

PRELIMINARY

UNEDITED

TRANSCRIPT

HOUSE OF ASSEMBLY

FOR THE PERIOD:

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

MONDAY, NOVEMBER 15, 1982

The House met at 3:00 P.M.

Mr. Speaker in the Chair

MR. SPEAKER (Russell): Order, please!

It is a pleasure for me to welcome to the galleries today twenty-two Grade X students from the Swift Current Integrated School with their teachers, Mr. Sydney Giles and Mr. George Eddy, from the district of Bellevue. I welcome you to the galleries today.

SOME HON. MEMBERS: Hear, hear!

STATEMENTS BY MINISTERS

MR. J. GOUDIE: Mr. Speaker.

MR. SPEAKER: The hon. the Rural, Agricultural and Northern Development.

MR. GOUDIE: Mr. Speaker, I would like to report briefly on the Rural Development Loans Programme for the period April 1, 1982 to September 30, 1982.

Six meetings were held to consider 139 applications of which seventy-five were approved with a total dollar value of \$821,449. It is anticipated that these approvals will result in sixty-four full-time and 135 part-time jobs being created and a further 174 full-time and 480 part-time jobs being maintained.

The expenditure for the six month period was \$709,679, which is 41 per cent greater than the total for the same period last year.

I am very pleased with these statistics, especially in light of the present downturn in the economy and the high rate of unemployment.

SOME HON. MEMBERS: Hear, hear!

MR. S. NEARY: Mr. Speaker.

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

MR. S. NEARY:

Mr. Speaker, the minister who just gave his Ministerial Statement is asking us to accept what he says at face value. I wonder in future instead of coming in and reading a Ministerial Statement if the hon. gentleman could bring in some back-up information, some information about the applications; what they were for, the location of the projects, the amount of each individual application, and tell us also what his department does to follow-up on these projects once they are approved? We would like to have more information. We cannot make a judgement on that statement that the hon. gentleman just gave the House because we do not have the back-up information. So would the hon. gentleman undertake to provide us with the back-up information and in future when he is making these statements to give us something on which we can base a judgement? We do not know now if the hon. gentleman is telling the truth or not.

SOME HON. MEMBERS:

Oh, oh!

AN HON. MEMBER:

You know it is true.

MR. NEARY:

No, we do not, we can only assume.

We have to take the hon. gentleman's word in a Ministerial Statement which we do not think is good enough, Mr. Speaker. The House is entitled to have more information than that.

MR. SPEAKER (Russell):

I will permit the hon. minister

a brief answer.

MR. GOUDIE:

Mr. Speaker, in response to

that statement, and in answer to the question from the hon. Leader of the Opposition (Mr. Neary). The information that he requested is provided on an annual basis in the House of Assembly and in Committee on the Estimates.

SOME HON. MEMBERS:

Hear, hear!

MR. GOUDIE:

It is available at any time.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Are there any other statements

by ministers?

ORAL QUESTIONS

MR. SPEAKER:

The hon. Leader of the Opposition.

MR. NEARY:

Mr. Speaker, now that the government have taken the serious decision of allowing drilling off the Coast of Newfoundland for gas and oil in the Winter months, would the Minister of Energy (Mr. Marshall) inform the House how workers can get off of one of these rigs in the event of an emergency, a storm, a sudden storm, when an emergency situation develops similar to what happened in the case of the Ocean Ranger? How will the workers get off these rigs in case of an emergency?

MR. SPEAKER:

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, that is a question which is of concern to everybody, certainly the government

MR. MARSHALL: and certainly everybody in the Province. As a result of addressing ourselves to the concerns with respect to Winter drilling, in respect of which we made a very detailed statement that has been made public, and the hon. gentleman would have to consider that statement within its total context rather than attempting to pick small items out of it, but the fact of the matter, one of the ways in which we addressed the situation was that we have provided where forecasts indicate that the weather conditions are predicted to be of a certain degree of turbulence that efforts are going to be made to take the personnel off the rigs themselves by helicopter.

MR. NEARY: A supplementary.

MR. SPEAKER (RUSSELL): The hon. Leader of the Opposition, a supplementary.

MR. NEARY: In view of the fact that Mobil officials have stated before the Royal Commission currently sitting on the Ocean Ranger disaster, have stated that they are going to use the same lifeboats aboard the rigs as they used on the Ocean Ranger, and in view of the fact that the captain who gave testimony before the Royal Commission has stated that it is virtually impossible to launch these lifeboats safely, to get anybody off these rigs in case of an emergency, would the hon. gentleman tell us if it is possible in case of an emergency to get workers, the employees successfully into the lifeboats and get these lifeboats launched in case of a severe storm or in case of an emergency?

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

MR. MARSHALL: The hon. gentleman is asking a question, but

MR. MARSHALL:

when he is asking a question he is also trying to prescribe the answer as well. Now this is very obviously a matter of very serious concern. There are obvious problems with respect to launching of lifeboats on the rigs of which we are aware, of which we are privy, and which we have weighed and we have discussed. As a result of which we have, after the Ocean Ranger disaster, prescribed that every rig will have safety boats, lifeboats and life capsules sufficient to accommodate 200 per cent of the personnel on the rigs; that there be survival suits sufficient to accommodate 200 per cent of the people on the rigs; that these will be positioned on the rigs in such a way as to make them accessible for the widest possible range of permutations and combinations in the event that something happens, and having assessed all of these things we have taken these measures and we have made the decision accordingly.

MR. NEARY: Supplementary, Mr. Speaker.

MR. SPEAKER (Russell): Supplementary, the hon. Leader of the Opposition.

MR. NEARY: I wonder if the hon. gentleman can give me a simple yes or no answer. Is it possible to launch these lifeboats successfully and save the employees on these rigs in the event of a storm similar to the one that caused the Ocean Ranger to capsize - yes or no?

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

MR. MARSHALL: Mr. Speaker, you know, I am not going to give a yes or no answer to a question of that nature. The answer to it is obvious. There are obvious difficulties when it comes to launching lifeboats from a rig structure. But the hon. gentleman says it is impossible; it has not been proven to be impossible. And we have done everything we can to possibly see that the safety and security of the operations on the rigs out there are secure. The same argument could be

MR. MARSHALL: given, of course, probably the circumstances are not completely analogous, but with respect to the launching of lifeboats from fishing vessels. So, you know, there are obviously dangers and the hon. gentleman knows, the people of this House know and every Newfoundlander knows that there are obviously dangers inherent when one is making their livelihood from the sea. And what we have done with the twenty points, the twenty additional items that we have put forth and are requiring to be complied with, we have taken every action that can possibly be taken within the circumstances to assure security and safety on the rigs themselves. And, we will be continuing to monitor the situation from time to time, Mr. Speaker, to see that when any improvements in technology come to such a degree that they are at best to be safer than what presently pertains on the rigs themselves and we will require them to be adopted.

MR. NEARY: Supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I can only assume from the answer given by the hon. gentlemen that they went ahead and allowed Winter drilling with the full knowledge of the fact that it is virtually impossible to save lives off these rigs with the lifeboats and with similar conditions as we saw in the case of the Ocean Ranger accident. Now could the hon. gentleman tell the House if the drilling companies will be forced to station helicopters on these rigs at all times, twenty-four hours a day around the clock, because otherwise in the case of evacuation you would have to send ashore and have the helicopters come out to the rigs? Will the helicopters be stationed on board the rigs, and will there be competent rescue crews on the rigs along with these helicopters?

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

MR. MARSHALL: Mr. Speaker, first of all I entirely reject the statement by the hon. gentleman that we have allowed Winter drilling to occur in full knowledge with his premise that it is impossible to get off a rig. This is the type of innuendo that the hon. gentleman loves to get on with from time to time, and I would suggest to him that this topic is far too serious for him to inject his little squirts of political poison into the situation. With respect to the question on helicopters, Mr. Speaker, we considered this particular situation that he describes and found that it would be impractical. However, of course, we do have helicopters, we do, as we announced in the statement, require the presence of helicopters

MR. MARSHALL: in as reasonable a proximity as possible to the drillings themselves, and in this connection when you speak of helicopters one of our major concerns, of course, is with the adequacy of the air, sea rescue capacity in this Province. And we certainly hope that this capacity will be enhanced greatly by the federal government responding to its obligation to this Province much more directly than it has in the past, as it has been requested so to do by commission after commission into marine disasters that have occurred off the Coast of this Province, and as is particularly accentuated now in the aftermath of the Ocean Ranger.

So we would hope that the relationship and the use of helicopters in relation to Winter drilling would be enhanced, as I say, greatly in this Province by the federal government responding in a much more direct fashion than they have in the past to their obligations in air sea rescue.

With respect to rescue crews, I should point out to the hon. gentleman that one of the prerequisites with respect to the personnel on the rig is that they acquire MED certificates that will train them as adequately as possible and as fully as possible with the means to and the knowledge to be able to cope with any disaster that occurs.

Also with respect to standby vessels we are having extra trained personnel on

MR. MARSHALL:

vessels, we are having extra trained personnel on the standby vessels themselves. So, Mr. Speaker, in all aspects and all points, from helicopters to rescue crews to safety boats on the rigs themselves, we have addressed ourselves to the questions quite thoroughly and we have done our utmost on the basis of the knowledge that is put before us. As I say, this is an extremely serious question, one that we have treated seriously, and I would trust that the hon. gentleman would do likewise and not seek to make his usual political points on a very serious situation.

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

MR. NEARY: It is too bad, Mr. Speaker, that the hon. gentleman pooh-poohed and did not take seriously the letter I wrote him in January, before the Ocean Ranger tragedy, in connection with a very serious problem on the Ocean Ranger. If the hon. gentleman had not pooh-poohed it as he did and said that the captain was unstable maybe the situation would have been different if he had addressed himself to the problem at the time. And now he is trying his same little tactics again. Mr. Speaker, the viciousness in the hon. gentleman is showing through. This is a very serious matter and I am asking some very serious questions and very pertinent questions on this matter. I want to ask the hon. gentleman now about the situation on board the rigs in connection with the captain versus the toolpusher. Who will be in charge of these rigs out off our coasts in the savage storms in the Winter months and the Spring, out exposed to the North Atlantic? Will it be the landlubber or toolpusher or will it be the captain? Could the hon.

MR. NEARY: gentleman address himself
to that question?

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

MR. MARSHALL: Mr. Speaker, as to the letter, I could make a rejoinder
to the hon. member but I do not choose to. When the
hon. member talks about viciousness I think anybody could
take a lesson from the hon. member as to how to act.
But I am not going to respond to him in kind just to
emphasize that this is an extremely serious matter.

Now with respect to this
issue that he brings up of the relative duties of
the toolpusher and the captain, this is a matter that
is of some concern because it had been a matter of
comment in the aftermath, as I say, of the Ocean Ranger.
At the present time there is a Royal Commission,
as the hon. gentleman knows, enquiring into
the cause of the Ocean Ranger tragedy and that commission
itself will be addressing itself to that particular
problem. Now how aggravated and how much of a problem
that particular aspect is is a matter of some debate.
However, it has to be pointed out that what the Petroleum
Directorate has done, after, as I say again, deep consideration
of this particular issue, as well as all of the others,
is the fact that it has requested the operating
companies to assure

MR. MARSHALL: that insofar as possible, the captain is conversant with the duties of the drillpusher and vice versa. It is obvious the capacity of each individual will vary from rig to rig in order to be able to do these things and we are going to review the specific situations on a rig basis to assure that this interchange of knowledge and expertise has been acquired by each one to the optimum purpose and each rig will be governed accordingly.

On the other side of the coin, it also has to be remembered that these rigs themselves are registered in other countries outside of Canada and there are various rules and regulations that apply to them from the nations of their registry and this varies. So it is a very complex and complicated question, not one that admits to a complete generalization and a general answer, not one that one should rush to judgement with either in connection with some of the statements that have been made as to who is in charge and this has in fact caused problems. But it has been taken into account, it has been assessed seriously and there will be a watch, Mr. Speaker, really on a daily basis on a rig to rig basis.

MR. TULK: Mr. Speaker.

MR. SPEAKER (Russell): The hon. the member for Fogo.

MR. TULK: Mr. Speaker, a question for the Minister of Fisheries (Mr. Morgan). The question concerns the closing or shut-down of several fish plants in this Province.

Mr. Speaker, we realize and keep in mind that processing of fish in this Province is a provincial responsibility; in other words, when fish comes out of the water it is the minister's responsibility, the provincial minister's. I would like to ask him a question on one particular plant that is closed down and that is Ramea.

MR. TULK: What plans does the minister now have in his mind to reopen that plant?

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

MR. MORGAN: Mr. Speaker, I was beginning to wonder if the fishing industry had been forgotten by the Opposition - six days in the House and finally a question.

Mr. Speaker, the situation at Ramea has been addressed by this government for the last number of months. We met with the company on a number of occasions, the company's bankers and the Kirby Task Force to discuss the John Penney and Sons Limited company and the financial problems of that company. As a result of the financial difficulty experienced by the company, they made an application to the Newfoundland Government for \$500,000 in equity financing or a total of \$6 million in government guarantee. Of course, we did assist the company last year to the tune of \$3 million in a deficiency guarantee and enabled the company to reopen and carry on its operations for a period of time; and then they found themselves in further difficulty and they came forward

MR. J. MORGAN: for additional funds. We advised the company that we could not find that kind of financial resources to enable the company to reopen their plant again with two trawlers in that kind of an amount of assistance, \$5 million or \$6 million. We advised the company that they should pursue through the Kirby Task Force possible assistance from the federal level of government. That application was made by the company in the same manner as the Lake Group made their applications to both levels of government.

