhaps he could clarify it. That would dispense of the matter.

The hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, unless Your Honour orders, I am not by way of explaining to the hon. gentleman the import of my words. I think the import of my words are quite clear, Mr. Speaker. When I was addressing myself to that I was saying that the terminology used by the hon. member was couched in political terms, and that is a matter of opinion, Mr. Speaker. It is one that I hold and one I will continue to hold and one that I do not have to withdraw in this House and have no intention of doing so.

MR. SPEAKER (Simms): In that particular instance, then maybe I could ask the hon. President of the Council (W.Marshall) to indicate that he was not imputing motives and that will dispense of the matter.

MR. MARSHALL: Mr. Speaker, I was not imputing motives, but, Mr. Speaker, I mean you can impute motives but you cannot impute base motives. Now, if the hon. gentleman feels that imputing political motives from the party that he represents is base, I will agree with him, but from my point of view, Mr. Speaker, as I have indicated, it is not a case of referring to motives, it is referring to an opinion of the terminology of that particular motion and that is my opinion and I still hold to it, Mr. Speaker.

MR. SPEAKER: It is my understanding at the outset, the hon. President of the Council indicated he was not imputing motives and that is certainly fair.

With respect to the motion, the hon. member for Terra Nova.

MR. LUSH: Mr. Speaker, yes, with your permission I wanted to speak to the point of order raised.

MR. SPEAKER (Simms): On a point of order, the hon. member for Terra Nova.

MR. T. LUSH: Mr. Speaker, as Your Honour knows, the major point of consideration here is the urgency of the matter. And the point, Mr. Speaker, that can be raised in other areas in the Throne Speech and other areas open to us here in the House of Assebmly, I think is rather irrelevant because I know of no topic of urgency that members could not be given the flexibility of raising in the Throne Speech. But, Mr. Speaker, I think what Mr. Speaker must direct his attention to are the major points that came out here this morning in the question period when it seems rather obvious that the government did not follow the normal procedures that are generally followed in collective bargaining process, namely, that this particular group, the workers at the College of Trades and Technology, were denied a conciliation board. And, Mr. Speaker, this is a vital matter, a very important matter with respect to the collective bargaining process. What the hon. member wants to do, Mr. Speaker, is not merely to address this in the routine debate of the Throne Speech but to give it the kind of concentrated debate that it deserves here this morning, Mr. Speaker. And that certainly constitutes a matter of urgency when we are talking about the collective bargaining process and when it has been indicated that the government did not avail of all the powers available to them, indeed, that they chose to reject an application for a conciliation board which is not normal in labour negotiations and certainly a matter of urgency. Thank you, Sir.

MR. SPEAKER: Order, please!
With respect to the point of order, I believe I have heard enough now to be able to make a ruling.
First of all, it is the Chair's position to determine whether or not the question is urgent enough to require immediate debate, not whether or not the

MR. SPEAKER (Simms): matter itself is urgent. And in this respect, similar to the ruling I gave the other day, I would rule that there is an opportunity on the Order Paper under Address in Reply, under Orders of the Day, to debate any matter because that particular debate is generally very wide ranging. So therefore I cannot allow the motion at this particular time.

ORDERS OF THE DAY

MR. SPEAKER: Order 2.
Second reading of a bill entitled,
"An Act To Provide For The Protection Of The Forests Of The Province From Insects And Disease". (Bill No. 54).

At adjournment the hon. member
for Windsor - Buchans was speaking.

MR. E. HISCOCK: A point of order, Mr. Speaker.

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

MR. HISCOCK: I meant to bring it in earlier than that but seeing our Leader is in his district and our House Leader (Mr. Hodder) is sick, this side would like to offer congratulations to the Premier in being awarded a Vanier Award, one of the greatest awards in Canada, and we would like to offer congratulations to the Premier at this time.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER: This is not the appropriate time
for it. I presume there is leave?

SOME HON. MEMBERS: Yes.

MR. SPEAKER: Agreed.

The hon. the President of the Council.

MR. W. MARSHALL: Yes, Mr. Speaker, we would certainly like to congratulate the Premier and thank the hon. member for Eagle River for raising it because I think it is most appropriate that a matter like this should be raised by the Opposition. We certainly thank him and I know that when

MR. MARSHALL:

the Premier returns on Monday that we will all wish to congratulate, and congratulate him quite roundly, on being an outstanding young Canadian. I think that that is really something because it goes to show that the rest of the people in Canada realize that a person can assert provincial rights, and assert very strongly the provincial rights and be for Newfoundland, and at the same time be one of Canada's outstanding Canadians.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Simms):

As I was saying, at the adjournment of debate yesterday, the debate was adjourned by the hon. the member for Windsor - Buchans.

The hon. the member for Windsor - Buchans.

SOME HON. MEMBERS:

Hear, hear!

MR. FLIGHT:

Mr. Speaker, I am not sure that the Premier would have been given the Vanier Award if the people who made that presentation were aware that two weeks before he was prepared to bring in a piece of legislation that would deny every person in this Province their civil rights under a law.

Mr. Speaker, to recap the spray programme: There was an experimental spray programme in 1977, there was a full-scale spray programme in 1978, there was no spray programme in 1979, there was an election instead, and the election did not do much to help reduce the budworm count or the egg mass in this Province, Mr. Speaker.

Now, it will have to be said and it will have to be borne by this government that if the findings of the Commission are right, if the spray programme is definitely necessary, everything that was available to us in 1980, presented by the Commission, was available to us by way of facts in 1979 and, therefore, by their procrastination, by their being

MR. FLIGHT: more concerned with their political skins than they were with the forestry resource, then the action of this government, Mr. Speaker, cost the people of Newfoundland and cost the Province possibly millions of cords of wood, Mr. Speaker, that if the Royal Commission report is right, would have been protected in a spray programme in 1979.

But that be as it may,

Mr. Speaker, the spray programme is recommended, the government have accepted the recommendation, they got themselves off the hook, they can now go out to the general public and say, 'It was not our decision, the Royal Commission recommended it and we merely followed.'

Now, Mr. Speaker, the minister talked about forestry policy before he got into the meat of the bill, but I notice, Mr. Speaker, he did not say anything about the fact that the Royal Commission report has recommended the death knell to the sawmill industry in this Province. This

MR. G. FLIGHT:

report is the end of the sawmilling industry in this Province as we know it and anyone who has read it knows that. He did not mention, Mr. Speaker - he talked about the wood dead or dying. I think he said something like 12 million cords of wood dead or dying, 8 million dead.

Now, Mr. Speaker, the report recommends that the paper companies can utilize 100,000 cords of wood per year. That is all they can utilize. That is not a criticism of the paper companies. That is the fact of the matter, that is all they can utilize of infested wood. The report recommends and the government has said that they are prepared to export 100,000 cords of wood per year. So that is 200,000 cords of wood we are going to salvage. Mr. Speaker, it will take five years to salvage and utilize 1 million cords of wood. We have 8 million cords dead right now.

Now, Mr. Speaker, when the Minister of Forest Resources and Lands (Mr. Power) was up telling us what he intended to do, the million of dollars he hoped to spend if he could get that money from Ottawa, of the kind of progressive forest management we are going to have, how come he forgot, Mr. Speaker, to tell us what he is going to do with the 10 million cords of wood that he is not allowing for under a salvage programme? One hundred thousands cords to be salvaged for export, 100,000 cords to be used by the pulp and paper companies - what happens to the other 8 million cords of wood, Mr. Speaker? And every year there will be millions added even with a spray programme. There are 4 million cords of wood in this Province right now in a moribund, dying state and the spray programme will not help that. That is on the way out.

MR. G. FLIGHT: But this government with all its great plans and all its great progressive forest management programmes for the next - forever, I suppose, as of now as they start their long range spray programme, their long-term spray programme, they can only find, they only have the imagination to find a way to utilize 200,000 cords per year. It will take them five years to utilize 1 million cords and we have 8 million cords dead right now. Now when the minister stands up, Mr. Speaker, I would like for him to tell this House and the people of Newfoundland how he intends to maximize the benefits to this Province of the 8 or 10 million cords of wood that is dead in the woods right now that he, to this point, has not even considered.

Now, Mr. Speaker, the commission did not recommend taking away the rights of the people of this Province. I said yesterday, and I stand here and I lay my political career on the line: a referendum in this Province today on a spray programme, the best you would hope to get, the very best would be a fifty/fifty split. People, Mr. Speaker, who are supporting the spray programme are afraid. They recognize the benefit of the forest industry to the economy of this Province, they recognize that there are 18,000 people directly or indirectly employed. They recognize there are \$84 million being pumped into the economy, and therefore they are not prepared to get out and oppose a spray programme - they are too responsible - but they are concerned. They want to be sure that that programme is monitored. They want to be

MR. FLIGHT: sure, Mr. Speaker, the people administering the programme are under a certain pressure from the general public, they want to feel that the groups are capable of doing it and if there is a reason they can bring in an injunction.

Mr. Speaker, the Minister of Lands and Forests of this Province is accusing by this very legislation, is accusing the judges of this Province of being incompetent. It is my understanding that any person, any person seeking an injunction in this Province, Mr. Speaker, must give grounds for an injunction. He just cannot walk in and say, "I want an injunction to stop a certain thing." He must be able to indicate that the injunction he is seeking is warranted. Well, Mr. Speaker, we had a programme in 1978 and there was no court injunction. There was no court injunction brought against this Province in 1978 and God knows there were reasons. They were supposed to have sprayed in five mile an hour winds, they sprayed in fifteen mile an hour winds, Mr. Speaker. They handled Matacil like it was water; exposed to the general public, children, laid out, leaking all over the place. So, Mr. Speaker there were reasons. They sprayed head waters, Mr. Speaker. There were buffer zones laid out. The buffer zones were ignored but there was no court injunction. There was no court injunction. Why now, Mr. Speaker? Why a court injunction?

One of the reasons, Mr. Speaker, there is a court injunction is this, this government is not comfortable with their spray programme. They know, Mr. Speaker, that they are going to be watched. They know that there are people out there saying, "Okay, if you have to spray, spray, but you are going to spray always, for the next twenty years you are going to spray under the watchful eye of the people of this Province who are concerned about the health of the people, the children, the wildlife." But now, Mr. Speaker, in one fell

MR. FLIGHT: sloop they are taking away the right of any individual or group in this Province. They are taking away their right, Mr. Speaker, to keep the spray companies - why would we, Mr. Speaker, bring in a company from the Mainland? Why would we bring in a company from the Mainland and make them immune and say to them, "Do what you like." The minister is not going to be out monitoring the spray programme, he is going to be snug in his office here in St. John's, Mr. Speaker. And all you have to have - and the members on the other side know this - all you have to have is some irresponsible, one or two - if there are forty people involved in the spray programme all you have to have is one or two irresponsible. And we are playing with a chemical that-even the Royal Commission indicates that they do not really know the potential of that chemical, Mr. Speaker, to do harm to the Province. There is no conclusive evidence that Matacil has harmed the ecology, but there is no conclusive evidence that it has not.

So, Mr. Speaker, I will tell you - and the Minister of Lands and Forests (Mr. Power) had better listen to this - I will tell you, Mr. Speaker, that he has denied the people of this Province, if this legislation passes, the right to an injunction. But I will guarantee you that he will have to seek injunctions, they will find other ways. What the minister has done

MR. G. FLIGHT:

with this legislation, Mr. Speaker, is force the people in Newfoundland - the Town Council of Gander are not idiots, and I will guarantee you when they are told that they cannot bring in an injunction they will find another way and the minister will find himself in a position of having to issue an injunction to stop demonstrations. And why not?

MR. L. BARRY: You will not get the vote of one logger.

MR. FLIGHT: And why not?

MR. BARRY: (Inaudible) in this Province.

MR. FLIGHT: Mr. Speaker, nobody in Mount Scio is going to get sprayed.

MR. SPEAKER (Simms): Order, please!

MR. FLIGHT: Nobody in Mount Scio is going to get sprayed, Mr. Speaker, nobody East of the overpass is going to get sprayed. And I will tell you, Mr. Speaker, if they were, this legislation would not be on the Table today.

SOME HON. MEMBERS: Oh, oh.

MR. FLIGHT: If they were -

SOME HON. MEMBERS: Hear, hear.

