

PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD  
3:00 p.m. - 6:00 p.m.  
TUESDAY, NOVEMBER 23, 1982

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Russell): Order, please!

STATEMENTS BY MINISTERS

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

DR. COLLINS: Mr. Speaker, I would like to take this opportunity to address the House briefly on collective bargaining in the Public Service. Much has been said in recent months over this government's policy of wage restraint and the implications which that policy has on government's relationship with its employees. It is this government's belief that the wage restraint programme does represent a fair, reasonable and consistent approach to the bargaining process, and I am pleased to announce today that a number of public service bargaining units have reached agreements on the basis of the wage restraint programme. College of Trades Support Staff - A two year agreement commencing 1 July 1982 was ratified last week by the eighty non-instructional staff at the College of Trades and Technology. The employees are represented by the Newfoundland Association of Public Employees. Government House - A tentative agreement has now been reached with domestic and maintenance employees at the Lieutenant-Governor's residence, as represented by the Canadian Union of Public Employees. When ratified, this will be the first collective agreement with this group. Harmon Corporation - An agreement between the Harmon Corporation in Stephenville and the International Brotherhood of Electrical Workers has now been ratified and should be signed in the near future. Newfoundland and Labrador Housing Corporation - The Newfoundland and Labrador Housing Corporation has reached agreement with the International

DR. COLLINS: Brotherhood of Electrical Workers, representing its employees at Stephenville. The Corporation has also successfully concluded negotiations with respect to the extension of the collective agreement with employees of the former St. John's Housing Authority.

Mr. Speaker, I believe that the foregoing demonstrates support for Government's restraint programme and I commend the employees involved for their co-operation. I am confident that this recognition of the need for wage restraint will continue to grow throughout the public service and will result in the ratification of other outstanding collective agreements in the near future.

Thank you.

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

MR. LUSH: Mr. Speaker, there is not much comment I can make on that inasmuch as the minister did not give me a copy of the statement. All I can say, though, is that it looks like it is some of the smaller groups that the minister is talking about. We have no reference to some of the larger groups, particularly the teachers, no comment on how the government is making out in negotiations with these. And all one can say, Mr. Speaker, with the large groups in this Province is that the government is making out no better with negotiating with these than they are with the federal government. As a matter of fact, it has been evident throughout the Province that indeed this government is not good at negotiating anywhere, be it with its workers or with the federal government. Mr. Speaker, I certainly would have liked for the minister to have given me a copy so that I could have seen exactly the groups, but as I say, again, it looks like it is some

MR. LUSH: of the smaller groups that  
we are talking about and not talking about some of the  
larger groups within the Public Service, for example,

MR. T. LUSH: the teachers and it looks like, Sir, that the government was desperate to announce something, desperate to demonstrate that they were doing something and we have some more of those smaller weaker groups. This is what the minister is talking about, Mr. Speaker. We would like to know what the government is doing in negotiation with some of the large groups in this Province, some of the strong groups, the teachers and other groups. But the minister just wanted to give some indication that the government was doing something and what we have here, Mr. Speaker, are just small groups, just nothing at all in comparison to the workers that work within the Public Service.

MR. C. POWER: Mr. Speaker.

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

MR. POWER: Mr. Speaker, I wish to inform the hon. House about the results of the 1982 Spruce Budworm Spray Programme and of the forecast for 1983's budworm infestation. I would also like to bring to the attention of this House a recently detected black spruce mortality which is now considered a delayed after-effect of the spruce budworm infestation.

As the hon. members of this House may recall, last year I had the good fortune to report that the 1982 forecast for spruce budworm infestation was the lowest since the outbreak began a decade ago. Consequently, only a small forest protection programme, using both chemical and biological insecticides, was carried out in those infested areas of highest priority, in keeping with the advice given by the 1980 Royal Commission on forest protection.

Up to 96,000 hectares of infested forest were planned for protective action subject to

MR. C. POWER: verification of insect population by pre-spray larval samplings. As it turned out, this sampling revealed that half of the proposed area, primarily in the Eastern and Central regions, could be deleted because of the low population intensity. The bulk of the spraying was in Western Newfoundland.

A total of 47,800 hectares were treated: 43,000 hectares with matacil and 4,700 hectares with Bt. Ninety-seven per cent of the matacil area received a double application as prescribed.