SOME HON. MEMBERS: Oh, oh!

MR. MORGAN: Mr. Speaker, the Opposition asked a question. The hon. gentleman asked it, I assume, in sincerity; I would like to be able to answer the question in sincerity.

So the company was advised to make an application to both levels of government along the same kind of a procedure that was carried out by the Lake Group Company. The application has been made through the Kirby Task Force and through a proposal to the federal level of government. We have held a number of meetings, both levels of government. In fact, that plant and other plants were discussed at this past weekend meeting with the federal minister and I can say at this time, Mr. Speaker, that both levels of government are working hand in hand in co-operation to not only get that plant reopened but hopefully others that have been closed for the past few months.

MR. B. TULK: A supplementary, Mr. Speaker.

MR. SPEAKER (Russell): A supplementary, the hon. the member for Fogo.

MR. TULK: Mr. Speaker, the minister is again looking to the Kirby Task Force and the federal government to solve for him again apparently what is a provincial responsibility.

MR. S. NEARY: That is right. Provincial jurisdiction.

MR. B. TULK: And that is processing in this Province. Now my supplementary to the minister is this, that some time in September things seemed to come to a standstill on the Ramea plant. What new proposals has he put forward either to the plant owners or to the federal government? Would he now tell us in this House what new proposals he put forward, even to Mr. De Bane in his weekend meetings with him, what were those proposals and what was the reaction of the federal minister?

MR. J. MORGAN: Mr. Speaker.

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

MR. MORGAN: Mr. Speaker, the Opposition can try all they like to get some controversy going between the new minister in Ottawa and myself. That is not going to happen. It is not going to happen, Mr. Speaker. The fact is that the fishing industry is too important to be having situations of confrontation or any political games being played with the industry. The fact is that, Mr. Speaker, the Opposition wants to leave the impression that the processing industry is totally the responsibility of the Newfoundland Government.

MR. NEARY: That is right.

MR. MORGAN: Well, the problems, Mr. Speaker, are not the total responsibility of the Newfoundland Government. The problem at many of the plants closed today is a lack of an adequate supply of fish. We cannot manage the resource, we had little or no say up until now on the management of the resource itself, on the quotas allocation, setting of quotas and the quota allocation to the various companies, etc. And that resource management and the allocation of quotas are the main factors as to why some of these plants are closed today. And as it pertains to helping the industry,

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MR. J. MORGAN: surely nobody can deny that this administration has given substantial assistance to help the processing sector of the industry to the tune of approximately \$29 million in the past year.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: Now, Mr. Speaker, as I said on a number of occasions, and I said it the weekend to my colleague from Ottawa, that surely that when a federal government recognizes the importance of a resource industry in Atlantic Canada, that is so important to Atlantic Canada whether it be in Newfoundland and Nova Scotia or all other regions, other parts of the region rather, surely we can work together in resolving these problems. And if the federal government can find funds to invest in other industries in Canada, like, for example, I mentioned to him the fact we saw a half a billion dollars going into Dome just recently, and we saw further hundreds of millions of dollars going in to purchase BP through Petro-Canada -

MR. TULK: What was your proposal?

MR. MORGAN: -and funds going in to help Massey Ferguson, surely an industry that is so important to Atlantic Canada, not only is it providing jobs in the processing sector, but the whole economy is based on the fishing industry, in the Atlantic region.

Mr. Speaker, surely the federal level of government must recognize they must be and should be involved over and above the \$13 million they put in so far in industry in Newfoundland in the processing industry, the sector, \$13 million government guarantee. And I must say, Mr. Speaker, I was encouraged with the comments and the response from the Federal Minister (Mr. De Bane), that the federal minister is recognizing the importance and the need for the federal government to be more involved in the processing sector with regard to the need for financial assistance.

I am not going to get involved in putting forward in this House or elsewhere at this time any of the ongoing very delicate in many incidents right now, delicate discussions and negotiations involving the federal

MR. MORGAN: government officials, the federal minister and other ministers, the ministers in this government, Development (Mr. Windsor) and Finance (Dr. Collins), the bankers involved and the companies involved. I am not going to get involved in disclosing any content of these discussions until we are in a position to announce the final details of same.

MR. TULK: A supplementary, Mr. Speaker.

MR. SPEAKER (Russell): A supplementary, the hon. member for Fogo.

MR. TULK: Mr. Speaker, the minister is certainly right that in order to process fish you have to have a supply, but it is my understanding that in the case of the Ramea plant the supply of fish is not a problem, it is a financial problem. Now I ask the minister once again to tell us in the House just what is that financial problem with Ramea? How big is it? Can he solve it himself? What proposals he put to the Federal Minister (Mr. De Bane) or is he just going to let that plant stay down there closed again all this Winter? What is the minister doing about the whole problem in Ramea?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, I have to say that if suddenly the total responsibility of the processing sector of the fishing industry is the Newfoundland Government's or the Province's, if suddenly why was it we saw the intervention and involvement in the processing sector in St. Anthony? Why was it?

SOME HON. MEMBERS: Oh, oh!

MR. MORGAN: Why was it? Mr. Speaker, why was it?

MR. NEARY: The Premier said it was not.

MR. MORGAN: Mr. Speaker, the present federal minister was not there at the time, his predecessor was there. But surely if they can move and help out one plant in the processing sector they can help others. Surely they can.

But, Mr. Speaker, the problem at Ramea is a problem whereby a company with one plant with trawlers available to them have found themselves in financial -

AN HON. MEMBER: Bind.

MR. MORGAN: - dire straits, dire straits financially, to the tune that we had to assist them. I repeat again, we had to assist them approximately a year ago to the amount of a \$3 million Newfoundland Government deficiency guarantee. Then they came back and said, 'No, we need further assistance. We need a further \$3 million government guarantee plus a \$3 million equity position, or the option of a \$5 million equity position to be taken by the Newfoundland Government.' And we said, 'Look, we have just put forward approximately \$29 million around the Province,' because the federal level of government at that time would not get involved in helping the industry, except at St. Anthony, 'and we have limited resources.' Surely, the Opposition must understand the fact that we do have limited resources available to us to assist any industry and after putting forward \$29 million, we said, 'We just cannot find ourselves at this present time in a position to put forward \$5 million investment into one company with one plant in Ramea.'

Mr. Speaker, since that time the question was asked, 'What have we done?'

MR. MORGAN:

Mr. Speaker, the hon. gentleman, I assume, you know, asked a question about Ramea and he asked the question because it is important to the people in Ramea and on the South Coast of the Province; not only in Ramea, it is important for Francois, it is important for Grey River. And, Mr. Speaker, my colleague, the Minister of Environment (Mr. Andrews), the MHA for the area, and myself have held

MR. MORGAN: numerous meetings, in fact, as I mentioned, discussed again this weekend. There is ongoing discussion, there is ongoing dialogue not only with the John Penney and Sons Company but other companies that are in financial problems, in financial difficulties.

MR. NEARY: We are dealing with Ramea now so let us hear your answer.

MR. MORGAN: And these companies, Mr. Speaker, will be dealt with by the two governments working together.

MR. NEARY: Out of order, Mr. Speaker.

MR. MORGAN: Mr. Speaker, I can wait here for the whole Question Period if the Opposition wants that. I can just stand here and waste the time of the Question Period.

SOME HON. MEMBERS: Oh, oh.

MR. MORGAN: But, Mr. Speaker, this government is going to do everything in its power, and has been doing so in the past, to make sure that no jobs are lost in places like Ramea and different parts of our Province.

SOME HON. MEMBERS: Hear, hear.

MR. TULK: Supplementary, Mr. Speaker.

MR. SPEAKER (Russell): Supplementary, the hon. member for Fogo.

MR. TULK: Mr. Speaker, let me ask the minister a very simple questions-and first of all make a very simple statement and that is that I am sure the people of St. Anthony are glad the federal government came in -but has he now agreed then that he will also give over jurisdiction of Ramea to the federal government if they come in down there and in other plants in the Province?

SOME HON. MEMBERS: Hear, hear.

MR. TULK: But let me ask you another question as well. Is the real problem there in the case of Ramea a conflict -

AN HON. MEMBER: (Inaudible)

MR. TULK: - he cannot be quite, look - is the

MR. TULK: real problem there a conflict with the owners and if so why has he not expropriated the plant?

MR. NEARY: Hear, hear. A good question.

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

MR. MORGAN: Mr. Speaker, we are not living in a Banana Republic, we just do not go in and take over private sector property, the assets owned by a private company. The company in Ramea has not gone in bankruptcy, it has not gone in receivership, it is a company that finds itself right now unable to operate a plant. Maybe they can find financial resources other than government's, maybe they can, but they are not in receivership, they own the facility, and while the company in Ramea owns the facility or the company in St. Anthony owns the facility or in Bonavista or Catalina or elsewhere, this government is not going to go in and interfere and repossess and take over the assets through expropriation.

MR. TULK: Supplementary, Mr. Speaker.

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

MR. TULK: One final supplementary to the minister - we have a couple of minutes left in Question Period - would he now tell us when that plant in Ramea is going to open or if it is going to open at all? Would he just answer that question? He is responsible for that plant.

MR. SPEAKER: The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, to the hon. gentleman who asked the question, again I repeat that the plants that are now closed in the Province, and I will list them all: The plant in Ramea, the plant in Harbour Breton, the plant in Fermeuse, the plant in Trepassey, the plant in St. Anthony is closed because at the end of the year the federal agreement expires, at the end of the calendar year and there is no indication of what will happen beyond that, these are plants that normally

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MR. MORGAN:

depend -

MR. NEARY:

Do not forget St. Lawrence.

MR. MORGAN:

- and St. Lawrence, Mr. Speaker,

these

MR. MORGAN:

plants that I refer to are normally open in the Fall and Winter months, the plants with an offshore supply of fish normally available to them. And I saying now that all of these plants, there is hardly a day passes, Mr. Speaker, but there are meetings in my office in St. John's, or some other area of the Province, or outside the Province, meetings that discuss in full detail the problems associated with these companies who own these respective plants with an overall attempt to get these plants reopened.

MR. SPEAKER (Russell): The hon. member for Torngat Mountains.

MR. WARREN: Yes, Mr. Speaker, I have a question for the Minister of Fisheries also. Due to the fact that some 217 fishermen from Makkovik to Nain have to pay back UIC overpayment benefits that they received in 1980/81 due to a mistake made by officials of the minister's department, would the minister consider repaying UIC for those overpayments, or is he going to leave the fishermen responsible?

MR. SPEAKER: The hon. Minister of Fisheries.

MR. MORGAN: Mr. Speaker, the hon. gentleman, I am glad he asked the question because he was making some innuendo last week, and putting negative comments on the whole prospective of what happened in Labrador. The fact is that in the plants owned by the Newfoundland Government, and operated by the Newfoundland Government, may I add at a substantial subsidy paid by the Newfoundland Government as well each year because the plants are usually - in fact not usually, they do every year lose money at Nain,

MR. MORGAN: Makkovik, at Hopedale,
Davis Inlet and -
AN HON. MEMBER: Rigolet.
MR. MORGAN: No, no operation in Rigolet,
but -
MR. WARREN: How about the one in Davis Inlet?
MR. MORGAN: - in Hopedale and Davis
Inlet and -
MR. WARREN: What about the one in Davis
Inlet?
MR. MORGAN: - as a collector point, these
plants, the main ones being in Makkovik and Nain where
the processing takes place and the buying stations out in
Hopedale and other places, they are each year operated by
the Newfoundland Government because we are unable to
find, unable to attract the private sector to go in and
establish along the Labrador Coast. We were unable to
anybody else to go in there, including the federal government,
to help us along the Labrador Coast so we found ourselves
operating plants, managing these plants to the best of our
ability and carrying on the operations. Now back in 1979/1980

MR. MORGAN: the complexity of the unemployment insurance scheme was not fully explained, and in fact I have to admit it was misunderstood at the time by a number of the people involved, I understand, not only in Labrador but in Fogo Island, in different places around the Province.

MR. TULK: Do not try to side-step the question.

MR. MORGAN: Mr. Speaker, the hon. gentleman asked a question and now I am giving the answer and he starts interrupting again. Mr. Speaker, it was found that the fishermen were given overpayments in benefits, an overpayment in benefits, and no matter where -

MR. WARREN: But why? Why?

MR. TULK: Because of the incompetence of the minister.

MR. MORGAN: Mr. Speaker, no matter when an overpayment is made to a recipient, whether it be from the mining industry, from working in a sawmill, from working in a fish plant or from working as a fisherman, whenever overpayments are made, no matter who is at fault or whether the error is made by a clerk or accountant or anybody else, the overpayment was made, the fishermen received the overpayments and now the unemployment insurance is collecting the overpayment. If any of us here in the House draw unemployment insurance and received an overpayment we would have to repay the overpayment back to the federal department, and that is all that is happening in Labrador. Mr. Speaker, so what did I do as minister? I said, okay, I will arrange a meeting with the senior people from the federal Unemployment Insurance Commission and say, 'Look, because you do have an overpayment' - and I have done this, for example, in Fogo Island last year as well -

MR.MORGAN: I said, 'Do not go in and penalize the fishermen and say you must back it back all at the one time. Do not do that to them. Give them a fair chance of repaying the overpayment.' So as a result of my meetings with them they have arranged to go in and collect a nominal, a minimal amount on a monthly basis from the fishermen until it is repaid.