MR. FLIGHT: - if the people of St. John's, Mr. Speaker, were going to be sprayed there would be no legislation denying an injunction. Mr. Speaker, this government is using their muscle to muzzle the people of this Province, to refuse them the right to protect their own environment, their own health. Never before, Mr. Speaker, was there a piece of legislation brought in like this. The loggers - let me tell the hon. Minister of Mines and Energy (Mr. Barry) the loggers of Newfoundland - I sat at the hearings and heard loggers say that they were concerned about the spray programme but, however, because they recognize the importance of the forest industry to the economy of Central Newfoundland, they were prepared to go along but always with the knowledge, Mr. Speaker, that it would be monitored, that they would have the right to protect themselves.

MR. L. BARRY: As it will be.

MR. FLIGHT: As it will not be. Their right is taken away from them, and the minister should be ashamed to support it. The minister should be ashamed to support that legislation, Mr. Speaker.

AN HON. MEMBER: Sit down before you get (inaudible).

MR. FLIGHT: I may be in Opposition forever. If I asked the minister to come into the areas that are going to be sprayed, and let us forget the spray programme - like the member for Fogo (Mr. Tulk) said, 'That spray programme has nothing to do with this legislation'. There is no reason to deny the people of this Province their right to seek an injunction if they see they have a right to seek one.

Mr. Speaker, there are hunting lodges in this Province in the very areas that are going to be sprayed. There are hunting lodges where the owners have a five or six or seven acre area that they have cultivated over the years, their lodges are there and there are parks. Under this legislation, Mr. Speaker, some company from BC or wherever it might come from, whoever the minister might have a contract with, I do not know, and inasfar, Mr. Speaker, as that report - the member for LaPoile (Mr. Neary) two months ago said, 'It is obvious that the government is softening up the people, the minister is softening up the people for a spray programme', and so he was - the decision was made to spray before ever that saw the light of day.

Mr. Speaker, all one has to do is listen to the statements made by the Premier and by the Minister of Forest Resources and Lands (MR. POWER): and by the Minister of Environment (Mr. Dawe). And why was it necessary, Mr. Speaker, for five government departments - the Department of Environment, of all departments to make a recommendation to that -

MR. FLIGHT: five government departments making a recommendation in favour of a spray programme. They must have been afraid, Mr. Speaker, that they were not going to get enough recommendations from the normal process.

So now, Mr. Speaker, I for one, I tell you, the minister said I will never get another vote. Well, I am going back to Central Newfoundland, Mr. Speaker. And out of a sense of responsibility, I have indicated in Central Newfoundland that I would not oppose a spray programme, but I am going into Central Newfoundland and I am going to oppose this legislation, Mr. Speaker, and I am going to encourage every logger and everyone who makes a living in forestry to oppose it and to ignore it. That legislation should be ignored. That is one piece of legislation, Mr. Speaker, that should be ignored in this Province. If you take away the right for a person to seek protection under the law, you are asking that person to take the law in his own hands. And I tell you - and have no doubt about this, Mr. Speaker - there are people in Central Newfoundland and all over this Province who are concerned enough about the effects of a spray programme - although they will live with it because their right to survive, their right to the economy, the forestry to keep them going, they recognize what it means to them. They will live with it. And that should have been enough. The government should have been satisfied when they recognized that the people of this Province were prepared to lie under a spray programme, that every person in the Province, everyone, even the people who support the spray programme, are concerned about the long-term and the short-term effects. That should have been enough for this government. They should have said, 'Well, obviously, we have the people on our side; we have a bunch of responsible people in this Province and they will accept the spray programme, but certainly, God, we will not rub their noses in it now and take away their rights to protect themselves under the spray

MR. FLIGHT: programme.' Why does the minister need it, Mr. Speaker?

MR. LUSH: He has not answered that.

MR. FLIGHT: He has not answered it yet, Mr. Speaker. Now, he talks about a ten day spray programme and he wants to deny anybody the right to stop that spray programme. How stupid, Mr. Speaker! Is he saying that a judge - I think the word 'misguided'-he said, some misguided person seeking an injunction. Do you think a judge would award an injunction to some misguided person to stop a ten day spray programme? But under this, Mr. Speaker, if the government sets out a buffer zone to protect the Gander water supply or the Buchans water supply or any water supply and the next day somebody in this Province becomes aware that because of irresponsibility or whatever, that water supply is indeed going to be sprayed, now, how does he stop them? Under this legislation, what does he do? He cannot go to seek protection under the court; he cannot get an injunction to stop that part of the spray programme. There are going to be eight or ten spray planes in action in this Province, Mr. Speaker. If you ground one of them, so what?

Mr. Speaker, I am not going to support this legislation, and I tell you and I will tell the Minister of Mines and Energy (Mr. Barry) and the Minister of Forestry (Mr. Power) and everyone else, every other minister come on into the area that is going to be sprayed. Let us not debate it out here in St. John's where by and large - out of sight, out of mind - by and large, the people of St. John's, and I understand that, they are not touched, they are not sensitive to this problem. But the people in Badger and in Millertown and Buchans Junction and Corner Brook and Deer Lake and Bishop's Falls are sensitive. They are worried enough, Mr. Speaker. They are worried enough about what this spray programme will mean to the ecology of the country around them or their health. They are responsible enough to recommend -

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MR. FLIGHT: and what do they get in return
for their sense of responsibility? What do they get for saying,
'Alright, Mr. Minister, we recognize you have to spray'? What
do they get? They get

MR. FLIGHT: the only way they had to protect themselves and their families taken away from them. It is cruel, Mr. Speaker, the like was never heard of. And this legislation - one can only talk so long in Committee but I will tell you, Mr. Speaker, that I will be prepared to talk. There will be no more legislation see the light of day in this House in this session if we can talk this one out in Committee. I will guarantee you, Mr. Speaker, that the minister will bring in closure in Committee.

Mr. Speaker, I do not intend to support this legislation nor should any man, nor should anyone in this House, Mr. Speaker, who has any concern for the civil rights of the people in this Province, Nor should anybody in this House -

SOME HON. MEMBERS: Hear, hear!

MR. FLIGHT: - nor should anybody in this House who has any concern for the health of the people in this Province. Nor should anybody in this Province who has any concern for the welfare of the environment of the areas that are going to be sprayed and more importantly, Mr. Speaker, more importantly no man in this House should support this legislation unless he is prepared, no member, unless he is prepared to deny the people of this Province, the responsible people of this Province who said 'yes, let us have a sprav programme because we need it', unless he is prepared to deny him the right to protect the health of his community, his family and society. Anyone who stands to defend that right should not support this legislation.

Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Butt): Order, please!

MR. SPEAKER (Butt): Before recognizing the next speaker, I would like to welcome to the Galleries, on behalf of all hon. members, sixty students from Regina Mundy School, Renews, in the district of Ferryland.

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: They are ashamed of their member.

MR. POWER: Why do you not come up and run against me?

MR. THOMS: Ashamed of their member.

MR. POWER: Why do you not come up and run against me?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, first of all if I could ask for silence when I am speaking. My voice this morning is not too good and I do not want to be shouting too loud.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MORGAN: The hon. gentleman from the Burin Peninsula (Mr. Thoms) seems to be in his style of always interrupting.

MR. THOMS: Straight from the horse's mouth.

MR. MORGAN: Mr. Speaker, I think it is obvious now to all concerned that the Liberal Party's official position with regards to the spray programme in this Province is that they are now still in the same position as they were back in 1978.

MR. F. ROWE: That is from the other end of the horse.

MR. MORGAN: And in 1978, -

SOME HON. MEMBERS: Oh, oh!

MR. MORGAN: And in 1978, Mr. Speaker, the position of the Liberal Party then and the same members of the day spoke in debate as yesterday the member for Buchans (Mr. Flight) and the member for LaPoile (Mr. Neary), in particular.

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MR. MORGAN:

This morning I went down to the library and looked back at the debates that took place on the same subject back in 1978. It is indeed very interesting to read them. And now it seems, from the last

MR. MORGAN:

speaker, that the official position is, we do not want spray programme in our Province. We do not want a spray programme to protect the forest, but we are not saying so directly, we want the people out there, the so-called protectionists -

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

MR. MORGAN: - the so-called environmentalists -

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

MR. MORGAN: - to do our work for us.

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

The hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, if the minister - we can get Hansard in here from when I started the debate yesterday until I ended today. The minister cannot attribute motives to me, At no time in this - this is another debate, Mr. Speaker. The debate the minister is talking about was two years ago, a lot of things have happened since then. I have stood and supported the spray programme and I have given my reasons. I did not indicate, Mr. Speaker, and the minister should withdraw any motive - he should not be permitted to attach any motive to me in saying that I am opposed to a spray programme. I am opposed to the legislation that denies a person a right to protect himself under that spray programme.

MR. HOLLETT: Right!

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

MR. MARSHALL: Mr. Speaker, that is not a point of order. The hon. member is getting up in the House to explain a certain position because of some remark that the hon. the minister made to which he takes exception. This is done from time to time but

MR. MARSHALL: I would suggest to Your Honour that this is not an appropriate point of order. The hon. gentleman, himself, is out of order when he raises it because what he is doing is pre-empting the time of the hon. member when he is speaking. A member in this House is entitled to be heard, to be heard in silence, to be heard fully and not to be interrupted with spurious points of order.

MR. SPEAKER (Butt): To the point of order.

AN HON. MEMBER: Mr. Speaker.

MR. SPEAKER: I think I have heard enough debate to rule on this particular point of order.

There is obviously no point of order but the hon. member for Windsor-Buchans (Mr. Flight) took the opportunity to clarify remarks attributed to him and party.

The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, I say again, it is my opinion that the Opposition, the official Opposition, their position is they are opposed to the spray, They have not got the courage to say they are opposed to the spray and now what they want to use, Mr. Speaker, they want -

MR. STIRLING: A point of order.

MR. SPEAKER: Order, please!

MR. MORGAN: - to use the so-called environmentalists and others to do their dirty work for them.

MR. SPEAKER: Order, please! Order, please!

The hon. Leader of the Opposition (Mr. Stirling) rose on a point of order I believe.

MR. STIRLING: This can continue from now until the end of the debate. My colleague just rose on a point of order and the point of order is that you cannot say in this House something deliberately opposite to what a member has just said. A member has got up and said something and he has ignored it. You have pointed out that the member used the

MR. STIRLING: point of order to clarify his position, and the original member has gotten away from the point of this debate completely and he is now trying to put a motive on my colleague and he has denied it.

Now, Mr. Speaker, the only protection in this House is the protection of the Speaker.

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

MR. MARSHALL: I have to speak to that

MR. MARSHALL: point of order. It would be a very unusual House indeed if everyone had to say exactly the same thing-

AN HON. MEMBER: Hear, hear!

MR. MARSHALL: -it took in no differences of opinion, you know. Would that the hon. gentlemen opposite said the same things on the ownership of the offshore and the other crucial issues that this government says.

AN HON. MEMBER: Hear, hear!

MR. MARSHALL: But the hon. gentleman is rising on a spurious point of order. It is not a point of order, and when he gets up in this House, Mr. Speaker, and says that - because he got up on exactly the same one as the hon. the member for Windsor - Buchans (Mr. Flight) - when he gets up and says in this House, by way of threats, that points of order are going to continue, I think the hon. gentleman can be well assured, as well as all hon. gentlemen on this side, that flagrant violations of the rules of this House are not within the province of one person to get up and threaten to suspend all order in this House by raising spurious points of order. There are remedies for that and the remedies are well known, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Butt): Order, please!

Once again, I would have to rule that obviously, there is no point of order, but the hon. the Leader of the Opposition wanted to clarify his position on this particular matter that is before the House for debate.

The hon. the Minister of Fisheries.

MR. MORGAN: Thank you, Mr. Speaker.

Whenever you start to score a point on this side there are spurious points of order, continuously, to interrupt the speaker. Now, Mr. Speaker, if I may ask you for the same ruling, may I be heard in silence?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Butt):

Order, please!

I think that each member of this House has the right to be heard in silence, and I would ask that you afford this opportunity to the hon. the Minister of Fisheries.

MR. MORGAN:

Thank you, Mr. Speaker.