The effect of the spray was monitored by sampling budworm larvae and tree branches throughout spray areas. The overall spruce budworm larval mortality generally exceeded 90 per cent in both matacil and Bt -treated areas and populations were generally lower in the Bt area. Expected defoliation was reduced by 86 per cent in matacil treated areas and by 75 per cent in Bt areas. Therefore this year's spray programme was considered successful in reducing the expected stress on infested trees within protected areas.

I am pleased to announce that there were no emergencies or accidents during the 1982 spray programme. As a precaution, however, each spray plane had a radio transmitter placed in its tank to help locate the site in case of an emergency dumping.

MR. POWER:

Mr. Speaker, before I get into the 1983 forecast, I would like to point out that while the budworm control programme is a joint effort between the companies and my department, the detection of insects and damage assessment is a co-operative effort between the Canadian Forestry Service and the Department of Forest Resources and Lands. The forecast for 1983 is based on egg mass surveys conducted by the Canadian Forestry Service with support from my department in the form of personnel assigned to the survey and aircraft and helicopter services. The defoliation mapping is also done by the Canadian Forestry Services under the same agreement. The damage assessment in the past was done by the Canadian Forestry Service but has now been taken over by my department. Since the Canadian Forestry Service has the lead role in the egg mass survey and forecasting, the information on the 1983 forecast has already been released to the press and to the public by The Canadian Forestry Service today at a Canadian Institute of Forestry meeting here in St. John's.

Although the extent of moderate to severe defoliation was much greater in 1982 than we had anticipated, the total area affected by spruce budworm was less than forecast, and substantially less than had occurred in 1981, the year when the current control program was initiated. Each member who will receive the statement will see the table shows that the actual infestation for moderate to severe is 41,000 hectares in 1982 and 50,000 of light infestation.

Not only was a smaller area defoliated, Mr. Speaker, in 1982 than in 1981, but defoliation was less continuous within affected areas than in the previous year.

There were also two small areas of severe defoliation detected in Labrador, amounting to a total of 660 hectares.

Although the spruce budworm infestation was significantly less in 1982 than it had been previously, the

MR. POWER: battle is not yet over. This past Summer a flight of budworm moths was detected to have invaded the Island from the Mainland. It was feared that the invasion would re-ignite the infestation still persisting in the Western region, but the forecast is not as serious as it had been anticipated.

Although the infestation has increased in the Western region, the spruce budworm egg mass survey completed last week revealed that the infestation had decreased considerably throughout the Eastern and Central regions of the Island. Overall, it is forecast that the 1983 moderate to severe defoliation will include 110,000 hectares greater than in 1982, but still substantially lower than 1981.

In Western Newfoundland severe to moderate defoliation is forecast for the following areas: From South Branch to Robinsons; from Stephenville to Georges Lake; on the Port au Port Peninsula; near Fox Island River; from Corner Brook Lake to Old Man's Pond; and from Northern Harbour to Humber Canal. Moderate and severe defoliation is also forecast to occur along the Noel Paul River in Central Newfoundland.

Light defoliation is forecast in about 102,000 hectares distributed in isolated patches from the Codroy Valley to Roddickton and East to the Avalon Peninsula.

In Labrador, moderate and severe defoliation is forecast to occur in 1983 on approximately 1,000 hectares near Beaver River, and light defoliation is expected on 140 hectares near Goose Point.



MR. POWER: Since 1977, Mr. Speaker, when tree mortality due to the budworm first became detectable, an annual damage assessment survey has been conducted to determine the area and volume affected by the outbreak. For the past five years this survey has been co-ordinated by the Canadian Forestry Service with the assistance of the Department of Forest Resources and Lands and the forest industry. This year, however, the inventory section of my department has taken the lead in compiling the damage statistics on a stand-by-stand basis, which is necessary for intensive forest management.

The final results of this survey will not be available for several months. In general, mortality is expected to remain at approximately last year's level covering an area of 427,000 hectares. This is not surprising considering the significant decline in budworm populations for the past two years. It is important to keep in mind, however, that the proportion of dead, dying and living volume is changing as a result of past impact; the extent of this change is yet to be determined. It is expected the order of magnitude will be similar to that of last year with dead volume of 16 million to 20 million cubic meters; a dying volume of 3 million cubic meters; and a total volume of stands with mortality due to the budworm in the range of 30 to 35 million cubic meters.

MR. NEARY: How do you get cords?

MR. POWER: Divide by two and a half and you get about 12 to 15 million cords total.