SOME HON.MEMBERS: Hear, hear!

MR.SPEAKER (Russell): Order, please! The time for the Question Period has expired.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

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

MR.SIMMS: In compliance with Section 24 of the Public Libraries Act, I wish to table the Annual Report of the Newfoundland Public Libraries Board for the year ended March 31, 1982.

DR. COLLINS: Mr. Speaker.

MR.SPEAKER: The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, I wish to table the 9th Annual Report of the Newfoundland Liquor Licensing Board.

NOTICE OF MOTION

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

MR. SIMMS: I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Wildlife Act, No. 2." And I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Public Libraries Act, 1975."

PRESENTING PETITIONS

MR. SPEAKER (Russell): The hon. the member for Bellevue.

MR. CALLAN: Mr. Speaker, I beg leave to present a petition on behalf of 265 people who have affixed their signatures to this particular petition.

Mr. Speaker, even though this petition comes from Swift Current and that area, I might say that the names of the people on the petition are not necessarily from that area. Some of the names on this petition, Mr. Speaker, are from St. John's, Grand Falls, Garnish, Burin, Mount Pearl, Come By Chance, Marystown, Grand Bank, Whitbourne, Paradise, Lewisporte, Mr. Speaker, Bay Roberts, Queen's Cove, Norman's Cove.

Let me read the prayer of the petition, Mr. Speaker.

"We, the undersigned, strongly object to the conversion of Piper's Hole Provincial Park" - that is in Swift Current - "object to the conversion of this park to a daytime park only and we do hereby petition the Government of Newfoundland and Labrador to immediately restore the park to its former status, allowing overnight camping. We further petition the government to take immediate steps to enlarge and upgrade the park facilities."

Mr. Speaker, that is the prayer of the petition. There are 265 signatures from not only Swift Current and Garden Cove and North Harbour in the immediate area but, as I said, from other areas around.

Now, Mr. Speaker, why did the Minister (Mr. Simms) and his officials in the Department of Culture, Recreation and Youth decide during this past Summer to not permit overnight camping in this park? That is the question. As the minister knows and as anybody knows

MR. CALLAN: who may have been watching Here and Now during the first week in September, Larry Hudson, the free-lance reporter from Marystown, gave a little history on the Piper's Hole Park at Swift Current, Mr. Speaker, he explained how the park was developed initially by the Lions Club. It was done through federal Canada Works projects and, of course, when Come By Chance closed, and most of the young and working people in Swift Current were forced to go to Fort McMurray and all over the world, the

MR. CALLAN: Lion's Club became very weak and could not maintain the park and so the provincial government was asked to take it over, make it a provincial park, which they did. But, Mr. Speaker, in name only, I believe. Because what should have been happening at that park, rather than making it a picnic park only, a daytime park only, was that the employee there should have been collecting overnight fees, as is happening in all provincial parks, collecting fees from overnight campers. But this never happened, there was never any money taken from visitors going into that park.

Mr. Speaker, I have already mentioned in this House of Assembly that the former Minister of Culture, Recreation and Youth, now the Minister of Environment (Mr. Andrews), during the Bellevue by-election in April of 1981, met with a half dozen residents in Swift Current, concerned citizens, and that former minister promised to not only maintain the park as it was but he would be having three or four additional employees.

Now, there are five or six people, Mr. Speaker, in Swift Current who are satisfied to go into a court of law and swear that the minister made that promise to them. I asked the minister about it following the by-election - the minister had never heard of it. He never heard of it -

MR. WARREN: A typical minister.

MR. CALLAN: - anymore than the Premier heard of the promise that he was supposed to have made to the Tory members of the Markland Cottage Hospital Committee. He never heard of it, the Premier did not. Neither did the former Minister of Culture, Recreation and Youth.

MR. WARREN: They all have bad memories.

MR. CALLAN: Mr. Speaker, among the people who enjoy going to visit that park, because it has an

MR. CALLAN: excellent salmon river, Piper's Hole River, it is an excellent salmon river and one of the Premier's best friends, from Norman's Cove, the principal of the school there, the man who does all the work for the Premier during by-elections and general elections in the district of Bellevue, he is one of the gentlemen who is disappointed that he cannot go down and stay in that part overnight, when he goes down, say, on the 24th. of May, to go Salmon fishing; and the others that I have mentioned, from Burin, Garnish, and Marystown, people who heading down the Burin Peninsula and would like to stay there overnight as they are heading toward Marystown and other places.

 Mr. Speaker, it is a crime and I hope that when the minister stands he will tell this House of Assembly that, yes, a mistake has been made, that what should happen in this park is the status

MR. CALLAN:

should be put back as it was and fees charged to help pay the salary of the gentleman who is looking after the park.

MR. SPEAKER (Russell): Order, please! The time for the hon. member has expired.

MR. CALLAN: Mr. Speaker, I support the petition and I hope that the minister does the same.

MR. S. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, it gives me great pleasure to support the petition so ably presented by my colleague, the member for Bellevue (Mr. W. Callan), on behalf of the residents all over Newfoundland and Labrador, but especially in the Swift Current area who want the Piper's Hole Park restored as a day and night park. I want to congratulate my colleague for making a very fine presentation, Mr. Speaker, and very persuasive. And I am sure that if my colleague did not persuade the minister in his eloquent speech then the minister just cannot be persuaded. I think one of the highlights of the points raised by my hon. colleague is the fact that this park was built mainly from federal funds, out of federal funds that were allocated for make-work projects and the Lion's Club, Mr. Speaker. Here you have a facility that was provided to this Province, a gift given to the Province through the initiative and efforts of the Lion's Club, who built it in the main from federal funding allocated for make-work projects. Now, what better project could the hon. minister now undertake in his department but, under the new make-work programmes that have been announced by the Government of Canada to upgrade this park, to use that as a project and I am sure that there is high unemployment in the

MR. S. NEARY: area, that there are an awful lot of people down who could use the employment. So there is a project ready made for the hon. minister, for the government, Mr. Speaker. And not only that, in addition to that, as my hon. colleague so rightly pointed out, there is a source of revenue for the Province. It is not like my colleague, the member for Bellevue (Mr. W. Callan), is asking the government to spend money in these times of restraint, in these times when the government are faced with a deficit of \$70 million. That is not what my hon. colleague is asking at all. He is asking for the upgrading of a project that could mean additional revenue to the Newfoundland Government. Because as I understand there is a very

MR. NEARY: rich salmon river in that park, in the general area, and so it will bring in revenue to the public treasury. And so, Mr. Speaker, for these reasons I support the petition presented by my colleague, and I hope that the hon. minister will respond by assuring this House that that work to upgrade that park will be undertaken and that campers will be allowed, as they were previously, to remain in that park overnight.

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

MR. SIMMS: Mr. Speaker, first of all I want to acknowledge the representation made by the member for Bellevue on behalf of the 265 people I believe it was, not only from the district of Bellevue of course but as he pointed out from people from all over the Province. I am not sure who the person was from Grand Falls who signed the petition but perhaps I will see it when I see the petition a little later on. I am not aware of anybody from Grand Falls who has a great desire to drive all the way to Swift Current or Piper's Hole to go camping but perhaps there is such a person.

I also suggest to the hon. member that in his request to have this issue looked at, the request calls for a conversion - or objects to the conversion to a day use park from a camping park, but I have to point out that that is not in fact so. The park was originally created, as the hon. members says, back in the 1970s and with the assistance of a local Canada Works grant, but the Provincial Parks Division took over

MR. SIMMS: the responsibility of operations and maintenance in 1976, but the park itself was never designed for campers, but camping of course was tolerated by the Parks Division during the mid-'70s and right up until this year. There is a camping park, as you are probably aware, some thirty miles away or so at Jack's Pond, I guess it is, on the Trans-Canada, fifty kilometers or so.

Campers who used that park in recent years, as the hon. member knows, had exclusive right to the park for camping all Summer and all Fall, they paid no fees. They did not have to remove their units after fourteen days, as people do in other camping parks, and of course that crowded out the legitimate day use traveller who wanted to use it as a place to rest.

To allow camping at the park I have asked for some information from my officials and I am told that in order to allow camping at that particular park we would obviously have to increase the staff, there is only one person there at the campground, we would have to collect fees, construct a cabin for administration and things of that nature as we have in other provincial camp parks, and we are talking about somewhere in the vicinity of \$100,000 to \$150,000 to develop that park into a camp park.

I think the point is, Mr. Speaker, that each park has to be managed based on the resources within that particular park boundary and needless to say the day use provincial parks were never designed, nor intended, to be operated as camping parks.

MR. SIMMS: If we are to continue, I think, Mr. Speaker, to plan and manage the seventy-seven provincial parks related to the resources and the mandate that we have, then we must accept the fact that there will be categories of parks offering a variety of services to the travelling public, and that is the response to the requests and the objections that the hon. member presented in his petition today.

MR. CALLAN: Mr. Speaker, a further petition.

MR. SPEAKER (Russell): The hon. the member for Bellevue has another petition.

MR. CALLAN: Yes, Mr. Speaker, I have another petition. Actually, the one that I just presented I was going to do on Friday but the minister was away.

Now, this other petition that I have here, Mr. Speaker, comes from the same area, and it may seem rather coincidental that I am presenting these two petitions today when we have a delegation of 20-odd students and two schoolteachers from the high school in Swift Current, but it is a mere coincidence, Mr. Speaker.

Mr. Speaker, this petition has 122 signatures, including my own, of course, which was also on the other one.

The prayer of this petition, Mr. Speaker, reads as follows: "We, the undersigned residents of the communities of North Harbour, Garden Cove and Swift Current, strongly protest the use of chip seal" - I do not know where the Minister of Transportation (Mr. Dawe) went but perhaps he is not that far away and perhaps he can respond - we "protest the use of chip seal as a paving material on the Burin Peninsula highway now or in the future," they object.

MR. CALLAN:

"This year's programme,"

this past Summer, Mr. Speaker, "has resulted in numerous broken windshields and a great deal of body paint damage on almost every vehicle that was driven over that road when it was being covered with chip seal. If this programme is continued, we fear that this problem will occur again and result in additional financial burdens on the users of this highway. The laying of the chip seal in its present form is not only a financial liability on users of the highway but also results in dangerous driving conditions with the loose gravel and rocks that fly around when a vehicle passes."

So 122 petitioners, Mr. Speaker, are opposing and protesting the use last Summer and perhaps the future use of this particular kind of paving material called chip seal.

Now, Mr. Speaker, on Saturday night I had the great honour and privilege to be out in Hodge's Cove attending a public function, where I drove over a good piece of paved road and, of course, also a fair amount of dirt road.

MR. CALLAN: The member for Menihek (Mr. Walsh) was also there representing the Minister of Rural, Agricultural and Northern Development (Mr. Goudie). But last night, Mr. Speaker, I attended a church service in the district of Bellevue and I learned something, Mr. Speaker, that I would not have learned if I had not gone, I suppose. Mr. Speaker, the paved highway is a phenomenon of the twentieth century just as the railway was of the nineteenth. There are many Canadians, Mr. Speaker, still living who were born before Canada's first paved road. Now the first paved road in Canada, so I learned last night, Mr. Speaker, the first paved road in Canada was a forty mile stretch of road in Ontario, between Toronto and Hamilton. That particular piece of paved road, Mr. Speaker, the first one in Canada, was paved as a relief project following the First World War. So I guess it was paved around 1919 or 1920, sixty-one or sixty-two years ago.

MR. SPEAKER (Russell): The hon. member has one minute left.

MR. CALLAN: Mr. Speaker, the paved road in Swift Current has not been paved that long, but it is one of the finest stretches of pavement in Newfoundland. The question that these petitioners are asking, and the question that everybody is asking, is why when there was so much protest in St. John's and other places where chip seal was used and tried, why put down chip seal on a perfectly good paved road right through Swift Current, right along by the door, the house, of the High Commissioner to London? Why was chip seal put on the best paved road in Newfoundland?

Mr. Speaker, I support -

AN HON. MEMBER: You have half a minute.

MR. CALLAN: I have half a minute.

Mr. Speaker, I support this petition as I support the other one, and I hope that when the

MR. CALLAN: Minister of Transportation (Mr. Dawe)
stands to support the petition he will tell us that next
Summer they will put this chip seal right through the center
of some Tory district and let them suffer with broken windshields.
I support the petition, Mr. Speaker.

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

MR. DAWE: Mr. Speaker, if I could answer perhaps the last part of the hon. member's comments first, I would indicate to him that in my own district from the Trans-Canada in the community of Flat Bay last year there was an extensive chip seal programme, and in my colleague's, the Minister of Communications (Mr. Doyle), there was a chip seal programme this Summer, and there were a number of them throughout the Province. The reason for chip seal-I would question perhaps the engineering expertise of the hon. member when he indicates that the road was in perfect condition-

MR. CALLAN: It was.

MR. DAWE: - the purpose of chip seal is just to do that, it provides a sealing mechanism over the minute cracks in pavement, thereby preventing water from getting down in these cracks and making the erosion of the road that much worse, and at the same time applies a small granular material, the chip part of the chip seal, to add additional bearing surface for cars travelling over the road and thereby lengthening the life span of that particular piece of highway for some considerable time.