Now, Mr. Speaker, I said, and I say again, that it is my opinion that the Opposition is against the spraying of our forests to protect the forests, to protect the jobs that we have in our forestry industry, and they are doing it indirectly by means of trying to create some movement in the Province as a result of a piece of legislation we are now debating entitled "An Act To Provide For The Protection Of The Forests Of The Province From Insects And Disease". And they are using this piece of legislation, now, to try to get some kind of movement around the Province to oppose the spray programme. It is not there, they are trying to find it. Back in 1978 they thought it was there and they thought it would be politically wise for them, then, to jump on the bandwagon and oppose the spraying. And as a result of that, in 1978, the last speaker who just sat down brought in a resolution calling for an emergency debate on the spray programme because it would be endangering the physical well-being of the Province and because it would damage the wildlife and the environment. What the hon. gentleman should do now is have the courage to stand up today in the House of Assembly, the same as he did two years ago, back in 1978, and say the same thing now he said then.

MR. MORGAN:

He was opposed to the spray programme then, adamantly opposed, well have the courage to say now on behalf of his party, he is still adamantly opposed, not to go in behind the doors in an indirect way and try to say, Mr. Speaker -

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Butt): Order, please!

MR. FLIGHT: (Inaudible)

MR. SPEAKER: Order, please!

MR. MORGAN: - Mr. Speaker, not to go indirectly, using this piece of legislation, calling upon the saw-mill operators, calling upon all concerned out there to disobey the law when it is passed in this legislature. A comment made by the same gentleman was he would ask all of them to disobey the law, disobey this act, ignore it. Now, that is the kind of leadership we see coming from that party. They say to the Newfoundland citizens, ignore the law.

MR. BARRY: More votes gone.

MR. MORGAN: And all we are trying to do, Mr. Speaker, all we are trying to do is to combat a situation that is really in itself an emergency situation in this Province. That is the overall emergency.

MR. FLIGHT: That is what he got (inaudible).

MR. MORGAN: The overall emergency, Mr. Speaker, is the effect the insect infestation is having on the overall economy of our Province. Now, the question can be obviously asked, how important is the forestry industry to the economy of Newfoundland? Mr. Speaker, any person with common sense will realize the importance of having the two major pulp and paper mills in our Province we have with a third one coming onstream in Stephenville this year. There is no question to us on this side of the House, of the importance of the forestry industry to

MR. MORGAN: our economy but it is not being recognized by the Opposition members.

SOME HON. MEMBERS: Oh, oh! Sit down.

MR. MORGAN: A few days ago, Mr. Speaker, a few days ago, Mr. Speaker, I heard an opposition spokesman on a CBC broadcast replying to the Minister of Forestry (C. Power) here, my colleague, talking about 1,800 new jobs in the forestry. And he left the clear impression that he did not like the idea of 1,800 more jobs in the forestry. He did not like it. Why? Because the government was doing it. Because the government was doing it.

SOME HON. MEMBERS: Oh, oh!

MR. MORGAN: Just because the administration of the day was creating jobs, the Opposition were opposed to it, Now, Mr. Speaker, the -

SOME HON. MEMBERS: Oh, oh!

MR. MORGAN: Mr. Speaker, the - Mr. Speaker, please!

MR. SPEAKER (Butt): Order, please!

MR. MORGAN: Mr. Speaker, I have to re-emphasize it is important that I ask the protection of the Chair from these interruptions over here.

MR. SPEAKER: Order, please!

The hon. minister asked for the protection of the Chair. It is his right to be heard in silence in this House.

MR. MORGAN: Now, Mr. Speaker, the fact is that we do have a serious problem. We have 16,000,000 acres of our forests today out of 72,000,000 acres - we have 16,000,000 acres infested by the budworm, which is either dead or dying. And all that means - it means that down the road, down the road,

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MR. MORGAN: unless this government takes some action, it could mean the phasing down of Bowaters, it could mean the phasing down of Abitibi-Price in Grand Falls and the possibility of no opening of a mill in Stephenville.

MR. MORGAN: And if the Opposition wants to see that, let them vote for no spray. Let them say directly, "We do not want to spray." But do not, do not, Mr. Speaker, do not have the Opposition - Mr. Speaker, please.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Butt): Order, please!

MR. THOMS: Talk about the bill.

AN HON. MEMBER: Shut up.

MR. MORGAN: Do not have them come here saying indirectly, "I want all people out there to disobey the law that is now before the House of Assembly, brought in by the Minister of Forest Resources and Lands (Mr. Power), and asked to be voted on."

SOME HON. MEMBERS: Oh, oh!

MR. MORGAN: Mr. Speaker, please!

MR. SPEAKER: Order, please!

MR. MARSHALL: On a point of order.

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

MR. MARSHALL: The hon. minister is engaged in -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MARSHALL: The hon. minister is engaged, Mr. Speaker, in debate on this measure. Hon. members in the House, some hon. members may not agree with what he is saying, may disagree with what he is saying, but he has the right to say it once he is saying it within the orders of the House. Now, Mr. Speaker, he is being chronically interrupted by certain hon. members here and -

MR. THOMS: (Inaudible).

MR. MARSHALL: The hon. member for Grand Bank (Mr. Thoms) is one of the greatest offenders. Now, Mr. Speaker, if the hon. gentleman's rights in this House are not able to be protected, if hon. gentlemen without looking at anyone specifically, flagrantly are in violation of your ruling, there is only one remedy and that is a remedy that all members would regrettably see taken but there has to be some order in this House. One or two members cannot take the people's House on their backs.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Butt): There is a valid point of order. I have been constantly calling members to order and they are not complying with the wishes of the Chair. From time to time we allow some conversation back and forth while some members are speaking, however, when any hon. member of this House asks for the protection of the Chair, I think his wishes should be respected by all other members.

The hon. the Minister of Fisheries.

MR. MORGAN: Mr. Speaker, the situation is that we do have a very serious situation in our Province, and the overall economy of our Province is going to be affected by it. And my colleague, the Minister of Forest Resources and Lands (Mr. Power) took very responsible action. He has to be commended for it. He did not last year say, "I am going to go ahead with a major spray programme irrespective of what the consequences may be." He did not come in and say in the House, "I am going to spray the forests irrespective of the views of the environmentalists, those people out there who are concerned about the environment, the wildlife, people who are engaged in the forestry industry themselves, the sawmill owners and operators and

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MR. MORGAN: associations, the companies. He did not say that. But he arranged through the Premier and this administration to appoint a royal commission and gave every Newfoundlander a chance to have a say on what they thought should be done about this major economic problem

MR. J. MORGAN: of infestation of our forest. And that Royal Commission travelled widely throughout the Province and accepted many, many briefs from all concerned and they came in with a report. Now, if the hon. gentlemen in the Opposition are going to always be standing up in the House calling for commissions or calling for select committees to make reports to government, what is the point of doing it if we are not going to -

MR. L. THOMS: If you do not (inaudible)

MR. J. MORGAN: Mr. Speaker, please!

MR. SPEAKER (Baird): Order, please!

MR. J. MORGAN: The hon. gentleman is a lawyer, he should know better. He is acting like a child. Mr. Speaker, that commission made its report to this government. Now, if we were to have said, based on what we might have thought would be popular opinion out there, that we should not spray the forests because it would be a politically wise thing to do - people do not like sprays when there are a few questions, minor questions unanswered or any question unanswered. We could have said, 'Well, the Royal Commission said we should spray and we must spray for the sake of the forest industry of our Province'. We could have copped out and said, 'No, we do not accept the Royal Commission'. But the Royal Commission heard briefs from all concerned and based on their recommendations the minister, my colleague here, made the decision with his colleagues in Cabinet that we are going to embark on a major spray programme for the sake of the Newfoundland economy and the sake of the forestry industry which is a major part of the economy. Very responsible action, quite different from the irresponsible actions proposed back in 1978, and I can repeat, when, then a motion was brought before the

MR. J. MORGAN: House by a speaker, I think, who spoke yesterday - I am not sure if he spoke or not yet in this debate, the hon. member for LaPoile (Mr. Neary) - when he proposed that we not spray. He brought a resolution to the House backing up his colleagues. He amended his colleagues' resolution and he wanted to vote not to spray. This was the official Liberal Party of the Province. The same members are today on the other side of the House. Do not spray! Do not spray to kill the budworm, do not spray to protect the forest, do not take any responsible action to protect the forest, but do what? To sit on the fence and do nothing, Do nothing! Because if we would have done what the then member speaking for his party recommended, we would have found ourselves doing re-forestation and planting and silviculture work back in 1978 which last year would have been totally destroyed. We would have spent money now that is a clear example of how fortunate this Province was and is that that party is not in power making these irresponsible decisions.

SOME HON. MEMBERS: Hear, hear!

MR. J. MORGAN: Mr. Speaker, these were the things that were brought forward in that debate. And at that time, Mr. Speaker, in 1978, this then administration, which I was part of as a minister and many of my colleagues here today were part of the same administration, we then from 1973, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. J. MORGAN: - we had then taken up to that time even, every possible responsible action to protect our forestry industry. For example, from 1973 to 1978 - that was the administration under Premier Moores - the government spent a total, this government here in New foundland, spent a total of \$54 million on forest manage-

MR. J. MORGAN: ment, \$21 million for forest access roads, \$4 million in forest inventory, \$11 million in forest protection, \$4 million in re-forestration and management plans and \$1 million on surveys and new buildings and a further \$1.5 million on harvesting and utilization, and a further \$3.3 million for a total of \$54 million spent by the Newfoundland Government in a responsible way to protect the forestry industry of our Province.

Now, in 1981, after hearing the views of all concerned through a royal commission that travelled the Province widely, the government is asked to act. And I think we are acting in a

MR. J. MORGAN:

most responsible way. And my colleague here, if he did not bring in this legislation which the Opposition are going to vote against and totally oppose, I would say that we would be irresponsible. Because what would happen? We would go out and buy all the insecticide chemicals going to be used -

MR. POWER: That is right.

MR. MORGAN: - buy all that, purchase it, issue

the contracts to the contractors which we have to do, we do not have the resources to do it ourselves, we do not have the necessary equipment, the planes, etc. - we would have to go out and spend approximately \$4.5 million, or at least \$3 million, gathering all the materials, awarding the contracts and then, because the spray programme is only going to take place and can only be carried out a certain period of the year, in fact, a very defined period of the year when there are certain weather conditions, certain temperatures, certain wind conditions in a certain month of the year, in fact, it boils down to a certain number of weeks within a certain month of the year, and if suddenly some environmentalist from New Brunswick or Nova Scotia, who fought and scratched and roared and bawled in Nova Scotia - and what do we see today in Nova Scotia? We see the forestry industry in Cape Breton wiped out completely. Wiped out, totally destroyed by infestation of the budworm and because over there, unfortunately, the government of the day conceded, to those so-called environmentalists, who were so concerned about the wildlife and the environment, that they bowed to their cows and wows. And then what happened, Mr. Speaker?

AN HON. MEMBER: He sounds like 'Flight'.

MR. MORGAN: - Mr. Speaker, if I could - we then -

AN HON. MEMBER: A fellow like 'Flight'.

SOME HON. MEMBERS: Oh, oh!

MR. MORGAN: - then, the government of the day in Nova Scotia bent to the whims and the wishes of a small

MR. MORGAN: group of people -

SOME HON. MEMBERS: Oh, oh.

MR. MORGAN: Mr. Speaker, if I could, without interruption by the man from the moon, I think he is, from somewhere, but the man from LaPoile (Mr. Neary) - interruptions.

MR. NEARY: (Inaudible) saying, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. MORGAN: Mr. Speaker, that same hon.

gentleman who has been making a fool of himself walking around the House with my picture showing some news briefs from the past -

SOME HON. MEMBERS: Oh, oh!

MR. MORGAN: - that same hon. gentleman stood in the House and he said, 'Morgan is against the spray. Thank God for Morgan'. I can hear him now. I could hear him in 1978. He said, 'Thank God for Morgan, Morgan is against the spray'.

SOME HON. MEMBERS: Oh, oh!