I stress that these figures are tentative, pending the individual stand analyses which will follow which will allow for other factors such as fire, salvage, recovery or the establishment of new stands through natural forest succession. The final results will be made available early in the new year.

MR. POWER: Mr. Speaker, I would also like to bring to the attention of all members in this hon. House and to the public of Newfoundland that as an aftermath of the spruce budworm infestation of the last ten years there is a new insect infestation in this Province.

During the past two years, following the decline of the spruce budworm infestation, many of the black spruce stands in Central and Eastern Newfoundland had begun to show good recovery. In fact, it is the resistance of black spruce to direct budworm mortality that had been counted on to minimize the size of forecasted wood supply deficits.

This Fall, however, tree mortality and declining vigor was detected in a number of black spruce stands. Ground checks and preliminary surveys indicate that a beetle called the four-eyed spruce bark beetle and a fungus called the shoe-string root rot are present in these stands. Neither pest is new to the forests of Newfoundland. Both are known as secondary pests which attack weakened trees and hasten their death and in doing so often multiply to outbreak proportions and spread into healthier stands.

MR. POWER:

Considering the age structure of our forests and the combined stresses from the outbreak of balsam woolly aphid in the 1950's, the hemlock looper outbreak in the 1960's and the past ten years of spruce budworm destruction, this is not surprising.

Final volume estimates are not complete, but tree mortality ranging from 20 per cent to 80 per cent has now been detected on 30,000 hectares and poor tree condition with less mortality is present on another 50,000 hectares. Thus, a total volume of 3 to 6 million cubic metres, 1.25 million cords to 2.5 million cords, of black spruce is currently at risk and that threat may spread to other weakened spruce stands. Information is now being compiled and final figures of mortality and damaged stands will be made available as soon as they are complete. This unexpected black spruce mortality will have an additional adverse effect on the wood supply deficits already forecast.

Mr. Speaker, the information on the 1982 forecast of budworm infestation and on the extent of black spruce mortality was compiled only a few days ago. The analysis of additional data is continuing. In the next couple of weeks, I shall consider the information given to my department by our staff and by the Canadian Forestry Service and prepare a course of action for consideration by the government.

I have also included, Mr. Speaker, in this statement four maps which show the 1982 defoliation, the projected defoliation for 1983, the areas of black spruce mortality that have just come up with this four-eyed bark beetle and this root rot, which are significant problems in the Province. And for the information of members

MR. POWER: of the House I have a sample of a four-eyed spruce bark beetle, of which there must be billions in the Province, and this thing, which is hardly visible at a few feet in front of you, has destroyed as much as possibly 3 million cords of wood in this Province causing very significant problems. And I might also give for the information of hon. members, there is no way of combating the four-eyed spruce bark beetle or the root rot problem, It is not something that can be sprayed. All that can be done, I suppose, is a period of very active salvage in those given areas. But at a time in the Province when we are trying to salvage as much budworm killed fir as we can, it is not going to be possible to also harvest all this spruce that has been killed by all these two new problems.

Thank you.

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

MR. NEARY: Mr. Speaker, it is no harm to say it never rains but it pours in this Province. The minister in his ministerial statement announced some good news, I suppose, to a certain degree, and some bad news. And if I wanted to be smart alecky, Mr. Speaker, I suppose I could say that both of these insects came into this Province since the Tories took over. The spruce budworm started down in South Branch in 1972, the same year that the government changed. But I will not be smart alecky and say that the government is responsible for the spruce budworm but,

MR. NEARY: Mr. Speaker, it did start in 1972. Now we have a couple of new insects the four-eyed spruce bark beetle- and when I look across at the Government House Leader (Mr. Marshall) I am sure the hon. gentleman did not refer to the House Leader - and the shoe-string root rot. Now you might say, Mr. Speaker, that this administration are responsible for the four-eyed spruce bark beetle and the shoe-string root rot, and it probably started last Thursday with the statement made by the Minister of Finance (Dr. Collins) in this House.

Mr. Speaker, the first thing that leaped out at me as the hon. gentleman read his Ministerial Statement was the fact that here is an excellent make-work project. The Minister of Labour and Manpower (Mr. Dinn) the other day announced participation in a federal make-work programme of \$3 million with the federal government putting in \$27 million. There is \$30 million that could be used to salvage some of this timber, the timber that is already damaged by the spruce budworm. A lot of it is still laying there, it has not been cut, and after five years the spruce budworm damaged timber cannot be used in the paper mills.