This programme has been carried out extensively all across Canada. In the Western Provinces it has been carried on for quite some time. In the Province of Nova Scotia alone there are some 1,700 kilometers done annually, in the Province of New Brunswick some 850 kilometers of road are done annually with chip seal and it has proven to be, as it has in Newfoundland, Mr. Speaker, to be an excellent alternative to resurfacing the road based on cost. As far as the driving surface itself is concerned, people who have driven over the

MR. DAWE: road, and myself included, extensively over similar roads have found that the traction, especially in times of the year when there is freezing rain or slippery conditions, that the traction on chip seal is much more beneficial to that of the normal asphalt surface.

We have done it in the past as an experiment, last Summer it was the part of a regular programme and we will continue to do so. One of the problems that has been experienced with using the chip seal programme is the fact that people perhaps do not drive as slowly as they should and thereby for the first forty-eight hours after the chip seal is applied there are some rocks and so on that fly up. After a forty-eight hour period there is a brushing mechanism, a brush attached to a tractor which goes over the surface and removes any loose stone that still may remain, and this is checked from time to time by department staff to see if that particular application needs to be done again. It has worked out very well. The problems that were encountered in the St. John's area first when the chip seal programme was established have virtually been eliminated. We have tried to avoid where possible using the chip seal in heavily populated communities; what we have tried to do is apply the particular application to roads that lead up to high residential areas. We found it to be very effective, it is very cost efficient

MR. DAWE: and it is a programme,
Mr. Speaker, that I think we will be continuing with
in this Province as well as all other Canadian provinces.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Russell): Are there any other petitions?

MR. WARREN: Mr. Speaker.

MR. SPEAKER: Are you speaking to this
present petition?

MR. WARREN: No, Mr. Speaker, I would
like to rise on a point of order.

MR. SPEAKER: A point of order. The hon.
member for Torngat Mountains.

MR. WARREN: Yes, Mr. Speaker. I understand
that in order to bring up a point of order you first
have to probably detect it. However, the Minister of
Finance (Dr. Collins) presented his annual report on
the Liquor Licensing Board. Last year,
Mr. Speaker, I brought it to the Minister
of Finance's attention then. If hon. members will
notice on Page 15 and Pages 33, 34, 45, 61 and 62 there
are something like ten or twelve errors. I understand
in 1979 the Legislature recognized that there are
52 districts in this Province and there is a district
called Torngat Mountains. And I understand, it is not
recorded at all in this book, but there are thirteen
mistakes that should have been either in Torngat Mountains
or in the Strait of Belle Isle and in Eagle River. And
there are mistakes all over this book, Mr. Speaker. I
brought it to the minister's attention last year and
he said he was going to assure the House that it would
not happen again. However, take, for example, on pages 33
and 34, Mr. Speaker; there are five mistakes there
naming communities in the Strait of Belle Isle
that are actually in Eagle River. So, Mr. Speaker, if

MR. WARREN: the minister does not know, surely goodness in response to letters that I wrote to several ministers-

MR. SIMMS: Will you sit down, for crying out loud.

MR. NEARY: You cannot believe a word they say over there now.

MR. TULK: Not a word.

MR. WARREN: So, Mr. Speaker, I would suggest that the minister should take this back and have it reprinted. If the minister does not know where the different communities are, I will be only too glad to tell him.

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, that is not a point of order. The hon. gentleman can bring any point like that up during Question Period. There are other procedures. That is not a point of order. As far as this government is concerned, it full knows the location of all the districts in the Province as it showed so well on April 6th last.

MR. SPEAKER: Order, please! I must agree that there are other occasions when the hon. member for Torngat Mountains (Mr. Warren), or indeed any other member can bring points of alleged errors in reports to the attention of the hon. minister of whatever department. It is not really a valid point of order.

ORDERS OF THE DAY

Motion, second reading of a bill, "An Act To Amend The Development Areas Lands Act." (Bill No. 11)

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

MR. POWER:

Mr. Speaker, in introducing this amendment to the Development Area (Lands) Act, it would be wise just to understand where the Development Area Land Act comes from and exactly what it is intended to do.

MR. C. POWER: The act was originally passed in 1964 and at that time it was done primarily to control speculation in the Province as it related to industrial developments especially hydro electric developments. During the 1960's it was used to protect land at Bay Bulls, Bay d'Espoir and one other place in the Province.

MR. J. HODDER: At Come by Chance.

MR. POWER: - Come by Chance, as it related to the oil refinery, I assume. The act was further amended in 1976 to give government more control over other types of land use, particularly as it related to recreation, agricultural areas and residential areas in the Province. And since that time, of course, the agricultural land freeze has been a very important part of the Development Areas Land Act. In 1982, of course, the use for agriculture is one of the reasons that the freeze is in place, to protect that area. Another very important reason for the Development Areas Land Act is to protect an area of land where there is some red pine, an endangered tree species in the Province. That is now being protected under this act. The major amendment that we are doing today, Mr. Speaker, is designed to prevent speculation as it relates to oil and gas development in the Province, and, obviously, to protect individuals who reside in areas where there may be some oil and gas land based developments. We have, as a province, designated certain areas in the Province where there is a very decent likelihood that there will be some onshore oil and gas development. We certainly do not want persons or communities as a whole to be hurt because of land speculators coming in and buying up large tracts of land in a community. The major function of the amendment that we are doing here today, the major thing that it does besides preventing speculation and providing me and the Lieutenant-Governor in Council to be able to designate different ministers who will

MR. C. POWER: be responsible for different developed areas, the major function of this amendment is to make any land transactions in areas which have been frozen under the Development Areas (Lands) Act to make land transactions in those areas subject to the Minister of Development (Mr. N. Windosr) in this case. Any land transactions in those areas that are not according to the act shall be termed to be 'void'. This is a very important consideration. They will also be involved in compulsory registration of land transactions in that frozen area under this act.

MR. POWER: Certainly we as a government intend to protect individuals who may own land in those developed areas, and also to give the government the ability to manage those areas better for the Province, and to better encourage development in certain given areas.

So, Mr. Speaker, in this amendment we certainly want to attain those objectives of discouraging land speculation either from persons within the Province, or without, to give the Province more management control over areas that we designate to be of high potential as it relates to offshore oil and gas, and certainly for myself as Minister of Lands, especially as it relates to Crown lands, to be able to interact with the other departments which may have development uses for land in the Province as it relates to residential, as it relates to recreational or other industrial type uses.

So, Mr. Speaker, in introducing this bill I just want to, through those brief notes, say that the act is primarily determined to cut down on speculation and to give the government and the Province more control over development, particularly as it relates to offshore oil and gas developments.

MR. ROBERTS: Mr. Speaker.

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

MR. ROBERTS: Thank you, Mr. Speaker.

Mr. Speaker, let me first of all compliment the minister. I think he has succinctly but completely outlined what this amendment would do in the narrow words that are embodied in the statute. He has not, however, addressed himself to the effect and to the portent of this amendment, and I propose to do so.

I am glad to see that the Minister of Justice (Mr. Ottenheimer) is here in the House,

MR. ROBERTS: and without in the least bit
derogating from the ability or the -

MR. STAGG: He will be here in the Chamber soon.

MR. ROBERTS: And unlike the gentleman from
Stephenville (Mr. Stagg), not only has the Minister of
Justice been here, he has made a contribution. The hon.
gentleman from Stephenville comes half armed to a battle of
wits. He would be well advised to keep quiet.

Now, I am addressing a serious
subject and I propose to address it seriously. If the
gentleman from Stephenville wants to try to make it into a
vaudeville act, I will humour him. I can be the organ-
grinder and he can be the monkey.

Now, let me carry on. I was
saying, Sir, before I was so rudely interrupted - but
actually I should not do it. Because the problem is, Mr.
Speaker, the gentleman from Stephenville gets no attention,
and he is like my friend from St. John's - no, where is he
from? St. John's North (Mr. Carter) is it? - the
gentleman from the savoury farm, the savoury gentleman.
But then again, Sir, how can you ignore them? I mean, it
is like walking along a path in the dark across a cow
field.

MR. ROBERTS:

I do not know if Mr. Speaker has ever done that, but if he ignores what lies ahead of him, he ignores it at his peril. And ignoring the hon. gentleman from Stephenville (Mr. Stagg) is exactly the same. I mean, heavens knows what you would step into.

Now, Mr. Speaker, let me say to my friends from Stephenville and St. Johns North (Mr. Carter) would they possess their souls in patience and do me the courtesy, which I am prepared to do them, of letting me speak in accordance with the rules of the House without their interruptions. I do have some points to make which will be beyond their comprehension. I realize that, Mr. Speaker, and I can only regret it, but after all that is a matter of either environment or heredity and I am not responsible for either in their case, I am grateful to say.

MR. CARTER: It is boring. Rubbish.

MR. ROBERTS: It certainly is rubbish, Mr. Speaker, and that is because I am replying in kind to my friend from St. John's North. Now, let me say to him again that I would ask of him the decency and the courtesy, and I believe he has both, the decency and the courtesy to possess his soul in patience. If he has some organic dysfunction that requires him to keep running off at the mouth, then I would be happy to refer him to good medical counsel. Perhaps the gentleman from St. John's South (Dr. J. Collins), who of course was a pediatrician in his time, would be capable professionally of dealing with the gentleman from St. John's North. And by the way, for the benefit of my friends from Hansard, dysfunction is d-y-s-f-u-n-c-t-i-o-n.

MR. ROBERTS: Now, Mr. Speaker, let me come back. I was saying that I was glad -

MR. NEARY: Do not be unkind to them.

SOME HON. MEMBERS: Oh, oh!

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

MR. ROBERTS: I must say I am trying to think of something that is parliamentary and witty, but that is like casting pearls before swine so I will not bother.

Now, Mr. Speaker, to think I did not know when I was well off on the beaches of Southern Spain to come back to face people like my friend from Grand Falls (Mr. Simms), and my friend from Pleasantville (Mr. Dinn), or wherever he is from these days. Let me come back to the point I was making which was that without in the least bit derogating from the ability or the dedication of the Minister of Forest - what is he called?

MR. TULK: Forest Resources and Lands.

MR. ROERTS: Forest Resources and Lands. the gentleman from Ferryland (Mr. Power) let me say that I hope the Minister of Justice (Mr. Ottenheimer) will listen to some of the points which I make because I suggest, Sir, that this bill is not as simple and as innocuous as it would appear. I suggest this is a case of government run riot, it is a case of the end being put forward as justifying the means. And if hon. gentlemen opposite are concerned, as I believe they are, with the probity of public administration in this Province, and our concern with ensuring that government does not take unto itself powers which it does not need -

MR. CARTER: How did you spell probity under Joe Smallwood?

MR. ROBERTS: - then, Mr. Speaker, I would suggest

MR. ROBERTS:

that this bill ought to be reconsidered because I suggest, Mr. Speaker, that this bill would confer upon Ministers of the Crown and their officials powers far beyond any which are justified or which are needed.

Now let me, first of all, Mr.

Speaker, say that we on this side -

MR. CARTER: Worship Joe Smallwood.

MR. ROBERTS: No, I will not say it. I will not say it.

MR. MARSHALL: You take the highroad.

MR. ROBERTS: Mr. Speaker, I find it lonely on the highroad, only my own colleagues are there, but I shall stay on it through this. I will not go down into the mud and the mire with gentlemen opposite.

Now let me say that first of all,

Sir, we on this side are certainly more than willing to support the minister's position and the ministry's position that speculation ought to be discouraged or prevented. No question at all, one of the real potential dangers, and not very far away - in fact, it may have already happened - one of the real potential dangers to come from the development of the oil and the gas off our coasts will be the speculation in land and in property which comes with it. We have seen some of that already and it is entirely within the power of this House, Mr. Speaker, to deal with that. It does not matter who owns the resources off our shore, it does not matter who has jurisdiction to them, what goes on within the physical boundaries of this Province in this area of legislative activity is entirely within the competence of this Legislature to deal with it, and no other. And we are reaching out - I am not debating the cable bill but it was pointed out, I believe, in the House that was a reaching out, an attempt to take unto the Province an area of legislative authority which it may or may not have. The courts, I gather, are going

MR. ROBERTS: to have to decide that. It is before the courts of British Columbia and it will doubtless end up before the courts here. We do not need to try to arrogate unto ourselves any new area of legislative competence to enable us to deal with speculation. We can do it very simply by levying a tax on unjust enrichment in lands or on property, the development area concept will not work. It may work for some areas but how will it work for St. John's? We are not going to declare St. John's a development-area or are we? But I say to the Minister of Lands and Forests -

AN HON. MEMBER: Forest Resources and Lands.

MR. ROBERTS: - I may have the title wrong, but anyway the gentleman from Ferryland (Mr. Power) that, you know, the development area concept could only work in undeveloped areas. It can really only work in an area where you have relatively large areas of undeveloped land or under-developed land. It may work in Bay d'Espoir, where there are only five or six communities scattered around that huge bay, What is the largest of them? I suppose it is St. Alban's - is it not? - the largest community in the bay. Some

MR. ROBERTS: 2,000 people. Or it might work at Come By Chance where a fairly large area was designated by the Cabinet and you had only the community of Come By Chance itself. It may have gone across to Trinity Bay and taken in Sunnyside, but again a relatively small number of people. The Minister of Municipal Affairs (Mrs. Newhook) would know exactly how many people are in these areas but not large numbers. But it will not work in Gander. We cannot declare the town of Gander a development area. So this is not going to stop speculation in Gander or in Grand Falls or in St. John's or in Conception Bay South or anywhere else, Mr. Speaker, number one.