MR. MORGAN: And I was here in the Cabinet, Mr. Speaker, then. And I listened to the comments, yesterday by the hon. gentleman who tried to say, Mr. Speaker, that I was opposed to the spray. And what I said then, Mr. Speaker, was exactly what the government is now doing today, exactly. Listen, Hansard, May 29, 1978, Tape 3650, and I quote - Mr. Speaker, they are heading home now, you see, my time is up now.

SOME HON. MEMBERS: By leave. By leave.

Mr. Speaker, I quote, "MORGAN: What I am saying, Mr. Speaker", I am quoting the Hansard, "is that we should look at this whole spray programme but reconsider two major points; spraying near water sheds or water supply systems: and number two, spraying near populated areas."

MR. POWER: Good foresight.

MR. MORGAN: Now, that is exactly what the government is now doing today, so I was right back in 1978.

SOME HON. MEMBERS: Hear, hear.

MR. MORGAN: Do not try to twist it around to say, as the headline in The Daily News came across the next morning, 'Morgan is going to reconsider his position in government because the government is going to spray'. That was totally erroneous, Hansard is not erroneous, Hansard is very accurate. Everything said in this House -

MR. L. BARRY: You mean you are not going?

SOME HON. MEMBERS: Oh, oh!

MR. MORGAN: - everything said in this House -
Mr. Speaker, my colleague was not there then you see.

SOME HON. MEMBERS: Hear, hear.

MR. MORGAN: He was not there to listen to the wise recommendations of his colleagues.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Butt): Order, please!

MR. MORGAN: Mr. Speaker, the fact is that Hansard speaks for itself.

AN HON. MEMBER: As far as I am concerned (inaudible).

MR. MORGAN: - it is accurate, it is always accurate. The Daily News' articles in the headline news which was later corrected was not then accurate because I did not say I was opposed to a spray programme. But the Opposition did. Man for man stood up on their feet here in this House and said, 'I am opposed to a spray programme'.

MR. MORGAN: And, Mr. Speaker, the same men are now standing up and saying, 'No, no, no! We are not opposed to the spray. My goodness, no, we cannot lose all those jobs, we cannot see the mills close down, we cannot see the sawmills close down. Oh, no, we are not opposed to the spray.' But, Mr. Speaker, they are opposed to this bill. And, as I was saying, if they are opposed to this bill, they are opposed to the spray. Because after acquiring all the materials, acquiring the necessary contracts, if, during that three week period in June when the spraying takes place, some so-called great salvationist for the environment, as we have seen coming down from New Brunswick and other places in the last two years, or the great protectionists for the wildlife of the Province, caused a fuss, there could be no more than half a dozen people, they could suddenly walk in and as a result of a court injunction against the contractors, could stop the whole spray programme, could stop it totally. And there would be the government holding a bill of approximately \$3 million. So by the Liberal Opposition saying they are against this bill and will vote against it, what they are doing is saying to Newfoundland taxpayers, 'We do not mind wasting \$3 million.' That is exactly what they are saying.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: And that is totally irresponsible. Because all my colleague is saying in this bill is he wants to ensure, after the government has done the work of purchasing all the materials and the chemical, putting in place the contracts, everything has the green light, go, he wants to make sure four or five people possibly instigated by the Opposition - I say possibly; and the last speaker indicated he is going to go out now and call on the sawmill operators to break the law - he said so today in the debate, he would call upon all those people out there to ignore an act passed in the Legislature, to ignore it, and he is one of the legislators in our Province,

MR. MORGAN: the leaders of the Province, and he is saying to the general public, 'Ignore the law, break the law. If you want to stop these contractors, go ahead and stop them. Use force, use any means.' That is what he is saying. And I am saying as I said earlier, if my colleague, the Minister of Forestry (Mr. Power) did not bring in this bill to make sure the spray programme is carried out without interruptions by a few people - he is not saying they have no rights after that three week period if they want to make claims, if there are any possible damages. He is not saying that. He is not taking away the rights of the people of Newfoundland. All he is saying is, 'I want to make sure that the people's money is not going to be wasted, that the programme will not be stopped. The decision is now made and we want to proceed.' That is what he is saying. And all he is saying is that he wants the contractors to be considered as agencies of the government to prevent injunctions during the spray period which, as I mentioned earlier, will be no more than three or four weeks.

Mr. Speaker, I know my time is up, so I will have to close by saying that we have, in my opinion, this administration and, in fact, the previous one, have acted very responsibly as it pertains to the protection of our forests and our forest industry. And by going ahead and spraying this year, based on the recommendations of a Royal Commission which gave every Newfoundlander ample opportunity to put forward his opinions on the same subject, we have made our decision, we intend to stick with it and we intend to carry it out in a responsible way. But again, I want to appeal to the Opposition members that if they are opposed to the spray say so, do not go the indirect way of opposing this bill, which, in my opinion, clearly points out that the Opposition are still

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MR. MORGAN: the same as they were in 1978,
they are totally opposed to protecting our forest industry.

SOME HON. MEMBERS: Hear, hear!

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

MR. STIRLING: Mr. Speaker, I think we have heard why Your Honour had to get involved in the debate with the last speaker, because he avoided completely the bill. What is the bill all about? The bill has nothing to do with the spray programme. It is a bill that could have been brought in six months ago, two years ago, or a year or two from now. What is the bill all about?

The bill essentially says that this government believes on a matter, maybe the first matter - they can bring in this bill on many other matters. Maybe they intend to bring in this bill on the development of the offshore oil. Maybe they intend to bring in this bill on developments in Labrador. Because what this bill says is that this government does not trust the courts. That is all this bill says. This bill says that we do not believe that the court has the judgement to decide between a frivolous attempt to stop a government programme and - this bill makes it absolutely clear that they do not trust the court, that people should not have the right to the court.

Mr. Speaker, I cannot understand how the Minister of Mines and Energy (Mr. Barry) can sit there and allow this to go through. I have checked with some of the colleagues and they said that every lawyer would know that a court very clearly has to be convinced that there is legitimate reason for an injunction, even an interim injunction.

Mr. Speaker, the same process is the process they go through when they try to restrict the number of picketers on a picket line, the same process. They go to the court and look for an injunction. Now, the government is not trying to prevent that from happening. They believe in that case that the court can exercise good judgement.

MR. STIRLING: Mr. Speaker, my colleague attempted before this debate started, in the Question Period the other day, my colleague attempted to get two or three questions answered which may have prevented a lot of the debate. He asked them, "Do you really need this legislation to spray? If you needed this legislation to spray, was it illegal in the past to spray?" We never got the answers. The minister insulted this House of Assembly by refusing to answer and then went out and gave his version to the press. An insult, Mr. Speaker, to the House of Assembly. We are still playing games with rules about what you are allowed to say or not say about a member in this House and yet the government first of all insults the House of Assembly by allowing a minister not to answer these questions in the House of Assembly, and then immediately goes to the press and gives some kind of a version.

Mr. Speaker, the Opposition is not going to let this bill go through. This bill is not going to go through this House of Assembly.

AN HON. MEMBER: What?

MR. STIRLING: No, it is not. We may be here for the next 150 years, but you cannot take away the rights of the people. You just cannot take away the rights of the people like this, the rights of the people to go to the court. In other words, the government have decided that they are going ahead with a spray programme. That has nothing to do with this. My reaction on the day that they decided to go with the spray programme was, the government has made a difficult decision.

Mr. Speaker, just in case there is any doubt, in my personal view, I personally am opposed to any kind of chemical spray programme. That is my personal view.

And I believe I am in pretty good company in that personal view because the flip-flop member who was speaking before, at one time was personally opposed to the spray programme. It was his personal

MR. STIRLING: view. Although there was a report, an answer on May 31st., 1978 that said, 'The Premier said he had spoken to the minister who has just spoken and he would not question a Cabinet decision again! And that settled it away.

Mr. Speaker, the Newfoundland Premier, Brian Peckford, says he personally is against spraying the Province's forests with the chemical Matacil.

MR. NEARY: That is a Canadian Press report.

MR. STIRLING: The Canadian Press.

MR. NEARY: What did he say?

MR. STIRLING: He is personally against spraying the Province's forests with the chemical, Matacil, to combat the spruce budworm.

MR. NEARY: I see.

MR. STIRLING: Mr. Speaker, I do not know of a person in his right mind who is in favour of a spray programme. Nobody can be in favour of a spray programme, otherwise, why was the Royal Commission set up?

Last year, Mr. Speaker, that minister who spoke five minutes ago -

MR. WARREN: Oh, the redfish.

MR. STIRLING: - that minister who spoke five minutes ago last year was part of the government that said, "Look, we are not sure." All the evidence was there. A spray programme, if they took the same action now—they would have saved hundreds of thousands of dollars worth of forests if they had sprayed last year. But they were not sure. They had some doubts. They had a Royal Commission. The Royal Commission went out and according to the Royal Commission they have essentially said you have to have an integrated management programme and spray is part of it. But, Mr. Speaker, the very fact that the Premier was concerned last year, the very fact that this government two years ago was so concerned that they set up a Royal Commission, must mean that there is a shadow of a doubt.

Mr. Speaker, what they are now doing with this piece of legislation, they have gone, typical of this government, typical of everything they do, they have gone from one extreme, one extreme of saying, "We are not going to spray. We will set up a Royal Commission. If there is the slightest possibility of any harm or any damage we will not spray." This year they come back, and I believe that the Minister of Lands and Forests (Mr. Power) honestly said to the people of Newfoundland that they had some very grave doubts amongst their colleagues but there was no other alternative, the only alternative was to go ahead. And we accept that, Mr. Speaker. We accept that as a responsible Opposition. There are tough decisions which have to be made and that was a tough decision.

MR. STIRLING: We are not playing games with it. We are not playing political games with it. We accept that. But, Mr. Speaker, this piece of legislation is the exact extreme that says, "You now have no resort to the courts." Mr. Speaker there was a great to do the other day about the minister saying, "No, we did not spray with agent orange." Every day we are hearing about some great new discovery about something that we thought was safe.

Mr. Speaker, do you realize what authority this government is asking for in this legislation? This government is asking for the authority to do what the minister in his judgement wants to do and if we collect some information -let us say, for example, agent orange gets approved on this list of approvals, pesticides, whatever that approval list is, let us assume agent orange was on that list and the minister decides to spray with agent orange. There is nothing in this that requires him to report to the Cabinet, to this House, and it cannot be stopped. He may have to have the approval of the Cabinet, his own colleagues, to use the spray itself. Let us say he has the approval and then somebody comes up, spur of the moment, a piece of legislation comes out of the States, let us suppose it comes out of research that is being done, and they are all lined up ready to take off with this spray and they are ready to dump something on the population of Newfoundland that if the Premier knew, and the Cabinet knew, if they knew themselves they would not spray.

DR. COLLINS: An unlikely scenario.

MR. STIRLING: There is the master of the unlikely scenarios.

But, Mr. Speaker, what you are saying, what this government is saying in this legislation is that you do not have the right to go to a judge and say, "Judge, here are the facts of life. Here is the latest information. Will you grant us an injunction?" What they are saying in this

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MR. STIRLING: legislation is they do not trust
the court to make that decision.

 Mr. Speaker, I do not believe that
the President

MR. STIRLING:

of the Council (Mr. Marshall) feels comfortable with this legislation. I really do not believe he feels comfortable with it. I do not believe that the Minister of Mines and Energy (Mr. Barry) honestly feels comfortable with this legislation. It is contrary to the last chance, the last chance to prevent a monumental error, and that is to go to the court, not go to the court and automatically get an injunction, Mr. Speaker, but go to the court and convince a learned judge that there is valid reason for taking that action.

Now, Mr. Speaker, there can be absolutely no justification, none whatsoever in passing this legislation in this form. None whatsoever. It is an extreme piece of legislation. I am sure that the former Speaker of the House, the Minister of Justice (Mr. Ottenheimer), is not very comfortable with that piece of legislation. He cannot be comfortable. He cannot sleep at night, once he understands what can be done with that piece of legislation particularly, Mr. Speaker, - well, just let us assume that this piece of legislation gets passed. And the question I really have to ask you-let us assume that this piece of legislation gets passed and we then go to a general election before May and that the Minister of Forestry (Mr. Power) then becomes the member for LaPoile - let that sink in for a minute.

MR. LUSH: A highly unlikely scenario.

MR. STIRLING: A highly unlikely scenario.