MR. DINN: That is one of the recommendations of the Minister of Forestry in a \$175 million project.

MR. NEARY: Well, I am glad to hear that. But, Mr. Speaker, after five years the spruce budworm damaged timber cannot be salvaged. It can be salvaged up to five years, as I understand it, A lot of that timber is still there. The government made feeble attempts

MR. NEARY: to salvage some of the timber but in my opinion they have not gone far enough, and there is an excellent make-work programme. The other thing that struck me about -

MR. BAIRD: What would you do with it?

MR. NEARY: You could either export it or timber that has only been damaged two, three and four years can be used in the paper mills.

MR. BAIRD: They can only use so much of it and they are using that already.

MR. HODDER: You are speaking for Bowaters.

MR. NEARY: Well, if the spokesman for Bowaters wants to get up after I am finished he is welcome to do so. But a lot of the wood could be used to supply poor people and institutions around this Province with firewood for the Winter. But anyway the main thing is, Mr. Speaker, that the wood should be cut, there should be a greater effort at reforestation. The spruce budworm thrives in areas where you have mature and overmature timber.

MR. NEARY: The problem is compounded by the fact that the paper companies, and the government did not insist on this, should have been carrying out good forest management, and so the spruce budworm made headway once it hit South Branch. And, Mr. Speaker, this is another point I want to raise with the minister. I am not so sure whether the spruce budworm can come across in the prevailing winds that come across the Gulf into this Province. I would suspect, more than that, that the spruce budworm was brought in here by the trucks that come in here from the mainland, by the vehicles that come in.

MR. POWER: No, they were not.

MR. NEARY: They were not?

MR. POWER: They would not survive.

MR. NEARY: They could not survive on a truck coming across the gulf? In this Province we have car washes at Port aux Basques and at Argentia to wash trucks that are going out of Newfoundland because of the canker, because of the potato disease. Why do we not wash the trucks coming in? Because now, as the minister indicated, these two new insects that he mentioned, we never heard of them in this Province before. Now, did they blow across the Gulf?

MR. POWER: No. They have always been here but we have not had a big infestation.

MR. NEARY: They have always been here? Well, Mr. Speaker, if that is so, what we need now is to thin out the forest. We need a greater effort on the part of the paper companies to get into areas where we have mature and overmature timber, and we need to concentrate on the areas that need to be protected now against these two insects. So I would encourage the minister to put a little pressure on the paper companies and use the make-work programmes to employ large numbers of Newfoundlanders in the forests, before the forest industry declines to the extent where it is going to be wiped out altogether.

MR. NEARY:

Mr. Speaker, we are glad to hear that the egg mass surveys that have been done by the Canadian Forestry Service, now taken over by the hon. gentleman's department, show that the egg counts are down. I would like to congratulate the Canadian Forest Service for the excellent work that they have done in keeping an eye on the spruce budworm. I hope that the hon. gentleman's department, now that they have taken over the responsibility of doing the inventory on the count, will be equally as efficient as the Canadian Forestry Service.

Now, Mr. Speaker, the rest of this statement is highly technical. We only got it a minute or two before the minister made the statement. We will examine it in more detail and probably have more to say about it later on. But these are the only few brief remarks I would like at the moment, apart from impressing again upon the minister the necessity to consult with the public before any spraying programme is undertaken in 1983.

We saw what happened in Millertown, Mr. Speaker, with the 2-4D, and I am sure the minister would not want a repeat of that embarrassing situation.



MR. S. NEARY: So let us hope that before any spraying takes place in future that there will be prior consultation with the people in the areas that have to be sprayed. I know this spraying is a very controversial subject anyway and it is a very unpopular thing and I am sure if the minister had his way that he would stay away from it. But the least we can do is to offer the people in these areas a chance to have input into any spray programme that may be undertaken in 1983. It would appear also, by the way - before I take my seat I have to make this observation - from the figures given the House by the hon. gentleman, that in the Eastern part of the Province the epidemic caused by the spruce budworm seems to be declining yet we have done no spraying, which indicates that nature has a way of taking care of itself. Mr. Speaker, that at least would be the indication that I get, that nature is more responsible for the egg count being down than the spray programme and that is indicated by what has happened in Eastern Newfoundland where the egg count is down substantially according to the hon. minister and there was no spraying. So maybe, Mr. Speaker, in the next year or so with the kind of temperatures that we have, if we have the right kind of climate maybe nature will take care of itself. At least we hope so. But in the meantime, Mr. Speaker, we are very concerned about these two new insects that the minister told us about today and we hope that no effort will be spared to try to save the black spruce from being wiped out in this Province as a result of these two insects.