Number two, Mr. Speaker, we on this side have very serious questions about the principles carried into play by the first clause of the amendment which would in effect allow the Lieutenant-Governor in Council, the Cabinet, to designate a multiplicity of ministers to administer the Development Act. Now I will come back to how that causes problems, but it means that more than one minister-this clause is not a matter of enabling the Minister of Lands and Forest (Mr. Power) to be replaced by the Minister of Development (Mr. Windsor). It would do that, but he could also be replaced by the Minister of Transportation (Mr. Dawe) or the Minister of Municipal Affairs (Mrs. Newhook). You have a whole multiplicity, you could have a dozen separate ministers administering different orders, different orders made under the Development Areas (Lands) Act.

Now I do not know how a citizen knows about this, and this is the rub. Sure, it is in The Gazette. It may even be in the papers, maybe we will even

MR. ROBERTS: get another Householder out.
But the average person how the devil does he know with whom to deal, this minister or that minister? The gentleman for Stephenville (Mr. Stagg) I think sees that point and appreciates it.

MR. CARTER: Do not try to make mountains out of molehills.

MR. ROBERTS: Mt. Speaker, I am not talking of the hon. gentleman's brain, therefore I am not making mountains out of molehills, I am making a very serious point. Because if this legislation is enacted what will happen is that an order will be made, put in The Gazette, it becomes effective then and a citizen at his own peril has to try to either look through every issue of The Gazette or try to find out which minister is responsible for administering that order. It is bad enough to try to find out whether the area has been scheduled under The Development (Lands) Act.

What is really is, what that clause is is a bonanza for my brethren in the legal profession, one more reason now why they can justify their very high, outrageously high conveyancing fees.

MR. CARTER: You should not object to that.

MR. ROBERTS: So, Mr. Speaker, that is a point that I would submit to the minister. I am not sure why. Now he may say, 'Well, different ministers for different things. Different strokes for different folks'.

MR. ROBERTS:

But development is development.

We are not going to use orders under The Development Areas
(Lands) Act, surely, for municipal purposes. There is legislation
adopted by the House to give the Minister of Municipal
Affairs

MR. ROBERTS:

adequate authority; we are not going to use it to declare roads for the Minister of Transportation. I could see it being used by the Minister of Development or the Minister of Lands and Forests. Why do we need a power vested in the Cabinet, again, vested in the Cabinet, to allow any minister? We could designate the Minister of Communications, the Cabinet could designate the Minister of Communications as responsible for administering the Development Area (Lands) Act.

Now, I have been given no reason by the minister and I can conceive of no reason. There may be a reason but it is beyond my conception, and the minister has not given it to us. His facile explanation is not good enough, he will have to do better than that.

Now, Mr. Speaker, let me come on to the question of retroactivity. I do not know why Clause 3 of the amendment has to be made retroactive. We are going back over two years. Now, I do not know why we are going back over two years. There may be a perfectly valid reason.

MR. OTTENHEIMER: If my memory is correct, there were meetings in which there was an announcement with respect to the various development areas.

MR. ROBERTS: I am grateful to the Minister of Justice (Mr. Ottenheimer). I do recall announcements of a number of areas declared as development areas, but the minister appears to be telling us then that these areas were unlawfully designated. If the amendment is needed to make lawful that which was done on 17 October 1980, if that is the purpose of it, we are being asked in this House to ratify something which the ministry

MR. ROBERTS: has done unlawfully.
Now, Mr. Speaker, you know, retroactive legislation is lawful, so are bills of attainder, but each is immoral, and I would suggest again to my friend from Ferryland (Mr. Power) that at the very least, he has to give the House some justification for requesting this.

MR. NEARY: It may have something to do with NSF Holdings.

MR. ROBERTS: It may have something to do with any number of things, I have no idea, but I do know that there are a lot of people who apparently have been acting under the impression that the government may have done something lawfully, but now we are saying that in effect people who abided by the government are not acting in conformity with the law as it was, they are being to ask to act in conformity with an arrogant grant of power, a grab of power by the government.

MR. E. ROBERTS: You know, if this bill is so important, how come it was not dealt with in all of the legislative time which has elapsed since 17 October 1980 and today? You know, we have dealt with a lot of legislation in this House which is of less importance. If so, I would say to the minister, if what he is asking us to do is to ratify, by means of Clause 3 of this bill, a decision taken by the government two years ago that was unlawful, not illegal, but unlawful in the sense that the government had gone beyond their powers, the government had done something that they ought not to have done, that they had no power from the House to do, at the very least he owes us the duty to be candid and to give us the explanation.

MR. NEARY: Would it have anything to do with anybody having inside information, I wonder?

MR. ROBERTS: I have no idea what it might have anything to do with, but we are at the very least entitled to some sort of explanation.

MR. S. NEARY: We certainly are.

MR. ROBERTS: Most importantly, Mr. Speaker, Clause 4 and Clause 5, which really ought to be read together, one of them requires all - what neutral word? - the registration of title documents dealing with any land in any development area, and presumably that is not retroactive so the government are hoisted on their own petard there. And Clause 5 would render void any transaction that has been done without the minister's permission. The minister told us about that and the words bear him out. It replaces a provision which renders it voidable. Now, Mr. Speaker, as Your Honour doubtless is aware from Your Honour's professional background in the surveying field, there is a big difference between something that is void and something that is voidable.

MR. E. ROBERTS: 'Void' never was. 'Voidable' requires some action to be taken and, in the case of the present act, it requires the Attorney General to make an application to a court and the court then hears the matter, weighs it and gives its decision. So we are cutting down, we are taking a power away that is now vested in the courts of this Province and we are vesting it in the minister.

MR. ROBERTS: And that is my real objection to this bill, Sir. Let me say there is no appeal from the minister's decision.

MR. CARTER: The hon. member.

MR. ROBERTS: There is no appeal. Mr. Speaker, the gentleman from St. John's North (Mr. Carter) - would Your Honour be kind enough to ask the gentleman from St. John's North to try to observe the rules of the House? Now, I mean, I have had my fill of the scum, and that has nothing to do with the hon. gentleman from St. John's North, but I have had my fill of his objections in addition to that. Would Your Honour be kind enough to do as Your Honour has always done and uphold the rules of this House? I have a perfect right to speak without the inane, asinine interruptions of the gentleman from St. John's North. We already know what he is, so we do not want him to demonstrate it, Sir.

MR. CARTER: What, no debate?

MR. SPEAKER (Aylward): Order, please!

I would remind hon. members to my left that the hon. the member for the Strait of Belle Isle (Mr. Roberts) has the right to be heard uninterrupted.

The hon. the member for the Strait of Belle Isle.

MR. ROBERTS: Thank you, Mr. Speaker.

I welcome intelligent interruptions, and would be pleased to have them and try to respond to them.

Now, the point I was making, and I do want to get the attention of the Ministers as well as the Savonarola in the middle, there is no appeal - that is worth underlining - there is no appeal from any decision of the minister under this bill. Now, let us then look at what will happen, and then we will look at

MR. ROBERTS: what could happen.

What will happen is the Cabinet will enact orders making certain areas development lands areas. Let us assume - now, I do not have the act in front of me - that they can designate an urban area - perhaps the Minister of Justice (Mr. Ottenheimer), who does have the act, could tell me whether the power of the act is restricted to undeveloped lands or whether it may be used anywhere in the Province.

MR. OTTENHEIMER: I will have to look and see.

MR. ROBERTS: Okay, the minister can look it up. I do not know, but let us assume it could be applied to, say, Conception Bay South, a large area with a lot of people living in it and yet with significant undeveloped areas, represented so capably by my friend from Conception Bay South (Mr. Butt), and an area that has development potential. Long Pond may very well become a booming port, the Octagon Industrial Park may very well become a thriving centre, all related to off-shore development. So let us assume the Cabinet in their wisdom decide to issue an order in respect of Conception Bay South. There are no restrictions, as I recall the legislation, no restrictions. Once that order is made no person may buy or sell, grant, lease, licence or convey land in that area without the permission of the minister. No person may. If he does, or she does, or it does, that grant, licence, lease, conveyance, assurance is void. Now, if that is not expropriation without compensation, confiscation without compensation, what is?

If the Cabinet enact that order, then every single landowner who has land, or any interest in land, a leasehold interest in land, a licenced interest in land in that area cannot do anything with it without

MR. ROBERTS:

getting permission of a civil servant or the minister, and the minister is not going to decide all these himself, he is obviously going to take advice from his officials. What power we are vesting in politicians and in civil servants! Worse than a land freeze! Supposing the City of St. John's was designated. A lot of members there Opposite are going to say. 'It cannot be.' Well, of course, it can be unless the legislation prevents it. No appeal. Whose to know what goes through the minister's mind? The present minister I will take my chances on. But supposing the gentleman from St. John's North (Mr. Carter) - God forbid! - should again go in the Cabinet. I mean, God knows what goes through his mind, if anything. You know, Mr. Speaker, so here I am, I am living out in Conception Bay South and I want to buy a block of land from Your Honour, who owns a block of land in Conception Bay South, and unless Your Honour can persuade the designated minister, who could conceivable be the Minister of Labour (Mr. Dinn), or the Minister of Transportation (Mr. Dawe), or the Minister of Communications (Mr. Doyle) or any airy-fairy minister who may end up in the Cabinet, unless Your Honour can persuade him to approve it the sale does not go through; it is void, not even voidable. Now at the very least the Cabinet have got to instruct the Attorney General or one of the lawyers representing the Crown to go into court and convince a judge. You know, how far are we going to go in this Province? Are we going to trample on every civil liberty, every right we own in the name of somehow protecting us against the results of oil speculation? You know, how far do we go? This is an

MR. ROBERTS: innocuous bill on the face of it to prevent speculation but when you begin to look at it it will not prevent speculation. Whose to say that the minister would not approve your selling the land to me at one hundred times what it is worth? And besides, what is land worth? What is land worth? What better test to determine the value of any object, a piece of land or a chattel, than a willing seller and a willing buyer dealing at arms length? The market place, I always thought that is what the Conservative Party believed in. I believe in it even though I am not a Tory. But Adam Smith's invisible hand is real, and yet here we are being faced with a Cabinet that is trying to take unto itself the power to declare large areas of this Province frozen so that no man, no woman, no corporate person can deal with any land in any way, or could probably mortgage it. Although I am not sure; the words, 'or other assurance' may include a mortgage - could not do anything with it. In fact it would have to include a mortgage because else you could beat the thing by simply mortgaging it and going into default and let the mortgagee come in under his power of sale.

MR. ROBERTS: So the Cabinet uses the power, declares a large area to be a development area, and then from then on you cannot deal with any land in any way without permission from the minister. Now first of all, are we going to need 1,000 civil servants to deal with it, 10,000, 50,000? What rules are we going to follow? Is the minister going to approve a sale if he likes the colour of a gentleman's eyes? Is he going to approve it if the request comes from certain lawyers?

AN HON. MEMBER: Do not be so foolish.

MR. ROBERTS: Ah, foolish! Is he going to approve it if the request is for a sale at not more than 100 per cent above what the land was bought for? There are no rules, there are no guidelines, there is no appeal. Of all the sawdust Ceasars, here a large area - now I say to the Minister of Justice - now the Minister of Forest Resources and Lands (Mr. Power), I know has his heart and his mind both in the right place, it is just his politics are a little askew, the rest of him is okay - But I say to the Minister of Justice (Mr. Ottenheimer), who can be expected to deal with the legal aspects in a way it is not fair of me to expect the gentleman from Ferryland to do, and I would not ask the gentleman from Ferryland, that what I say, unless it is countered, is overwhelming. How far do we go in the name of oil development? Do we next decide nobody can have a job in this Province unless some minister approves it because otherwise we would be speculating? How much power do we give to a group of men? They won an election, so what? Richard Nixon won an election. Pierre Trudeau won an election. Joe Clark won an election. All sorts of people win elections, and then

MR. ROBERTS: they loose. Hon. gentlemen opposite might not think they will ever lose but they will loose. The day will come when the gentleman from Burgeo-Bay d'Espoir (Mr. Andrews) is out on the street. He will probably be out there with me.

MR. ANDREWS: I will probably retire.

MR. ROBERTS: He will probably retire. Then he had better retire quickly after his performance in Ramea. But, Mr. Speaker, the point I make is that this bill puts in the hands of this Cabinet an immense amount of power, No appeal! Let me repeat it again, because I am going to ask the Minister of Justice (Mr. Ottenheimer), and the Minister of Development (Mr. Windsor), who is a power house in the Cabinet, if he would be good enough to take this bill back and reconsider it and if they really need these powers let them bring in either an appeal process or some guidelines, or leave it voidable and then at least we can go to court. And over the period of time, the Minister of Justice I know would agree, we would develop a body of case law.

So the Cabinet declares Conception Bay South a development area, the whole kit and caboodle, right from where Paradise district begins up to Seal Cove, the head of the bay a development area and designates the Minister of Development (Mr. Windsor) as the minister responsible. That would make sense, to designate that minister for that purpose.

And then my hon. friend from Conception Bay South (Mr. Butt), I do not know if he owns a house up there or not, let us assume he owns a block of land up there, a building lot, let us assume he does, now he wants to sell it; he cannot sell it, grant it, lease it, licence it, mortgage it, do anything without

MR. ROBERTS: getting the approval of the minister. Now I am serious. By what standards does the minister judge? Does he say, "Oh, well, too much speculation. You bought it for \$1,000, you are selling it for \$5,000. We do not agree with that." Or does he say, "I do not like

MR. E. ROBERTS:

the colour of your hair?' Or does he say, 'You got the wrong firm of lawyers sending in your application?'