MR. MORGAN: It will be a good many years yet (inaudible).

MR. STIRLING: The question is - we never thought, Mr. Speaker, that we would have in this House an unanimous report from a Public Accounts Committee telling and stating, with both sides of the House, that somebody contravened The Public Tendering Act.

AN HON. MEMBER: Oh!

MR. STIRLING: - and that the President of the Council (Mr. Marshall) would allow that to just pass, and say it was a question of judgment.

MR. WARREN: No, no!

MR. STIRLING: That was an unlikely possibility as well, but it happened.

MR. WARREN: Who was that? Who was that?

MR. STIRLING: It happened, and it happened during the life of the previous administration and condoned by the present administration.

MR. WARREN: Who was it?

MR. PATTERSON: (Inaudible) the Liberal days.

SOME HON. MEMBERS: Oh, oh!

MR. STIRLING: So, Mr. Speaker, let us talk about what is happening now. Let us talk about a piece of legislation -

MR. TULK: The former administration.

MR. STIRLING: - that is going through now. And I will ask the member for Placentia (Mr. Patterson) for the same purpose he just said, would you be safe, with this piece of legislation if a week from now the Minister of Forestry (Mr. Power) is a Liberal minister? Because the legislation will still be in force, Mr. Speaker. The legislation will still be in force.

MR. WARREN: It is not too much longer.

MR. STIRLING: The Minister of Mines and Energy (Mr. Barry) said, 'In that case we will take another look at it.'

MR. BARRY: (Inaudible) all be gone.

MR. STIRLING: Mr. Speaker, there you are. And that is the test of the arrogance, Mr. Speaker, of this government which believes that they will bring in legislation for the personal convenience of this government.

MR. NEARY: (Inaudible)

MR. STIRLING: That is right. The arrogance, Mr. Speaker, the same kind of arrogance that when they had a problem in the Fisheries Loan Board, fired all of the fishermen.

MR. WARREN: Oh, yes.

MR. STIRLING: The same kind of arrogance, Mr. Speaker, that when the Legion came here to say, 'Can we have a discussion about the flag?' No. No answer. The same kind of arrogance, Mr. Speaker, that when the Police Brotherhood President said something that they did not like they fired the Police Brotherhood President, suspended him and put a clause in the regulation that says you cannot talk to the press. That kind of arrogance, Mr. Speaker.

Well, I can tell you that this legislation will not go through this House of Assembly. Because I really do believe that the Minister of Mines and Energy (Mr. Barry) and the Minister of Justice (Mr. Ottenheimer) and the President of the Council (Mr. Marshall), I really do believe that they have more respect for the courts than to have to pass this, I am sure that if the Minister of Mines and Energy were lecturing to any university class and found this kind of a piece of legislation anywhere in Canada, he would be referring to it as the kind of legislation that should never be allowed in any House of Assembly. Because they would have to be ashamed of it, Mr. Speaker.

They are so concerned about getting on with what is their job, what is their goal, that they are bringing in legislation that will not even allow the courts to interfere, Mr. Speaker, that is a protection in our system, The final appeal is always to the courts. And, Mr. Speaker, it is going beyond this House, it is going beyond any decency to say that in something which they have so many

MR. STIRLING: doubts about themselves,
there is no new information given to the royal commission.

I said before that the Minister of Forestry (Mr. Power), I think, did an honest job. He really struggled with it, and when he delivered that report he said that they had doubts about it, but that as a result of all of it, and with the real problems in the forestry, they had to go ahead and make a decision. Mr. Speaker,

MR. STIRLING: this piece of legislation has nothing to do with that decision. This piece of legislation happens to say, for these specific things the courts have no authority. This piece of legislation is not doing anything with the Opposition, it is not doing anything with the spray programme, it is taking authority away from the individual. To the average Newfoundlander and Labradorian that they are so concerned about protecting, they are saying he does not have the right to go to court. That is the first thing.

The second thing they are saying is they have no faith in the judges of the court, An insult to the court. I do not know but it is almost out of order. I do not know but it is almost out of order. Beauchesne will not let you insult the court and this piece of legislation almost is out of order. I mean the authorities would have to check into it because they are saying they do not believe, they do not believe that the court could have a submission and make a rational judgement. They are taking that authority away from the court and that is all, Mr. Speaker, that this piece of legislation is about.

The other side have attempted to make it a question of spray or not to spray. And that is not the question in this legislation. The question is where do they go from here? Do they say that an average citizen does not have the right to go to court on any issue anymore? Why do you not just abandon - bring in a blanket piece of legislation? Because if they get away with this, Mr. Speaker, the people in Newfoundland and Labrador who believe that if something needs to be pointed out it will be pointed out, they really do believe that government would not try something like this, well, Mr. Speaker, they have to get the message. This has got nothing to do with the spray. It is really a judgement of the courts and that is

MR. STIRLING: the essential piece of information.

MR. MORGAN: Are you finished?

MR. STIRLING: No, Mr. Speaker, It does not say I have to be saying it.

I was just reading out of Hansard, Yes, a very interesting thing - Mr. Morgan talking about how he was against the spray-in Hansard.

MR. TULK: (Inaudible) read it.

MR. STIRLING: No, I do not think. I think he should be allowed to read it first.

MR. BARRY: Might I ask (inaudible) to read?

MR. STIRLING: Yes, May 29th, 1978. You can check it out.

See what Mr. Morgan said at that time. Let us not embarrass him anymore now.

MR. MORGAN: Repeat what I said now. Go ahead, you tell us.

MR. STIRLING: No, Mr. Speaker. Mr. Speaker, we are not dealing with whether to spray or not to spray. What we are dealing with, Mr. Speaker, is the substance of this resolution and it is not fair to be bringing it in and tying it into the spray programme. I would like to hear some of the legal minds on the other side explain the justification for taking this out of the control of the courts, of taking it away from the courts because, Mr. Speaker, - can I get an indication of how much time we have left, please?

AN HON. MEMBER: Ten minutes.

MR. STIRLING: Unlimited, it is obvious. We cannot get agreement on that.

Then, Mr. Speaker, assuming that we have somewhere between five and twenty minutes left, let me sum up, then, the position of the party in case anybody has any doubt about

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MR. STIRLING: it. This piece of legislation has nothing to do with whether to spray or not to spray. I accept the fact that the government has made that decision and they have made that decision after having the same doubts that we all have, that nobody is in favour of a spray programme. and if this kind of weather could kill the spruce budworm, I am sure it would be the fondest wish of everybody on this side that we not spray. There were some very real doubts, very real doubt about whether we should spray, so much so that a Royal Commission was set up. And the Royal Commission looked into all the alternatives and their conclusion

MR. STIRLING: that they came to was that because of the effect on the forest there was no choice but to spray. And that is a hard, tough decision.

Mr. Speaker, if this kind of legislation were enforced I would expect the government to be coming in to take the legislation out. If the dirty old Liberals had had this legislation in, or that dirty previous administration had had that legislation in four or five years ago, I would expect this government, with the same doubts that they expressed when they set up the Royal Commission to take this legislation out because it is the one last chance for people who have information that they believe is so damning that we should stop the spray. And it is not something that should be taken away from the citizens or from the environmentalists or the experts, it is something that should be put together and proclaimed and carried as a right that they always should have the courts to refer to.

And this piece of legislation is a two-way piece of legislation.

MR. SPEAKER (BAIRD): 12:07 your time goes to.

AN HON. MEMBER: Hear, hear.

MR. SPEAKER (BAIRD): You have lots of time yet, 12:07 is your time.

MR. STIRLING: Oh, okay.

This piece of legislation, Mr. Speaker, in that case does two things. It first of all says that the judgement of this government is that our courts do not have the ability to judge whether or not an injunction is called for. They do not have the judgement to do that. That is one of the points that they are making. They are taking that authority away. That is the first thing.

And the second thing is they are saying that the people do not have this avenue. Now they are careful to say - after the damage is done is like saying after

MR. STIRLING: somebody gets shot, "Oh, yes, you can take them to court and you can charge them with a criminal offence, but if you happen to notice in advance that something is about to happen you are not allowed to take any action to prevent it from happening.

Now, Mr. Speaker, on this side of the House we are very concerned about the spray programme. And we are concerned that some information may become available, that people may want to take some action not only against the Crown but in this particular case: You are saying that an independent contractor, who may not have the equipment in its proper state, may do what we found happened last time and that is ignore the instructions. And you have an independent contractor being given the protection, the same protection as the Crown.

MR. SPEAKER (Baird): Excuse me, I do not want to interrupt the Leader of the Opposition but I would like to inform him that he has one hour as Leader of the Opposition so the time he finishes is 12:37.

MR. STIRLING: Mr. Speaker, I had only planned to use the normal thirty minutes because, Mr. Speaker, this is a very simple bill but it has a very, very major implication. And we can state our position very simply and it has been stated. No citizen should lose his right to go to the court for any reason to have an injunction about this or any other thing. You cannot take this out of the courts. On this side we have every belief that the courts will deal with this in a responsible manner. We have great confidence in our judges. And we think, Mr. Speaker, the very opposite of this legislation is what the government should be doing. The government should be saying that there is still one last place that we can go and that is to the courts.

Now, Mr. Speaker, that it has been brought to your attention, I am sure that we will have no

MR. STIRLING: doubt whatsoever but that the lawyers on the other side, having had a chance to look at the consequence of this, will find that they would not want this to be known as foggy Friday, the 6th of March, when Newfoundland took such a giant step backwards for this government which is so concerned about what we are doing in Newfoundland and Labrador. And I am sure that there is no doubt that this piece of legislation will be taken back now, and they will have some second thoughts about it. Thank you, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear.

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

MR. MARSHALL: Mr. Speaker, there is need to be some comments made with respect to the matters raised by the Leader of the Opposition (Mr. Stirling) and, indeed, other members opposite. From the remarks of the Leader of the Opposition specifically, and others, I think it indicates either that the hon. the Leader of the Opposition does not understand the act, he does not know what is in it, or he has been very wrongly advised as to the nature and then the import of the act itself.

I think the first thing that has to be realized and has to be drawn to the attention of the public is that this bill in no way - the statement has been made by the Leader of the Opposition, by the member for Fogo (Mr. Tulk), and by others, that this particular legislation blocks recourse to the court, that there can be no resort to the court, that we are just completely and absolutely blocking individual's rights to an adjudication in the event there is any damage caused to themselves and their property.

MR. STIRLING: (Inaudible).

MR. SPEAKER: Order, please!

MR. MARSHALL: The hon. gentleman had the opportunity to qualify his words if he wished to but he left the - I would not want him to leave the impression, because he did say that this bill will result in there being no resort to the courts. Now, the first thing I want to point out is that that is totally and absolutely and completely untrue.

MR. BARRY: Wrong.

MR. MARSHALL: What this particular bill does is it prevents the remedy of injunction to a person in this Province as a result of the spruce budworm. And let me go into why this has to be and the reason for it. What is an injunction? An injunction is an order that a private citizen can obtain from the court, on application to the court, ordering that certain things that may be being done to his personal property by third parties, be it the government or individuals, cease and desist.

Now, we have here, in this Legislature, we have brought before this Legislature a bill and the government has announced a decision to spray the forests. This was a decision that the government took reluctantly, as has been indicated. It was taken, I would suggest, very wisely. It was taken, first of all - we all know, I do not need to recount, the damage to the forests of this Province and the danger to the jobs of many thousands of people in this Province as a result of the spruce budworm. I think that is taken as given. The government was very concerned about spraying the forests and before doing so, before just jumping off and spraying the forests without knowing the consequences of it, it instituted a Royal Commission of three people. We all know, Dr. Poole, and Dr. Rowe formed the commission, and they looked into - held hearings throughout the Province. They assessed and weighed the pros and the cons of spraying and they came in with a report that spraying should take place in order for the forests to be protected after they had examined into all avenues and all matters pertaining to it, including the possible harmful effect of spray on the individual's health.

Now having done that then the government made a decision to spray and then the government, as is its bent, brought before this House of Assembly this bill so that the measure could be fully debated. Now the hon. gentlemen opposite

MR. MARSHALL: have made a lot about the fact that, Oh, this bill is unnecessary. It has nothing to do with spraying. It has absolutely nothing to do with spraying, that spraying occurred in 1978 and that this particular bill was unnecessary.

Now, this bill is necessary, Mr. Speaker, because it deals not just with the government. One of the main purposes of this bill is to confer on contractors, on persons who are employed by the government but are independent contractors of the government, to confer upon them the same rights that the government would have. So the bill is necessary. But even if the opinion of the hon. gentlemen opposite were so, the hon. member for Fogo (Mr. Tulk), and the hon. Leader of the Opposition (Mr. Stirling) were so, they now come before this House and complain because we have in an open manner, now openly and fully after having a commission, after having an enquiry that took place over a period of a year, after examining experts in the department, after Cabinet having considered it in depth, after the caucus having considered it in depth, we just did not go ahead and say we are going to spray, we bring it out in the open, before the public, in the people's House and the hon. gentlemen there opposite seem to think that that is unnecessary. Well, if that is unnecessary to them it is not unnecessary to this government because this is a policy of the government.

Now, to get back to this decision; the decision, then, was made to spray -

AN HON. MEMBER: Deal with the bill now.

MR. MARSHALL: Yes. The decision was made to spray and we have in this bill the matter of injunctive relief, that no person may go and get an injunction.

MR. W. MARSHALL: And why should that be? It will be a decision, when it is a decision to spray of this House, of the people's House, of the House of Assembly of Newfoundland, that after weighing all matters, considering all factors in the general interest of the public, generally speaking, spraying has to occur for the reasons outlined.

Now I ask you, Mr. Speaker, should one individual or two individuals in the Province be able to frustrate and thwart this particular decision? And I think by any fair assessment of that question, Mr. Speaker, it has to be answered in the negative. At all times when you are making law you are balancing interests, you are balancing on one hand the social interest as against the individual interest. And if the individual's particular bent, and the individual's particular interest is to try to block - if one person could block the will of all the people in the Province, as expressed through their elected representatives, you would have a very sorry state of affairs. What would happen Mr. Speaker, is there would be, then, a misuse of this power of the injunction, the power of the individual person to go to the court and to have the court rule that this decision which has been made to spray certain areas of the Province, and one individual could thwart the will and the decision and the determination of this House. And that is really what this bill does with respect to the injunctive release.

So it is very, very wrong, Mr. Speaker, and incorrect for the Leader of the Opposition (Mr. Stirling) to say there is no recourse to the courts and to say the courts have no authority. Because anybody who may have been caused any - we do not expect, we think it is very improbable, we would not have made the decision if we did, acting on the report of the Commission we decided to spray, so we do not expect that there will be any damage or any harm to either persons or property. But in the off chance that this did occur -

MR. L. STIRLING: Just let me (inaudible), for benefit of the injunction, does the judge have to use any judgement?

MR. W. MARSHALL: What I am saying is it does not come before the judge because it is not up to - a decision has been made to spray the forests of Newfoundland.

MR. L. STIRLING: The injunction - you were going to explain to me what an injunction was.

MR. W. MARSHALL: - and to do what the hon. gentleman would want would be to leave the door open for one single person to thwart the will -

MR. L. STIRLING: To go to a judge.

MR. SPEAKER (Baird): Order, please!

MR. W. MARSHALL: - of the majority. Now, if that one single person -

MR. L. STIRLING: Explain to me what I did not understand.

MR. W. MARSHALL: - feels that he is going to be damaged and there is damage, that one single person can still go to the judge, Mr. Speaker. He can still go to the judge -

MR. L. STIRLING: After the fact.

MR. SPEAKER: Order, please!

MR. W. MARSHALL: - he can take an action and he can recover whatever damages or monetary compensation that the court in its judgement may award for any damages that he may suffer.

MR. L. STIRLING: After the fact.

MR. W. MARSHALL: After the fact. Damages are always after the fact. The hon. gentleman is after the fact as well, as a matter of fact.

Mr. Speaker, so that is the reason for this provision. There was also a provision in the last section, which the hon. Minister of Forest Resources and Lands

MR. W. MARSHALL: (Mr. Power) has already referred to in the bill, preventing any action being taken for nuisance or trespass and that is going to be amended in committee, because on reflection on this matter, between the time when the bill was printed and the time when it came before the House, the government decided that that was probably going a little bit farther than was necessary. So what we are doing -

MR. L. STIRLING: The first reaction was (inaudible)

MR. W. MARSHALL: If the hon. gentleman had been here yesterday to hear the hon. Minister of Forest Resources and Lands (Mr. Power), he would have realized that this decision has been made. So that is going to be remedied, Mr. Speaker.

Now, the principle of this bill, as I say, as we get to the bill-to me it is incomprehensible that the Opposition, first of all, could object to this bill on the basis that it is unnecessary. As I say, the reason why this bill is being brought in is, number one, we think it is necessary because it confers upon contractors who are private citizens and who are not agents of the Crown the same rights as if in fact they were agents of the Crown. So regardless of what happened in 1978, with the independent contractors being used to effect the spray programming this year, it is absolutely essential that that be in because, in effect, they are actually going to be agents of the Crown.

With respect to injunctions, I think I have already explained that. I hope it is explained adequately. It comes down to a matter of balancing interest and it comes down

MR. MARSHALL: to the very real consideration that as regrettable as a decision to spray is - the Minister of Forestry (Mr. Power) would be the last one who would wish that we would have to spray - but as regrettable as that decision has been, it has been taken by the government, brought before the people's House, and we cannot leave the machinery open where one single person in the Province can thwart the will of the majority and can, in effect, stymie an action which is being taken for the purpose of protection of thousands of jobs.

So I would suggest to hon. gentlemen there opposite that they are either going to be for this bill or they are going to be against it. They cannot get up and say they are for the bill -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Baird): Order, please!

MR. MARSHALL: - they cannot get up and say they are for spraying and then get up and indicate that this is unnecessary. It is absolutely ridiculous for a person to get up and say, as the Leader of the Opposition and some of his colleagues have said, that this bill means that the government does not trust the court. I mean, that is absolutely and completely ridiculous. What the government is doing is not removing a cause of action for individuals who may be aggrieved but defining that the remedy will be the remedy of damages instead of the remedy of injunction. It is as simple as that.

Now, the bill, itself, Mr. Speaker - I am not going to speak my full allotted time because I only got up, Mr. Speaker, because it seemed to be necessary to explain this very, very carefully, that it is very wrong to say that the government is trying to block the recourse to the courts.

MR. THOMS: That is what the bill says.

MR. MARSHALL: The bill does not say that the government is blocking recourse to the courts.

MR. MARSHALL: The hon. gentleman just cannot understand. Obviously, he either cannot understand or he cannot hear. The people still have the recourse to the court.

MR. STIRLING: After the fact.

MR. MARSHALL: And the recourse to the court is for damages, and damages always come after the fact.

MR. STIRLING: Five hundred people dead and then (inaudible).

MR. MARSHALL: Well, the hon. gentleman, as I say, before he makes statements of that nature and gets himself in a box, should explain the statement that he makes without just making complete blanket statements that the government is blocking recourse to the courts.

There were other statements made, by the hon. the member for Fogo (Mr. Tulk), for instance, that the injunction denial is undemocratic, for instance, that I do not really intend to deal with. I have already explained fascism and all that, that this is just a case, Mr. Speaker, it is purely and simply a case of the government governing, of the government making a decision after reflection, after considering the report of the Commission, after commissioning it, after bringing it before the people's House, after a vote in this House which will-if the bill is passed the spray programme will go ahead, and if the people of this Province through their elected representatives -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Baird): Order, please!

MR. MARSHALL: - determine that a spray programme is going ahead, I suggest it would be rather ludicrous to allow one individual or even two individuals to block that particular decision.

Now, in closing, I would like to congratulate the Minister of Forestry (Mr. Power) not only for bringing in the bill, but for the way the hon. minister

MR. MARSHALL: introduced the bill, itself. He did this as he has taken other measures, as he explained other measures that have been taken in the forest industry with respect to effective forest management, and I think the passage of this bill and the steps that the hon. the minister has been taking in his department augur well for the forest industry and for the economy of this Province. I certainly heartily commend him for the bill. I commend him for the way that he introduced it. And would that the hon. the Leader of the Opposition and the members opposite had shown the same degree of understanding of the import of the bill as the minister did. I think what hon. gentlemen are trying to do is they are trying to ride both ends of the horse, the front end and the back end.

MR. OTTENHEIMER: Always astern.

MR. MARSHALL: They are usually astern, Mr. Speaker, and they are going astern, because what they are trying to do, instead of coming out man fashion or woman fashion or person fashion, whatever we have to say in these days of Status of Women, instead of coming out and foreshore putting their position before the people as to what it is, they are trying to say, 'We are for the spray programme, but then, again, we are against any provision where one individual, maybe myself, if I wish to, if I want to get

MR. MARSHALL: on a certain bandwagon that they may get up, can go into the court and thwart the corporate decision of all. So really, Mr. Speaker, their comments on the bill show another example of the unfortunate infliction of governmental and political schizophrenia to which the hon. gentlemen have been subject and which they have been exhibiting since this Assembly was constituted.

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: Mr. Speaker.

MR. SPEAKER (Baird): The hon. member for Grand Bank.

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

I would like to address a few remarks to this particular bill. I would like to emphasize that I would like to address my remarks to this bill.

The minister, when he introduced the bill, spoke for some thirty minutes and only spoke for two minutes on the bill, itself. The Minister of Fisheries (J.Morgan) spoke this morning for thirty minutes -

MR. NEARY: And never referred to the bill at all.

MR. THOMS: No, the Minister of Fisheries did a little better. The Minister of Fisheries did a little better. The Minister of Fisheries spent five minutes speaking on the bill, five minutes. I find it very - I did not time the President of the Council (W. Marshall), Mr. Speaker, because I am finding it increasingly more difficult in this House to listen to the garbage that comes out of the man.

AN HON. MEMBER: Oh, oh!

MR. NEARY: Rubbish.

MR. THOMS: Mr. Speaker, let me see if I cannot say what again, and repeat, because it needs repeating, and that is -

MR. THOMS: - and the Minister of Fisheries talked about our not knowing where we are or anything else on the spray. Now, for the record, for the record - okay? - I am not for the use of chemicals. I do not think anybody in their right mind is really for the use of these chemicals. Purely from an economical point of view, it is going to cost us three or four million dollars to do the spray. But I personally, for the record, am in favour of a spray programme. I think it is absolutely essential and necessary that this Province have one.

However, Mr. Speaker, having said that, this bill, Bill 54, "An Act To Provide For The Protection Of The Forests Of The Province From Insects And Disease," the principle of this bill really has nothing to do with whether we spray or not. It has been said by my colleagues, rightfully so, but the decision to spray has been made for better or for worse whether it is right or it is wrong. The Minister of Forestry (C. Power) and his Cabinet colleagues have made the decision that they are going to spray the forests of this Province this year. That decision is made and the administration of this Province is going to have to live with that. However, that is not what the bill is all about.

Mr. Speaker, we are living in an increasingly difficult society. Every time we turn around our rights, our civil liberties, everything that we hold dear, and to parrot the Premier of this Province, 'sacred'.

MR. NEARY: That is the former Premier.

MR. THOMS: - is being taken away from us.
Mr. Speaker, I will personally vote against the seat belt legislation that is going to be introduced by this administration, in this sitting of the House-

SOME HON. MEMBERS: Be relevant. Stay on the bill now.

MR. THOMS: Okay? I am being relevant. I am being relevant. If you will listen you will see I am relevant.

AN HON. MEMBER: (Inaudible) on the bandwagon.

MR. SPEAKER (BAIRD): Order, please!

MR. THOMS: If you are capable of seeing the relevance. Because, Mr. Speaker, that again is taking away a right. And how far, how far can society go? How far can individuals go? How far can persons go before they rebel against this sort of thing? We see it in every walk of life. We see it in the forestry. We see it in our hunting. You can hardly do anything.

AN HON. MEMBER: The fishery.

MR. THOMS: In the fishery, Mr. Speaker, at one time when I lived in Lamaline I could go out, I could put out half a dozen lobster traps and I could catch a few lobster and I could bring them ashore and I could boil them up on the beach and I could eat them. I could eat them. I cannot do it today.