MR. T. LUSH: Or you politics.

MR. ROBERTS: Does he say, 'I do not like your politics?' Or leave out the minister; what standards does a public servant use? What are the guidelines, Mr. Speaker? What are the ground rules? If they want to stop speculation, tell them how they do it. Put a tax on land transfers. Work it out. Ontario has done it and it has worked very effectively there. I do not have time now to go into it. It may not be dealing with the principle of this bill before the House, Mr. Speaker, but it can be done. And we will tax, we will cream off and put in the public treasury the unearned appreciation in the value of land. After all, that is what speculation is about. And the Minister from Ferryland would agree with that. That is what speculation is, buying it in the hope that you will get an unearned increment in it, and then leave the Development Areas (Lands) Act as it is. It has ample powers, it has been on the books for fifteen or twenty years it seems to have worked adequately. And if the ministry feels that some conveyance is wrong, then let them do as they now do, according to Section 8 (4), and go in to a court. How can the Minister of Justice (Mr. G. Ottenheimer) object to that going to a court? But, Mr. Speaker, that makes sense. That would be reasonable. But this bill is a vile attempt - I do not think that the minister had any idea what it was. I think it is a classic case of a problem being perceived and action being taken in an effort to deal with that problem without having being thought through or debated. And that, of course, is what this House is about. So I say to the minister that I would urge him to withdraw this bill, to

MR. E. ROBERTS: withdraw it. If it is needed to enacted, bring it back in. We are going to be here to the 3rd of December, is it? The deal has been done. The 3rd of December we all go home. But there is ample time to enact it between now and the 3rd of December. It does not have to be done on the 15th day of November. It has gone on now for more than two years anyway if they talk about this 17th October, 1980 proclamation - notice or whatever it was, announcement. But take out these powers. Does the Minister of Development (Mr. N. Windsor) really want to be in the position of having to decide whether a gentleman living in Conception Bay South, be the member or not, can sell a block of land? 'Oh,' they may say, 'it will never come to the minister. It will be dealt with by the officials.'

MR. ROBERTS:

By all that is sacred, how much power do we give officials to tell you that you cannot sell your land? If it is important enough, then let the minister decide or let a court decide it.

So, Mr. Speaker, I most earnestly ask the ministry, and I speak particularly to the Minister of Forest Resources and Lands (Mr. Power), whom I know has decent instincts and wants to do the right thing, and I say the same to my friend from Mount Pearl (Mr. Windsor), whom I believe sees a problem and wants to deal with it, fine, and the Minister of Justice (Mr. Ottenheimer), whom I know understands the points that I am making, and they can dismiss them; they can get up and they can get some words off, they have a majority to their backs, they will put it through, but putting it through the House does not make it right. Putting it through the House would vest in the government a power the government do not need and it would create a situation where we could have terrible injustices being done. I would have thought they learned with the land freeze out in Kilbride that has not been properly worked but in principle it is okay, but this is making it a million times more difficult, a million times more difficult.

Mr. Speaker, the bill is a very bad piece of legislation. And I am fully in sympathy, as are my colleagues, fully in sympathy with the purpose of ending speculation and we subscribe entirely to the principle of the desirability of ending speculation or curbing it and of trying to control the effects of oil development, but we have other means, and I have suggested them here, other means to achieve that end.

So I say to the minister that it is not a matter of face, it is a matter of simply withdrawing the bill or adjourning the debate because

MR. ROBERTS: this could be amended and the amendments brought in to the bill, but do not put it through in this form. Certainly if we put it through in this form, Sir, it will be over my vote, against my vote, and I think the ministry will live to regret - it is not a threat - I am just saying they are going to end up in a completely untenable situation one that is fraught with disaster, fraught with difficulty - they think they are in trouble now around the Province! - fraught with endless problems one after the other. And let me just leave the minister with one thought of the other problems: If every conveyance and transaction is void unless the minister approves, that means that once he approves it he is stuck with it. And if it turns out that a block of land does change hands, and it is speculative block and the Opposition hear about it, they will bring it up and tar the minister's hide with it, and so they should, because he would have approved it. It is an unwise grant of power, unwise from the ministry's point of view for the reason I have just given but, more importantly, unwise from the House's point of view. It is a very bad bill, Sir, It ought not to be adopted.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (McNicholas): The hon. Minister of Development.

MR. WINDSOR: Mr. Speaker, I would like to speak for just a few moments in response to some of the questions raised by the hon. gentleman opposite and I was not here for the first few moments of his speech so I am not sure that I understand exactly what he said. I believe that what he is saying is that he recognizes the need for controls to control speculation in the instances particularly, I think he referred to, where large scale petroleum developments are anticipated.

The House will remember that some time ago, and as the hon. gentleman referred to, October 17th of 1980, government did take some action in this particular regard because we recognized that there was a very strong possibility of speculation in land buying and property acquisition in particular in anticipation of petroleum related developments onshore. At that time, on October 17th 1980, government did designate a number of sites as being frozen under the Development Areas (Lands) Act, and under that act I was given the responsibility for administering those particular areas, not for deciding that something cannot be done, because, Mr. Speaker, government has decided that in those particular areas it is in the best interests of the Province that for a period of time certain stringent controls, admittedly very stringent controls, must be put in place. And I think it is important to recognize that the Development Areas (Lands) Act is indeed a powerful piece of legislation and one that is only invoked under very special circumstances. This was recognized by government at the time and the freeze that was put in place in various areas was done so in a manner, in fact, Mr. Speaker, in which it would

MR. WINDSOR: automatically be reviewed by government as a whole on a periodic basis, and that is still the case. But at that time, government had identified a number of areas in this Province whereby very strong potential for onshore related developments existed, and it was important at that time that we begin a process of identifying any demand from industry's point of view for the use of these sites. So we had to begin some preliminary investigations, some site investigations to do proper assessment of these properties and as well to assess the interest of industry and to solicit their opinions.

Now, if we were to simply say that we are looking at these ten or twelve or twenty sites, then obviously that would open a whole wave of speculation in those areas. So what we did at the time was announce that, number one, we would be looking at these areas and, number two, that these areas would be frozen under the Development Areas (Lands) Act for an interim period, at least until these sites could be evaluated and proposals invited for their use. That was done. Subsequently, we invited the private sector and industry to nominate additional sites. Some additional sites were nominated and identified and they, in turn, were frozen until preliminary investigations could be undertaken and preliminary assessments by the Department of Development and other departments involved.

As a result of that, some of the sites indeed, Mr. Speaker, were dropped from the list because it was felt at that time that there was no great interest and that perhaps those particular sites did not have the amount of potential that we had

MR. WINDSOR:

thought in the beginning.

Nevertheless, there were some nineteen sites that were finally identified as having some potential; some thirteen of these in fact are still remaining under the Development Areas (Lands) Act freeze. Some six of them, Mr. Speaker, I would

MR. WINDSOR:

point out were not frozen for various reasons. Number one, perhaps because government own the land, as in the case of Argentia and Stephenville and Gander and Happy Valley/Goose Bay, and in other areas, such as St. John's and Corner Brook where proper municipal plans were in place, we felt that the need to protect those particular areas was not as great.

So we now have a number of areas that are frozen and for which I as Minister of Development has been responsible for administering. Now the proof of the pudding, Mr. Speaker, is in the eating. The hon. gentleman opposite claims that, well, ministers have an awful lot of power and that nobody can do anything in these areas now because they are frozen. First of all, let me point out that some of these areas have been revised since the original land freeze. The area of land that was frozen have been revised downward simply because government recognized that the area that was frozen originally was done so very quickly, done so very quickly because time was of the essence at that point in time, and that we used legal survey descriptions which were available in some cases. And as a result of our further study of those areas, we have identified now that significantly less amounts of land need to be protected and those areas have in fact been decreased, and those areas have been released from the freeze. In other cases, as I have already indicated, certain of those lands were identified as having minimal potential, at least in the near term, and so the freeze has been lifted altogether.

But I think it is important to note that, in the areas that are still frozen, a number of requests, in fact numerous requests have come to my office for development in those areas, perhaps for construction of houses and in a couple of cases for the construction of commercial or industrial

MR. WINDSOR: enterprises. Those have been assessed, Mr. Speaker, very quickly. We do have a physical planning team established in the Department of Development to deal primarily with these particular sites and other onshore development sites. That team has been very quickly assessing these proposals and bringing them before me with a recommendation.

In almost every case, Mr. Speaker, to date, the proposals or the requests, particularly for the private individual who wanted to construct a house, most of those requests have been approved and an exemption has been given under the Development Areas (Lands) Act, and those houses have indeed been constructed.

MR. WINDSOR: In one case, I just might point out, in the case of Harbour Grace South, where significantly a large area of land was frozen, the community as a council came to us and said that this perhaps was restricting development in their community and they basically wanted to know when some activity might be allowed to take place, and there were a number of individuals who wished to build homes on land, I think in most cases that they, in fact, owned themselves, it was private land.

We looked at that very quickly, and we did a quick assessment on it and we have identified that the requests which were put to us were, in fact, very reasonable, and that the proposals that they were putting before us were primarily infilling between existing dwellings and enterprises and that it would be unlikely that the approval of those developments would in any way infringe upon the ultimate use of that area as an industrial centre. So in the case of Harbour Grace, I think perhaps four or six approvals have been issued and houses are at least under construction, or at least permits have been issued.

In addition to that we are looking at the overall area there to really find the areas that have been frozen, to more correctly, hopefully, be in line with what we anticipate the future development of that area could be. So there has not been to my knowledge, Mr. Speaker, to this point in time, any problem. Through the two years that we have been administering those areas there has not been any problem of anybody who wishes to develop who had been refused, unless there was clear evidence, very clear evidence that to issue a permit would be totally in contravention of the purposes for which

MR. WINDSOR: government as a whole established those areas as development areas under the Development Areas (Land) Act.

In other words, in any case where we have refused permission to develop, it has been clearly in contravention of the purpose of the freeze. So I submit, Mr. Speaker, that there is no undue hardship here at all. Well, there may be hardship to the individuals, but for good and valid reasons. And it is not the discretion of officials in my department or other departments, nor is it my discretion; government has very clear purposes for freezing these particular areas. The discretion that I might have is of allowing people who clearly should be given an exemption for various reasons, but primarily in that their development will not impinge upon the ultimate use of that area, that we have been giving exemptions and giving them to them, Mr. Speaker, on a very timely basis. I would submit that we have been dealing with them very expeditiously and that numerous developments have, in fact, taken place.

So, Sir, I submit that it is imperative that these areas be frozen. There was indeed very strong evidence that persons, from outside the Province particularly, were looking at some of these areas from a speculative point of view, and that indeed if government had not taken this action we might very well find ourselves in a position today where some of this extremely valuable land, as it relates to developing our offshore resources, would now fall within the control of enterprises or individuals from outside our Province.

That is the prime purpose in this particular case, Mr. Speaker, of this particular act, to ensure that control of these areas, which are vital to the development of this Province, remain within the control of people in this Province, and of the

MR. WINDSOR: Government of this Province
generally, if necessary.

There is no doubt that
speculation was beginning to take place, and that indeed
it would take place to an even greater degree if this
act was not put in place.

MR. WINDSOR: I submit, Mr. Speaker, that it is very critical that indeed this amendment does take place and that we have the opportunity of controlling these areas and controlling them in a manner which is in the best interest of the Province. And I note again that the areas that are frozen come before Cabinet on a regular basis for review so that there is very little difficulty, at least in the case of these areas frozen for the petroleum developments for which I am responsible, there is no chance that these areas will be frozen indefinitely simply because somebody has forgotten to review them and to take them out even though they are no longer required. I would submit that at this point in time in the development of our offshore, it is very, very critical indeed, in that we do not yet know the nature of the developments offshore, we do not know the types of structures that will be required for offshore and therefore we do not know exactly where the developments will take place. We do not know the rate of that development. The whole offshore controversy is based on that, is having control of what happens offshore so that the onshore implications can be controlled by the provincial government. Until those questions are satisfied, Mr. Speaker, I would submit that it is absolutely essential that we do have this kind of control, that we have the opportunity of controlling where these things take place, and that we have the opportunity of ensuring that as we direct developments to various areas of the Province that the most suitable land, the best land from the public point of view is still available, and that persons from outside this Province have not been allowed to profit unduly from the sale and resale of land and a resource which should remain within the

MR. WINDSOR:

ambit of this Province.

MR. SPEAKER (Russell):

The hon. Minister of Justice.

MR. OTTENHEIMER:

Now, Mr. Speaker, I am going to speak briefly on this matter and will confine my remarks to one particular aspect of it and that is with reference to the suggested new Clause 5 with respect to the present Clause 4 of Section 8. The effect of the difference is, as the legislation now is, if an action is taken which is contrary to the regulations, then within a period of twelve months the Attorney General may make application to the court whereby that transaction made contrary to the regulation would be deemed void. In other words, it is voidable. The new clause would establish that such an act is automatically void. In other words, the courts would not have an opportunity to become involved in it.

MR. NEARY:

(Inaudible)

MR. OTTENHEIMER:

Well, what I am saying is between now and Committee of the Whole, I will undertake to look into that matter. But from a legal point of view, certainly it is my feeling that it is better to have the provision remain as it now is and have it voidable.

MR. NEARY:

What about an appeal procedure?

MR. OTTENHEIMER:

Yes. There would be. It is the amendment which changes it from a legal point of view I think it is better to leave the matter as it is whereby the matter has to go to court and the court has to make the decision, whereas under the suggested new clause,

MR. G. OTTENHEIMER:

such an action would be immediately void. Now from a legal point of view, certainly it appears to me that it is better to leave the voidable operation so that the courts will be involved, the jurisdiction of the courts will not be interfered with. Now there may be reasons that I am not aware of from, if you wish, a development point of view which are very, very strong and which would urge against that. That I cannot say, but certainly from a legal point of view it is, in my opinion, better to leave the courts with the ultimate authority of making a decision. So between now and Committee of the Whole, I will look into that. While I cannot assure the House that such an amendment will be proposed, I will certainly look into it. As I say, from a legal point of view, in my opinion, it is certainly preferable to leave the courts involved. If there are arguments from other points of view so overwhelming, then obviously they would have to be considered. I am not aware of them but that does not mean that they do not exist, obviously. But I will undertake to have the matter looked into and to refer to it again when the bill is before Committee of the Whole House.

MR. S. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I commend the Minister of Justice (Mr. G. Ottenheimer) for seeing the great weakness that was pointed out by my colleague, the member for the Strait of Belle Isle (Mr. E. Roberts), in this bill. We would like to vote for the bill, Mr. Speaker. We on this side of the House would like to put an end to speculation on land that may be developed as a result of the discovery of oil offshore. But we would not like to see a piece of legislation passed in a hurry in this House that would

MR. S. NEARY: do a grave injustice to the overall situation. So I commend the Minister of Justice (Mr. G. Ottenheimer) but, Mr. Speaker, I think it would be far better if the second reading of the bill was adjourned in order to give the minister an opportunity, for the government to get their act together and the various ministers can consult and produce a realistic Clause 5, substitute Clause 5 or a new clause or an appeal procedure in this bill. I believe, Mr. Speaker, that this proposition that the hon. Minister of Justice just spoke about has a very great bearing on the principle of the bill. And I believe it would be in order at this particular point to move the adjournment of the bill so that the ministers could get together and work out the satisfactory and more realistic Clause 5 or substitute for Clause 5 or an additional clause.

MR. NEARY: We have already had a grave injustice done in this Province with the farmland freeze. God only knows that a great imposition and suffering and hardship and injustice has been imposed on the landowners in the Greater St. John's area because of the farmland freeze. We are hearing reports every day from people who live in the Greater St. John's area who own land. We hear of people who can get permission to sell their land, to get it released under the farmland freeze and others who cannot.

MR. CARTER: Name names.

MR. NEARY: Yes, Mr. Speaker. The CBC did a programme recently and confronted the Minister of Social Services (Mr. Hickey), because a lot of the land is in St. John's East Extern, why was this land approved for house construction, for development, and the land belonging to So-and-So was not approved? And the hon. gentleman who was accused of intervening, of interceding on behalf of the people who owned the land that was removed from the land freeze, could not give an answer, could not give a satisfactory answer. I would suspect, Mr. Speaker, that there have been examples, all kinds of them, where land has been removed from the farmland freeze for reasons, Mr. Speaker, that are more of a political nature than anything else, and that is not fair. No wonder the landowners down at the Goulds, down around Kilbride, are kicking up such a fuss. It is unfair, it is unjust. If the government is going to freeze land for farming purposes, then they should be prepared in a reasonable period of time to buy that land and to pay the going price to the owners, Mr. Speaker. That is only fair and equitable. But it looks like they are going to let the freeze stay on forever.

MR. NEARY:

So, Mr. Speaker, I hope we do not have a similar situation develop with this bill. As my colleague, the member for the Strait of Belle Isle (Mr. Roberts) points out, it puts tremendous power in the hands of the ministers and of the Executive Council. And we would like to deal with this matter of speculation, land speculation and we would like to be able to vote for the bill. But I do not think, Mr. Speaker, that we should wait for Committee of the Whole to get these very significant and important amendments and changes that change the principle of the bill. They should be brought in now.

MR. CARTER: Then make an amendment. Do not be shy.

MR. NEARY: No, but I would like to move, Mr. Speaker, that any further debate on this bill be postponed until the Minister of Justice (Mr. Ottenheimer) is able to bring in a substitute Clause (5) or an addition to Clause (5), or a new clause, Clause (6), dealing with the appeals procedure that was spelled out this afternoon by my colleague, the member for the Strait of Belle Isle (Mr. Roberts). I would like to make that motion, Mr. Speaker, if that is in order.

MR. SPEAKER (AYLWARD): I would like to adjourn the House for five minutes so that I can get a ruling on this, if the amendment is in order or not. The House is adjourned for five minutes.

RECESS:

MR. SPEAKER (AYLWARD): Order, please!

Because our Standing Orders are silent on the fact that this motion is debatable or not, we have to go to Standing Order 32 of the rules of the House of Commons, which indicate that it is not a debatable motion but the motion is in order.

It has been moved that the House adjourn debate on second reading of Bill No. 11 until the Minister of Justice (Mr. Ottenheimer) brings in an amendment to Section (5).

All those in favour "aye".

SOME HON. MEMBERS: Aye.

MR. SPEAKER: All those against "nay".

SOME HON. MEMBERS: Nay.

MR. SPEAKER: I declare the motion defeated.

MR. NEARY: That shows how sincere you are.

MR. SPEAKER (Aylward): If the hon. minister speaks now, he will close the debate.

The hon. Minister of Forest Resources, and Lands.

MR. POWER: Thank you.

Mr. Speaker, I just want to go over a couple of points before we move second reading to close this part of the debate. It is certainly government's intention to prohibit, deminish, curtail speculation in areas that relate to development, as it relates particularly to oil and gas, is a noble intention and one which certainly was under some very severe strain in October of 1980 when those nineteen areas were protected under this act. What we are now trying to do is to make sure that those areas which we have protected are areas where speculation will not take place, where in effect if land transactions do take place without the knowledge and approval of the minister they will be declared void and illegal as far as this Province is concerned.

I have got to take some exception to comments made by the Leader of the Opposition (Mr. Neary) as it relates to the land freeze and quoting the land freeze as being a reason for not doing the act and cutting down on speculation that we are now involved with of amending this act. Certainly in the case of the land freeze we have done just that. We have protected an area for agriculture and we have refused to allow persons to speculate. What exactly was happening in the land freeze area, and which is continuing to happen by certain persons, is that there are certain people who want to speculate in agricultural land, albeit some of those persons might be farmers, some of those persons might be

MR. POWER: land owners, some of those persons might be options on land, but what they intend to do with agricultural land in the Kilbride and the Avalon part of the Province is to speculate in land, to see exactly how much they can sell land for. When the Leader of the Opposition (Mr. Neary) talks about land banking -

MR. NEARY: You do not know what you are talking about.

MR. POWER: - when you talk about land banking as a means of protecting land, no one who owns land is willing to sell land to the government for the value of agricultural land. What the persons wish to do is to sell land to the government at commercial or residential rates and therefore want to be the only speculators in that given piece of land. They simply do not want to deal with land on an agricultural level, at an agricultural value.

So in citing the land freeze for agriculture, the Leader of the Opposition is certainly saying that there is need for the Development Areas (Lands) Act amendment which prevents that kind of land speculation. And I will say, as the Minister of Justice (Mr. Ottenheimer) has said, that we will look into the need for an amendment as it relates to the wording of the part relating to voiding the act. We will do that before we get into the Committee of the Whole. That commitment by the Minister of Justice does not in any way change the principle of the act, which is that land transactions must be registered and that speculation will be limited in those areas that have now been protected under the Protected And Development Areas (Lands) Act.

MR. POWER: I move second reading, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill "An Act To Amend The Development Areas (Lands) Act", read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Motion, second reading of a bill, "An Act To Amend The Urban And Rural Planning Act", (Bill No. 42).

MR. SPEAKER: The hon. Minister of Municipal Affairs.

MRS. NEWHOOK: Mr. Speaker, it is really a pleasure to introduce second reading of Bill No. 42 "An Act To Amend The Urban And Rural Planning Act". This bill contains mostly a number of housekeeping amendments. It consolidates present provisions of the Act, it realigns the clauses of the Act giving better continuity and understanding, and it broadens definitions giving more clarity, such as to buildings which will now include mobile structures, ships, and floating structures adapted for residential, commercial, industrial and other uses. Now this is particularly important with regard to oil related development, as is the expanded definition of 'development' and 'planned' which will now include land covered by water.

Some of these amendments, Mr. Speaker, relate to Regional Appeal Boards, and the responsibilities and the organization of the Boards are not materially changed but are more clearly set out eliminating many ambiguities in the existing legislation.

Mr. Speaker, the new proposed amendments to the Urban And Rural Planning Act are primarily aimed at controlling land speculation and land development associated

MRS. NEWHOOK: with offshore oil and gas development, and to respond to the request of the Newfoundland and Labrador Federation of Municipalities to consolidate and to improve the appeal procedures.

The remaining amendments, as I have said, are mostly administrative and are aimed at consolidating and updating the operation and the better functioning of the Act. And, of course, there are general amendments to bring the Act into line with other and more recent legislation which is particularly important with regard to oil related development.

And with regard to the

MRS. NEWHOOK:

appeal board, Mr. Speaker, the appeal boards' provisions of the present act are set out in sections (8), (9) and (10) and also in section (129), and these are completely rewritten. And the responsibilities and the organization of the boards are clearly set out eliminating many anomalies in the existing legislation. And it is to be noted, Mr. Speaker, that councils with an approved municipal plan following a public hearing, and with zoning regulations approved by the minister, will no longer be subject to the regional appeal boards but may, if they wish, set up and operate local boards of appeal within their own municipality which will adjudicate on appeals relating to decisions of the councils in accordance with their municipal plans.

Mr. Speaker, commenting now on the municipal plan amendments, Bill 42 provides that amendments to the municipal plan will be approved after a public hearing in the same manner as the initial municipal plan was approved. The minister's discretion in this matter, which was included in the act a number of years ago, has not led to any really better procedures being adopted and has resulted in numerous requests to bypass or to short-cut the public hearing procedure which, of course, is quite unsatisfactory. And in relation to municipal plan regulations, Mr. Speaker, I wish to add that regulations made by municipalities to implement municipal plans will have the same power and contain the same provisions as other regulations made under the act. These are subject to the minister's approval as at present, but the minister will in future be able to amend the regulations in all municipalities at the same time by a general order. This

MRS. NEWHOOK:

will simply update and enable them to conform to provincial standards and policies that may be established by the Lieutenant-Governor in Council from time to time and similar provisions already exist for the building code.

This act, Mr. Speaker, provides for site reinstatement or restoration which may be required as a condition to the approval of any development. Also that service levies may be required

MRS. NEWHOOK:

to be paid by a developer where public works are carried out which make this development possible or increase its potential. This is in accordance with provisions of the Municipalities Act. And also, Mr. Speaker, developers may be required to make financial provisions either by deposits, guarantees or performance bonds to guarantee site restoration and payment of service levies or the carrying out of other conditions of approval.

Bill 42 has a new provision covering development certificates. The Lieutenant-Governor may by order require a developer to obtain a development certificate from a particular minister as well as the Local Planning Commission before development is carried out. This provision will enable controls to be exercised in such matters as the location of regional shopping centres and particularly large industries where municipalities need advice and expertise.

The act also provides for reference of applications to the minister or, in other words, the call in of applications. The minister will be empowered to give directions requiring specific development applications to be referred to him or her instead of being dealt with by a local council. Where this is done, an opportunity must be given to the council and the developer to be heard by the minister or a person appointed by him or her. The minister's decision on these applications will be subject to approval of the Lieutenant-Governor in Council and will be final. These provisions will generally apply to large-scale oil related and similar developments affecting or in the interest of the Province on a wide scale.

These comments, Mr. Speaker, cover most of the amendments. However, I would like to add that a copy of the draft proposal of these amendments was

MRS. NEWHOOK: forwarded to the Federation of Municipalities and we received a reply from the Executive of the Federation stating that they were pleased with the additional provisions relating to development controls, the provision of provincial controls for large-scale developments, the clarification and limitation of regional appeal board authority, and the provision for municipalities to establish their own appeal boards. In all, this is what the Federation of Municipalities did say, that it is the opinion of their Board of Directors that these amendments represent a significant improvement in the planning process in our Province and they go on to state that they are

MRS. H. NEWHOOK:

looking forward to the adoption and implementation of these amendments at the earliest possible moment. And, I think, Mr. Speaker, to sum up, Bill 42 covers really three main provisions; better appeal board procedures, the call in of applications for wide-scale developments where municipal authorities may not have the expertise to apply the necessary controls and apply mainly, as we see it now, to gas and oil developments, and, one more, Mr. Speaker, the issuing of development certificates by government in addition to local permits for development of really large-scale industries. I shall be listening very carefully to all of the comments that come forth from this introduction, Mr. Speaker.

MR. S. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, we do not have very many comments to make on this bill. The bill is a very complicated piece of legislation, it is more or less an updating of a outdated act that we were operating under previously, and no doubt because of the technological advances and the developments that are taking place in the Province, no doubt the old legislation had to be updated. But I was not quite sure if I understood the hon. minister right, and I am not sure if I understand it after reading the explanatory notes in the bill itself, whether or not the minister is talking about planning offshore. There is a couple of clauses in here that seem to me to add a new dimension to development plans, and I am not sure if I understand what it all means and that is why I am asking a question. I think the minister herself referred to everything that floats. The minister says, 'From now on we will be able to include everything that floats.' Now what does that

MR. S. NEARY: mean? Does it mean that the development plans in the future will be able to determine where wharves will go, where ships will be able to tie up and where airplanes will land? For instance, in Northern Labrador the seaplanes land offshore. If the minister is talking about controlling an area near the coastline, how far offshore is the hon. minister talking about? Is it just to where the sewage goes out? In some cases the sewage is carried out into the ocean. Is that the area of control we are talking about? Or is it a little broader than

MR. NEARY:

that? Is it much greater than just dumping sewage out into the ocean? I am not sure if I understand that part of it, Mr. Speaker, and I would like for the minister to explain to me just what is meant by everything that floats. CN, for instance, would they now have to conform to a master plan of development for an area?