MR. L. THOMS: It is a right that has been taken away from me.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: The seat belt legislation will take away a right.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: This legislation, Mr. Speaker, will take away a right. Now the Minister of Forest Resources and Lands (Mr. Power), on television two or three nights ago, made this statement and I quote him, "No rights are being taken away, the bill simply makes certain persons agents of the Crown'. Now, when he introduced the bill -

MR. MORGAN: You are misquoting him.

MR. THOMS: I am not misquoting him, CBC television, the arm of the Tory Party in this Province, made that statement. But he said that no rights are being taken away, it is simply making certain persons agents of the Crown.

Now, he modified that somewhat yesterday, Mr. Speaker, when he came into this House and he said, 'Certain rights may be taken away by this legislation'. Of course, there is a right being taken away in this legislation. At the moment any individual or any group of individuals, or any legal person has a right to apply to the court for, in the first instance, an interim injunction. They have that right.

AN HON. MEMBER: Except against the Crown.

MR. THOMS: Okay, except against the Crown. So now that right is being taken away from them because they not only do not have the right to proceed against the Crown for an interim injunction but they do not have the right to proceed against an independent contractor. If this government engages Universal Helicopters or John Doe Limited to perform any spraying, then nobody has a right to seek an injunction against them no matter what they may be doing in the

MR. L. THOMS:

process of the spraying.

And, Mr. Speaker, I am not clear - maybe the minister can deal with this when he closes the debate. Certainly according to the Leader of the Opposition (Mr. Stirling) debate may never close on this. But this bill says, "Without limiting the generality of section 7, the minister may take such measures as he deems necessary to protect the forests of the Province from insects and disease." Now, it does not say that the minister may spray if he deems it necessary. What about, Mr. Minister, if you engaged an independent contractor to do something other than spraying to protect the forests from insects and disease? Does this Act protect the independent contractor in that case?

On the surface it appears to do that. Maybe the minister can confer with his legal colleagues in Cabinet, the Minister of Mines and Energy (Mr. Barry) or the Minister of Justice (Mr. Ottenheimer). I would like to have an answer to that question because this gives you more than the right.

Mr. Speaker, I am speaking to the Minister of Forest Resources and Lands (Mr. Power) and I wish the Minister of Fisheries (Mr. Morgan) would give him my undivided attention.

I would like an answer to that question. If the minister would confer with the legal expertise that he has access to and give me an answer to that.

I am also not sure that that particular section which I was referring to, and section 7.3 are not in conflict - "The minister may take such measures

MR. THOMS:

as he deems necessary." But then 7.3 says, "The Minister may, subject to the approval of the Lieutenant-Governor in Council" in other words, subject to the approval of Cabinet- "authorize the use of any pesticide." Is there not a conflict in those two provisions? I would like the minister to confer with his legal advisors and give me an answer to that question when he sums up in this debate.

I would like to correct another impression that was given by the President of the Council (Mr. Marshall) when he was speaking with reference to injunctions, because he left the impression that injunctions are automatic, that all you had to do is go to the judge, in Chambers, in his office in other words, present him with an injunction, an interim injunction order, and the judge would willy-nilly, automatically give the injunction. But, Mr. Speaker, that is not so. When you go to obtain an injunction you have to convince the judge that this is a right and proper case for an injunction to be issued.

MR. MORGAN: (Inaudible).

MR. THOMS: The Minister of Fisheries (Mr. Morgan) has no fears, I will never accept a retainer from the biggest maw mouth that ever entered this House of Assembly, never! So do you not ever worry, I will never seek a retainer from you.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Baird): Order, please!

MR. THOMS: Mr. Speaker, if the Minister of Fisheries wants to do this Province and this House a favour, what he should do is recommend the Minister of Justice, (Mr. Ottenheimer) who is the biggest, fattest ostrich, recommend him to the Guinness Book of Records for being the biggest ostrich that we have ever seen in this House.

MR. THOMS: If you want to do anybody a favour do that.

Mr. Speaker, as I was saying before being so rudely interrupted, and he was the one on his feet, all morning complaining about interruptions, he is the worst interrupter in the House, Mr. Speaker, what I was saying -

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: - is that you do not automatically, and the President of the Council (Mr. Marshall), realizes this although he left the impression differently, you just do not automatically walk in to the Chief Justice of the Supreme Court and say, here, boy, I want an injunction, -

MR. NEARY: But he is such a Hitlerite -

MR. THOMS: - and the Chief Justice is going to sign his name to it.

MR. NEARY: - he might try that. He might.

MR. THOMS: But you have to show -

AN HON. MEMBER: Dictator.

MR. THOMS: - that there is a cause for the injunction to be, they are not automatic. And then within a very few days, I think it is four days after that, you apply to make the injunction final.

The President of the Council is right in one respect, this bill does not bar an individual's recourse to the courts. They do still have recourse to the courts. What this bill does is prevent a person from seeking an injunction, but they can still sue the Crown, the Crown in this case, and there is no question about it in my mind, the Crown are now making themselves principally liable for whatever actions the independent contractor might take.

MR. NEARY: Shocking. It is shocking.

MR. THOMS: I mean we now have the principal and agency relationship coming in, and this bill does make the Crown,

MR. THOMS: the government, ultimately and fully responsible for the acts of the agent.

MR. NEARY: Right on.

MR. THOMS: And that happens. But then again an individual does have the right to sue for damages.

MR. NEARY: Who drank the apple juice last night on Rosie?

MR. L. THOMS: Mr. Speaker, I was mildly amused yesterday when the minister introduced the bill and he stated that they were going to allow the individual to have the right to an action for damages. Mr. Speaker, that was quite big of him, That was quite big of him. They already have that right, They already have that right! The proceeding against the Crown Act does not take away the right for a person to sue the Crown. They already have that right!

But in exchange, Mr. Speaker, in exchange for the Minister of Forest Resources and Lands (Mr. Power) and this administration, in exchange for their taking away the right of an individual to seek an injunction, the basic right they have right now against an independent contractor, they were going to allow him to retain a right they already have. That is his argument for supporting this bill. That is his argument. We are going to take away your right to an interim injunction or an injunction, but in exchange for that, Mr. Speaker, the Minister of Forest Resources and Lands is going to let them retain a right they already have. I would say, Mr. Speaker, that that is not even a peppercorn consideration.

Mr. Speaker, the Minister of Forest Resources and Lands was also misleading a wrong when he stated that this legislation was being brought in because this administration was not going to permit a few mad men, or cuckoos -

MR. HANCOCK: Crackpots.

MR. L. THOMS: - or crackpots.

AN HON. MEMBER: Or the Ku Klux Klan.

MR. L. THOMS: - or the Ku Klux Klan or the Minister of Justice (Mr. Ottenheimer) or anybody like that to take away the rights of 18,000 Newfoundlanders employed in the forestry. You are protecting the 18,000. He is not going to let one individual do that, Mr. Speaker, not going to let one individual have that right.

So in order to protect the 18,000 he takes away the rights of 500,000 Newfoundlanders - 500,000 - including, Mr. Speaker, the 18,000 that he now says he is protecting, including the 18,000 he is now protecting. They do not have any right, their right is being taken away under this legislation.

But, Mr. Speaker, that is symptomatic of Tory thinking. It is symptomatic of Tory thinking. They do not care what rights they take away. If the President of the Council (Mr. Marshall) had his way there would be no rights, nobody would have any rights. He would have it all taken away from them. The only way -

SOME HON. MEMBERS: Oh, oh!

MR. L. THOMS: Now, Mr. Speaker, this legislation and this type of legislation, frightens me. Mr. Speaker, it shows

MR. THOMS: the callousness, and the disregard that this government has for the individuals, and has for society.

MR. HANCOCK: That was obvious yesterday, would not approve my road programme.

MR. THOMS: They do not care for the individual.

MR. HANCOCK: Exactly, they do not care.

MR. THOMS: They do not care for this Province.

MR. HANCOCK: That is why they are Tories.

MR. THOMS: All they care about is having their own way -

MR. HANCOCK: Tories.

MR. THOMS: - having their own way.

MR. HANCOCK: The Tory way.

MR. THOMS: I get a charge, Mr. Speaker, out of the Premier of this Province talking about the unilateral action of the federal government in patriating the constitution. In the meantime, this administration takes away, strips every individual who owns property in this Province, of fifty per cent of it, and gives it to somebody else, unilaterally. There was no referendum held, and I do not want to be accused of getting on the Matrimonial Act bandwagon, but there was no referendum or anything held to find out whether the people of Newfoundland wanted this.

AN HON. MEMBER: There has been a great lot of leniency in this debate Mr. Speaker.

MR. THOMS: The government is now, without any reference to the people of this Province, stripping them of another right.

AN HON. MEMBER: He is going to become another Neary boy, right?

MR. THOMS: How long, Mr. Speaker, I ask, how long can the people of this Province continue to face situations like this with their basic rights being eroded, eroded, eroded

MR. THOMS: until there be nothing left.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: Mr. Speaker, a great deal of thought, and a great deal of soul searching must go into whether or not one votes for this particular piece of legislation. It has nothing at all to do with whether or not you agree with a spray programme. It has nothing at all to do with it. Nothing. But there is a larger picture, a larger picture, a larger consideration; and that is that if this Legislature gets away with taking away the individual rights of 500,000 Newfoundlanders in this case, then what is to stop this government and the Tory mentality of this government, what is to stop them from taking away another right tomorrow; and another right tomorrow?

I think we should stop. I think we should stop and we should consider what we are doing.

MR. LUSH: Call for a royal commission.

MR. THOMS: I know the uselessness of calling for any kind of commission, or for anybody to call for any kind of commission. Because we have an administration that is afraid of commissions, unless they are set up, unless they are reports given by their own companies like NORDCO,

MR. THOMS: their own government-owned companies.

AN HON. MEMBER: Experts quoted that.

MR. NEARY: Yes, a kind of expert, alright. Expert in what - everything on the face of the earth?

MR. THOMS: We have certainly got experts. It is too bad my friend from Fortune - Hermitage (Mr. Stewart) is not in his seat today. We have certainly got experts.

MR. MORGAN: (Inaudible). You got there.

MR. THOMS: No. We certainly have experts preparing reports though, have we not? This is the petroleum report.

MR. SPEAKER (Baird): Order, please! I would suggest the member is straying from the topic.

MR. THOMS: Mr. Speaker, I understand the bill. I can tell you exactly what is in the bill. The bill denies every individual, 500,000 Newfoundlanders -

AN HON. MEMBER: No, no. That is not true (inaudible).

MR. THOMS: - including the 18,000 Newfoundlanders who are employed in the forest industry from going to the court and seeking an injunction, not against the Crown because they do not have that right now, but against John Doe Limited - okay? That is what the act is all about. It is stripping 500,000 Newfoundlanders of that right, Just one more right that this administration is taking away from the people of this Province.

MR. HANCOCK: They cannot sue the government when they are half dead.

MR. THOMS: You could sue the government for damages if they go in and do any damage, but no matter what the independent contractor is doing you cannot seek an injunction against him. And I am not so sure - and maybe somebody from

MR. THOMS: the outside can clarify this -
I am not so sure but in any programme that is carried out.
It is a weakness in the bill, from the way I see it, no
matter what programme is being carried out. If the minister
in his discretion decides that there has to be a ditch dug
from here to there and he hires an independent contractor to
do it and that independent contractor is doing something
that he should not be doing that is damaging to your property,
you cannot get an injunction. It is not restricted to
spraying. What I am saying is, any programme.

MR. POWER: We are not spraying the ground.

MR. THOMS: No, but you might be doing something
else. I mean, the basic concept and principle in a democratic
society is that a man's home is his castle, that if you have
property you have a right to protect that property.

MR. TULK: Right on, brother!

MR. THOMS: You have a right to protect it.

What is the government saying here?

'I am sorry, but you do not have a right to protect your property.
No longer will you have that right.' You have the right now,
but they are taking that right away.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: And certainly goodness, to the
member for St. John's Centre (Dr. McNicholas) this must be
a little bit frightening. To the member for Kilbride (Mr. Aylward),
does that not frighten you?

MR. CARTER: (Inaudible) St. John's (inaudible).

MR. THOMS: To the maw mouth from St. John's
North, nothing frightens him, so I am not interested in him
at all.