Is this the type of thing that we are talking about? If so, we are moving into a completely new field altogether, we are moving off land. I do not know if before in the old act whether or not municipal plans could include anything that was not on land. But it would seem to me that under this act - and I could be wrong and I am prepared to listen to the minister's explanation - that we are now moving offshore. And I do not mean off 200 miles. I just mean of maybe a mile or two miles, all the waters around various municipalities where municipal plans would be developed. And then, Mr. Speaker, this piece of legislation comes right on the heels of An Act To Amend The Development Areas (Lands) Act, and I am wondering now that this bill to Amend The Urban And Rural Planning Act, now that it is so comprehensive why could not that have done the job that this other act that we have before the House debated earlier, before this bill was called, why was this necessary? Why would this not have done the same job because at least there is an appeals procedure in this act. That is one of the aspects of the act that has been amended and upgraded and updated, the appeals procedure. That is probably one of the most significant changes in the bill itself. It now will give the power to the municipalities to set up their own appeals procedures. I think there should be more of this. I think we should never bring in an act like the one we had earlier this afternoon without an appeals

MR. NEARY:

procedure in it. We should never have frozen farmland without putting in an appeals procedure. And I am not talking about going to a minister and asking a minister to do you a favour, I am not talking about that kind of an appeal, I am talking about a completely independent appeals procedure. And if we had that kind of procedure maybe we would not have all the complaints and all the criticism and all the controversy over the farmland that is frozen.

MR. NEARY: Because, Mr. Speaker, if you leave it in the hands of a minister who was an elected person, a political person, a partisan person, then you can always be accused of abusing your privilege or tipping the scales in favour of your political friends. You could always be accused of it, whether you do it or not is another question. And that is what the government is being accused of in the case of the farmland freeze. They are being accused of catering to their friends and making the innocent people, who are just as much justified in asking for development of their land as the ones who have been released - in some instances, Mr. Speaker, you have a piece of land here that has been released from the farmland freeze and right next door another piece that they will not release. Why? Why, Mr. Speaker? Does Your Honour know why? Because the man who owns this or the person who owns this happens to be a supporter of the political party in power.

MR. MARSHALL: Now this has been changed.

MR. NEARY: Oh, I see.

MR. HODDER: Oh, yeah. What about the composition of the appeal board?

MR. NEARY: Ask the member for Kilbride.

MR. AYLWARD: Never happened (inaudible).

MR. NEARY: Never happened?

MR. AYLWARD: No.

MR. NEARY: Never happened in St. John's East Extern.

MR. AYLWARD: Never happened in Kilbride, Mr. Speaker.

MR. NEARY: Oh, I see. Never happened in St. John's East Extern.

MR. AYLWARD: It never, never happened in Kilbride.

MR. NEARY: Oh, I see. But you do not know that to be a fact. You do not know that to be a fact.

MR. CARTER: He is scared to ask the minister the question. He asks the questions and he answers them.

MR. NEARY: I am scared to ask who a question?

MR. CARTER: Do not be shy.

MR. NEARY: You have to be joking. I mean, you know what I mean, you have to be kidding. The only thing is, Mr. Speaker, that I tried to show a little respect for dumb animals, that is all.

Now, Mr. Speaker, I am dealing with the hon. Minister of Municipal Affairs (Mrs. Newhook). Mr. Speaker, we do not have any further comments to make on this bill.

MR. NEARY: We will probably vote for it. But before we do I would like to have an explanation on the points that I just raised. And my colleague, who is our spokesman on municipal affairs, may have a question or two or a couple of comments he wishes to make. But generally speaking it looks like the kind of a piece of legislation that is merely updating, bringing up to date something that has been outmoded, the legislation that was used previously, but it does give the minister some sweeping power. That concerns me, that aspect of the bill, but nevertheless, Mr. Speaker, we have no objection to it. But after my colleague speaks I would like to hear the minister give me an explanation on what is meant by encompassing everything under a municipal plan that floats. And how far? Are we just going down to the coastline or are we going a mile or two or three miles offshore? If so, that is a new departure, Mr. Speaker.

MR. SPEAKER: The hon. member for Eagle River.

MR. HISCOCK: Mr. Speaker, by looking at Bill 25, An Act To Amend The Municipal Act, by seeing the parts here, Mr. Speaker, many of the changes here are long overdue and I am glad the minister is actually bringing them in. But with regard to this, Mr. Speaker, there are a few things that I would like to ask questions about. It does give the councils the authority to bring in regulations concerning pellet guns and air guns. The question is why only stop at pellet guns and other guns? Why do we not have greater control over guns, period, within municipalities?

The other part that I would want to ask the minister a question on, is that an amendment would require compulsory real property tax in cases where the council's applications for water and sewerage -

MR. MARSHALL: A point of order.

MR. SPEAKER (RUSSELL): Order, please!

The hon. President of the Council, a point of order.

MR. MARSHALL: I believe that the hon. gentleman is talking about Order 26, Bill No. 25, the Municipalities Act. We have been debating for a half an hour Order 24, Bill No. 42. It is the Urban And Rural Planning Act. I guess I could draw that to the hon. gentleman's attention. I am getting up, I guess, on a point of order. The hon. gentleman is talking about a bill that has not even been brought before the House yet.

MR. HISCOCK: Mr. Speaker, I am quite aware that we are debating Bill 42. But in two of them, where they are overlapping and we are bringing about changes, the question I am asking the Speaker here - and you are correct, I was looking at Order 25 - the question I am asking is with regard to the property tax part,

MR. HISCOCK: bringing it in, and now where we have the amendment part, we are now seeing, and it is probably long overdue, we are now seeing in our Province changing from a rural environment attitude, where the government brings in water and sewerage, where the government brings in roads and all other facilities. Many of the communities around the Province expected this as a right and not to pay any taxes and that. The government is now saying, 'If you want water and sewerage, if you want roads, if you want other facilities then you have to pay for them'.

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

MR. SPEAKER (RUSSELL): Order, please!

MR. MARSHALL: Mr. Speaker, you know, the bill for consideration before this House is the Urban and Rural Planning Act. There is nothing in the Urban and Rural Planning Act, none of the provisions in the Urban and Rural Planning Act relate to municipal taxation. So what the hon. gentleman is obviously debating is a bill that is certainly on the Order Paper - it is the Municipalities Act - but it has not been called and he is debating a bill that is not before the House, number one, and in doing so he is irrelevant really to the motion.

The hon. gentleman, I think, as the record will show, referred to sections in the Municipalities Act which is what he is debating and that is not before the House. So it has to be irrelevant, Mr. Speaker.

MR. SPEAKER: The hon. member for Eagle River (Mr. Hiscock) should be relevant to the bill now under discussion.

MR. HISCOCK: Thank you, Mr. Speaker.

With regard to the part of the act, it is very important with regard to the urban and rural areas because we are, as I said, changing from a lifestyle. And because of this we are now getting into bringing in an

MR. HISCOCK: amendment to the Urban and Rural Planning Act. My question is is the reason why we are bringing in this bill and having local appeal boards in the local councils instead of them coming to the minister is because of the change that we are now taking in our society and that is one of going towards urbanization and need for more planning. My part on that is that, with regards to appeal boards, how much authority will these appeal boards have? What is going to be the composition of them? Are they going to be appointed by the minister? Are they going to be elected by local people or appointed by the councils themselves?

I find myself in the district of Eagle River, and also in Torngat Mountains, what we have we have plans that have been paid for by the provincial and federal governments, we have now had these adopted at public meetings, and yet we find that a lot of the things that are happening in these communities, people cannot build in a certain area of town, they cannot have a sawmill attached to their house where they had it at one time, they cannot have their boat building industry located on the same acre or two acres that they have, they have to now go into sort of an industrial part. And when you have a community of 300 or 400 people, even through we do need the urban planning and other rules and regulations for making sure that water and sewerage is brought into a community instead of having it in one house there and another one over on the other point, the part is that I am asking the question with regard to the appeal part.

MR. HISCOCK: Are we not overregulating our rural areas with regard to the idea of urban planning? That might be okay for Gander and okay for Clarenville and Bonavista and larger areas. Are we not overregulating and interfering with the lifestyle of these smaller communities by saying that we need these regulations and that they have to have the various things appointed?

So, with regard to the appeal part, I am rather concerned on that part of how it is appointed and how it is made up. Basically the bill is a good bill and, as I said, its in-House part - but the part I also will bring up, and I will bring up in Bill 25 is that it is overregulation. We are interfering with a lifestyle that is in these rural communities. We had an example on the news with regard to Mount Pearl not being able to park their commercial vehicles on their land and they have to go into industrial areas. If this is in Mount Pearl, if we are doing that we are also doing that with regard to Cartwright and L'Anse au Clair and other areas.

So, Mr. Speaker, I will speak on this matter, the urban part, in greater depth with regard to Bill 25 when it will be brought up because I think it is interfering and changing our lifestyle quite a lot.

MR. SPEAKER (RUSSELL): If the hon. minister speaks now she closes the debate.

MRS. NEWHOOK: Mr. Speaker, first of all I would like to respond to my hon. colleague over there when he referred to floating structures or anything that floats. We are not talking about anything that floats. We are not talking about these ships that ply the seas. What we are talking about are ships that are converted sometimes for buildings. They are converted to accommodate people who work on the offshore or work with the supply

MRS. NEWHOOK:

depots or whatever kind of an industry and comes up overnight and there is a great need for immediate accommodation. So what we are talking about are boats that are converted, or barges or whatever they might be that are converted for accommodation of people. I think we had the same thing in Argentina when Argentina was being developed. They had large boats there where the workers lived in these boats and were accommodated in them. And what we are talking about is these floating structures will come under the building regulations and that renovations and all of the other requirements under building regulations would apply with moderation to these floating structures. And, of course, these floating structures then would be eligible for taxation by the municipal council.

We are not talking about controlling offshore development. I mean, we have a special act for the control of the development of gas and oil. We are not talking about going so many miles out to sea. We are just talking about a boat that is anchored in the harbour or maybe that is tied up to the wharf. That is the kind of structure we are talking about.

When we are talking about land under water, well that would be for the clarification of wharfs and maybe buildings attached to wharfs or buildings attached to land.

MRS. NEWHOOK: It could apply to mines which stretch out under the sea. We have that definition -

MR. NEARY: Is that all covered in the previous act?

MRS. NEWHOOK: Well, we have the same definition in the Environmental Assessment Act. So this act will then conform to other legislation like we have said.

MR. NEARY: This is all new? This is not in the old act?

MRS. NEWHOOK: No. In the old act it mentions land, but the description of land is just land and not land under water, just the land on shore.

MR. NEARY: Okay.

MRS. NEWHOOK: Then the question by the hon. member for Eagle River (Mr. Hiscock). He is concerned about local appeal boards. Local appeal boards are appointed by the local councils and these local appeal boards can only adjudicate decisions made by the council where they have a municipal plan. And what they will decide on is whether or not that council has made a decision in accordance with its plan. Any other matters of a provincial nature will automatically be dealt with by the regional appeal board. We can only have these local appeal boards where the council or the municipality has a municipal plan which has zoning regulations and building regulations and all of the regulations that go with a municipal plan. The regional appeal boards are appointed by the executive council.

Other points raised, of course, by my hon. colleague, we will deal with those under our amendments to the Municipalities Act. Mr. Speaker, I think this covers all of the points raised and I am very glad that

MRS. NEWHOOK:

my colleagues are very receptive to these amendments.

SOME HON. MEMBERS:

Hear, hear!

On motion, a bill, "An Act To Amend The Urban And Rural Planning Act", read a second time, ordered referred to a Committee of the Whole House on Tomorrow. (Bill No. 42).

MR. MARSHALL:

Mr. Speaker, I guess now it being near six o'clock it is just as well to adjourn. But I would like to advise the Opposition of the bills that will be taken up tomorrow. The first one will be Order 47, Bill No. 60, the amendment to the Judicature Act; Order 14, The Provincial Court Act; Order 15, The Law Society Act; Order 16, amend The Jury Act; Order 17, the Parliamentary Commissioner (Ombudsman) Act; Order 19, to amend The Registry Of Deeds Act. How is this for a government, Mr. Speaker, telling the Opposition what is coming? Number 20, 'An Act To Amend The Contributory Negligence Act'; The Married Women's Property Act and The Automobile Insurance Act; and then 'An Act To Amend The Conveyancing Act', Order 21, and then after that Order 23, 'An Act To Amend The United Church Act', Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. MARSHALL:

And then finally there will be one of special interest to the Opposition, "An Act To Amend The Prison's Act".

Mr. Speaker, having given the itinerary for consideration tomorrow, I move the House at its rising adjourn until tomorrow, Tuesday, at 3:00 p.m. and that this House do now adjourn.

On motion, the House at its rising adjourned until tomorrow, Tuesday, at 3:00 p.m.