SOME HON. MEMBERS: Oh, oh!

March 6, 1981

Tape 190

EC - 3

MR. THOMS:

My friend from Exploits

(Dr. Twomey) -

MR. SPEAKER (Baird):

I wish to remind the member

that his time is up.

SOME HON. MEMBERS:

By leave.

MR. THOMS:

Surely, Mr. Speaker, this bill

must be frightening to those people.

MR. THOMS: I think they should really consider-

MR. NEARY: I will call (inaudible).

SOME HON. MEMBERS: By leave.

MR. SPEAKER (Baird): I have advised the member that his time is up.

MR. THOMS: No leave, Mr. Speaker?

SOME HON. MEMBERS: By leave, By leave.

MR. SPEAKER: As has been requested, there is no 'by leave'.

SOME HON. MEMBERS: Oh, oh!

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

MR. BARRY: Mr. Speaker, if that is the truth that we are hearing on the other side of the House today, the truth is something different than I always understood it to be.

AN HON. MEMBER: Hear, hear!

MR. BARRY: Mr. Speaker, we have clearly, on this side of the House, made it clear that spraying our forests is something that we would undertake with the greatest of reluctance. As the Premier has said, as other members have said, as the minister himself has said, as other ministers before him said, if there was any way possible to avoid spraying the forests of Newfoundland, then they should not be sprayed. But when you are faced, Mr. Speaker, with the alternative of seeing the destruction of our forest industry, when you see, Mr. Speaker, being faced with the thousands of loggers losing their jobs, the economic raison d'être of our second city, Corner Brook, and one of our largest towns, Grand Falls, being wiped out in one fell swoop overnight, when you receive advice from a Royal Commission -

MR. FLIGHT: Talk about the bill.

MR. SPEAKER (Baird): Order, please!

MR. BARRY: -from the best experts that you can find, and when you have agonized, Mr. Speaker, for years and see that the only way to preserve our forest industry is to spray, then this government says we must spray.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: Now, Mr. Speaker, I will talk about the bill.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: Members opposite got up and said there is no justification for this spraying. The last member to speak said, 'Mr. Speaker, this is not going to have anything to do with there will be spraying or no spraying.' Mr. Speaker, I am surprised that the last member would say it. I can understand how the Leader of the Opposition might be able to take that approach, not knowing what is involved, presumably, in the process of obtaining injunctions, not knowing, Mr. Speaker, the basic legal system that we have in this country. He seems to think that the Legislature is subject to the courts in Canada. Mr. Speaker, this Legislature makes law and the courts apply the law that we make. Now, that is the way the system works. And the Leader of the Opposition has been watching too much U.S. television, too much American television where you have much greater powers in the courts and we may have greater power in the courts if that constitution that is being proposed goes through.

And some of what is included, Mr. Speaker, in that new proposed Bill of Rights is good and proper and should be in a Canadian constitution. Unfortunately, it is tacked on with a pile of garbage that should be in no constitution anywhere in the civilized world, much less in Canada.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: Now, Mr. Speaker, getting back to -

MR. STIRLING:

Is that why (inaudible) the apple juice?

MR. BARRY:

Well, I want to point - if the Leader of the Opposition would like a few points - some of his errs clarified. He started off by saying that presumably spraying had been illegal up to now because of this section that authorizes the minister to spray. I would refer him to the Department of Forestry and Agriculture Act of 1973, Section 7A, subsection 1. "The powers, functions and duties of the minister extend to and include a) the supervision, control and direction of all matters relating to forest resources and the utilization, protection, conservation, management, surveying, mapping and development thereof."

All matters, Mr. Speaker, relating

MR. BARRY:

to the protection and conservation of forest resources.

MR. POWER:

Always been there. Always been there.

MR. BARRY:

Now, does that limit the minister's power to spray? Is there anything there that any sensible, civilized, reasonable person could construe as not authorizing the minister to order a spraying programme?

MR. POWER:

No, Sir, a lazy Opposition, no research.

MR. BARRY:

It is in the act already, Mr. Speaker. That is just one example of the Leader of the Opposition (Mr. Stirling) just either not understanding what the law is or deciding to try and deliberately confuse what is going on in this piece of legislation.

MR. POWER:

He cannot understand it. They are a lazy Opposition.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (Baird):

Order, please!

MR. BARRY:

Mr. Speaker, this bill points out- in the accompanying explanatory notes to this bill, Mr. Speaker, it is pointed out that right now there is no right of injunction, there is no right to bring actions of nuisance and trespass against the Crown or against agents of the Crown and that this legislation is being put in, Mr. Speaker, for greater clarity, to remove any doubt and to avoid, Mr. Speaker, the situation which will occur if a group of people decide that they are going to take strong measures because they believe strongly against spraying and presumably because they do not have the same degree of responsibility with respect to the forest industry, the jobs, the towns, and cities dependent upon the forest industry. They decide for their own maybe genuine intellectual convictions, that they are going to oppose spraying.

MR. FLIGHT:

They did this, Mr. Speaker.

MR. BARRY:

Mr. Speaker, they could take an orchestrated approach to applying for injunctions in the courts

MR. BARRY: of this Province -

MR. FLIGHT: (Inaudible).

MR. SPEAKER (Baird): Order, please!

MR. BARRY: - and, Mr. Speaker, there is the possibility, even though it may be somewhat remote, there is the possibility that by a number of people applying for injunctions in sequence, while one or two may only be able to delay for a day, or two days, or three days, or four days, and I do not accept that that is necessarily the case either because we know that there are problems in establishing what the true facts are, two people may have different perspectives of the facts and although a person has to set out what the facts are upon which he is making his application for injunction, somebody else may have a different view of the facts. But, Mr. Speaker, let us accept that a person may be able to get an ex parte injunction for only two or three or four days.

MR. FLIGHT: Or one day.

MR. BARRY: Unlikely, Mr. Speaker, one day.
It is normally three or four days, Mr. Speaker.

MR. MORGAN: Quiet! Quiet! Order!

MR. BARRY: Picture the situation where you have a sequence of people, because they have an organized opposition to spraying they decide they are going to frustrate the spray programme. All they need do, Mr. Speaker, as we have heard from the previous Minister of Forestry, is delay the spray programme for a couple of weeks, delay the spray programme for a couple of weeks and that will mean, Mr. Speaker, delaying the spray programme for a year because there are only a couple of weeks that the spraying can be carried out.

MR. MORGAN: What do they want?

MR. BARRY:

Now, Mr. Speaker, if this government says that we must spray our forests in order to protect them, and if there is a risk however slim, if there is a risk that in this year, or the following year the spray programme can be frustrated by an organized group, utilizing the courts of this Province in order to delay a decision taken by government and approved by the Legislature of this Province,

MR. L. BARRY: are they saying opposite, Mr. Speaker, that government should not remove the possibility of that happening, the possibility of a small minority frustrating and delaying and causing another year of spraying to be missed, and causing another - what percentage of our population of trees to go? - probably the straw that broke the camel's back as far as the woods industry is concerned.

MR. POWER: We are up to 22 per cent now.

MR. L. BARRY: We are up to 22 per cent of dead and dying trees.

SOME HON. MEMBERS: Oh, oh!

MR. L. BARRY: Mr. Speaker, we are up to 22 per cent -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Baird): Order, please!

MR. L. BARRY: - of our forests being dead and dying.

MR. SPEAKER: Order, please!

The Chair is having great difficulty hearing and I would ask everybody to adhere to the rules.

SOME HON. MEMBERS: Oh, oh!

MR. L. BARRY: We are getting to them, Mr. Speaker, we are getting to them because we are showing just how unreasonable and irresponsible is the position that is being taken by members opposite because they do not have the courage, Mr. Speaker, to continue to get up and do what they really want to do which is to oppose the spraying of our forest, to oppose the protection of our forests.

SOME HON. MEMBERS: Hear, hear!

MR. L. BARRY: They do not have the courage to do it head on anymore when we have had a royal commission report, when we have had the responsible analysis that is being carried. They are afraid, Mr. Speaker, they are chicken, they are afraid, they do not have the courage to

MR. L. BARRY: get up and oppose it head on.
So what they are trying to do, Mr. Speaker, is to encourage an indirect frustration. They are trying to encourage an indirect frustration of this very responsible government programme taken after many years of agonizing.

And, Mr. Speaker, we have a situation, basically, that by voting against this bill hon. members opposite will be voting against the legislation which will remove the risk of the spray programme being frustrated thereby voting against the spray programme, thereby voting against the loggers of our Province, thereby voting against the workers of Grand Falls and Corner Brook, -

SOME HON. MEMBERS: Hear, hear!

MR. L. BARRY: - thereby voting against our pulp and paper industry, our logging industry, our sawmilling industry -

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Shame! Shame!

MR. L. BARRY: - and by so doing, Mr. Speaker, assuring a long and healthy political life for this party on this side of the House.

SOME HON. MEMBERS: Hear, hear!

MR. L. BARRY: Mr. Speaker, hon. members opposite get up and try and paint the picture that the last protection of the little person in Newfoundland is going to be removed by this legislation, the last protection will be removed. Mr. Speaker, not only is there a departmental committee - even if we were to assume that the minister here is cold and callous and not interested in his department, Mr. Speaker, he is one of the most interested, sincere, dedicated ministers of any government of Canada -

SOME HON. MEMBERS: Hear, hear!

MR. L. BARRY: any government of the world, I suppose. Mr. Speaker, he is constantly out - I can testify to the fact that he is constantly out checking on the spruce budworm. Weekly he is out in the woods checking on the spruce budworm. Weekly he is out in the woods checking on the spruce budworm, I know that. Periodically, he has encouraged me to get out and look as well. And if he happens to run across a partridge or a moose or a salmon while he is checking the budworm, well, this is one of the fringe benefits of the job, Mr. Speaker. But I can tell you, Mr. Speaker, we have a very sincere and dedicated minister. But it does not stop there. We have a departmental committee that is monitoring the spray programme. We have a Department of Environment with another sincere, dedicated and intelligent minister -

SOME HON. MEMBERS: Hear, hear!

MR. L. BARRY: - who is constantly on the backs of every resource minister, lashing it to us to protect his environment.

Mr. Speaker, apart from these governmental bodies, we have a new Pesticide Control Board and on that board, Mr. Speaker, we have representatives of the general public of this Province. Now, Mr. Speaker, who is to say that there is not protection for the individual?

MR. BARRY:

Any man who says that is deliberately misleading the people of this Province, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. BARRY: Mr. Speaker, the minister, when he arose to introduce the bill, stated to this House that there would be an amendment proposed to deal with what I thought was a very responsible position taken by Mr. William Collins on behalf of the Civil Rights Association in this Province. And the minister suggested that there would be an amendment to provide that there would be no nuisance or trespass unless actual damage can be shown. Because I am sure my learned friends opposite, if not the Leader of the Opposition, understand that right now a nuisance or a trespass action can be obtained per se, without any proof of damage. You do not have to establish damage. And if members opposite, Mr. Speaker, want to get up and say, yes, a person should be permitted to frustrate the spray programme and see the forest industry in this Province destroyed because of some stiff-necked pride on the part of some property owner who considers himself the king of his castle and therefore -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Baird): Order, please!

MR. BARRY: - is entitled to see thousands of fellow Newfoundlanders lose their jobs, I say, Mr. Speaker, that a responsible Newfoundlander will be completely satisfied with his right to go to the courts to seek damages in the event of damage being caused.

SOME HON. MEMBERS: Oh, oh!

MR. BARRY: Mr. Speaker, this is so good.

I do not know how much time I have left but I will adjourn the debate.

MR. SPEAKER (Simms): The hon. the Minister of Mines and Energy (Mr. Barry) has adjourned the debate.

SOME HON. MEMBERS: Oh, oh!

March 6, 1981

Tape 194

EC - 2

MR. SPEAKER (Simms):

Order, please! Order, please!

The hon. the President of the

Council.

MR. MARSHALL:

That brings silence,

Mr. Speaker.

On Monday and Tuesday we will be continuing on with the Address in Reply and then the following Thursday and Friday we will be back into legislation.

Mr. Speaker, I move the House at its rising do stand adjourned 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, March 9, 1981 at 3:00 P.M.