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

ORAL QUESTIONS

MR. NEARY: Mr. Speaker.

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

MR. S. NEARY:

Mr. Speaker, the Premier is not in his seat so I will address my question to the Minister of Finance (Dr. J. Collins). I would like to ask the minister if he is prepared to table all information in connection with the estimates and the negotiations between the minister's department and the Department of Finance in Ottawa in connection

MR. NEARY: with established programme payments to this Province and equalization payments to this Province. IS the hon. gentleman, who has made some wicked statements in this House about these matters, prepared to back up what he told the House and told the people of this Province by tabling all information in connection with the established programme payments to this Province and equalization payments to this Province in this fiscal year?

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

DR. COLLINS: Mr. Speaker, I do not know if the hon. the Leader of the Opposition (Mr. Neary) is referring to the payments from the federal government that were referred to in the economic statement I gave recently, or do they relate to the transfers from the federal government that were included in the May 29th budget? I just ask that for clarification.

MR. NEARY: The May 27th budget.

DR. COLLINS: The May 27th budget rather, yes.

Mr. Speaker, I do not know if I can answer that just now. I mean, the correspondence between this government and the Government of Canada may well be of a confidential nature. At least, if it is not of a confidential nature, it may well be something that one would want to make sure that the Government of Canada, specifically the federal Department of Finance, was happy to have tabled. Much of this correspondence is not, I do not think, designed for public exposure, it is between officials. Sometimes the communications are in the form of proposals, nothing fixed or settled, proposals asking for a response, for suggestions, that type of thing. But I will look into it.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I thank the hon. gentleman. I am mainly interested in the working papers involved and the correspondence involving estimates that the minister has spoken about so often in this House since the word on the \$61 million deficit was announced to the people of this Province, and I look forward to getting this information here in the House, Mr. Speaker.

Now, would the minister also undertake - because of the credibility of the government now being brought into question and because people feel that they cannot trust the government anymore in anything that they tell them, that the believability and the credibility of the government have now been questioned by the people of this Province and they feel that they have been deceived by the Premier in the last election and so forth - would the minister undertake to provide a monthly statement, month by month, say one month following his financial statement in this House, and if the House is not sitting, to make the statement anyway through the media

MR. NEARY: on the amount of revenue that is coming into the coffers as a result of the statement made by the minister, and the amount of expenditure, give us a monthly statement on revenue and expenditure so that we can keep an eye on the government? They cannot be trusted, they cannot look after their own affairs. Give us a monthly statement so that the people in Newfoundland and Labrador will know exactly what is happening from month to month.

Now I do not know, Mr. Speaker, if it is practical, I think it is. In these days when we have computers, the latest technology, the minister should be able to get this information from the computers at a moment's notice. Would the minister undertake to provide the House, and, if the House is not sitting, to provide the people of Newfoundland and Labrador with a monthly financial statement on the revenue and expenditure side of the finances of this Province?

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Give us a progress report.

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

DR. COLLINS: Mr. Speaker, the hon. Leader of the Opposition (Mr. Neary) was given I think a very good piece of advice yesterday by the hon. the Premier when he suggested to him that if he wished to get information of use to himself and to the public from government he should not preface it by misleading statements or by statements that would lead to lack of credibility in his own questions.

For instance, the hon. Leader of the Opposition said that nobody believes this government, that the credibility of this government is now zilch and those sorts of remarks. Well that, you know, is purely a subjective statement on part of the Leader of the Opposition that is perhaps shared by .0001 per cent of the population. I do not know if that is even true, if that is not an exaggeration on my part. But, I mean, clearly

DR. COLLINS: a preface like that is not designed to lead to any credibility in regard to his question and it is certainly not inclined to lead to any enthusiasm on the part of government.

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

MR. NEARY: I presume the minister is saying no, the government will refuse to give us a progress report. The government is refusing to give us a monthly statement on revenue and expenditures, Is that what the hon. gentleman is saying?

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

DR. COLLINS: Mr. Speaker, this government has been an open government. It stands by that claim.

SOME HON. MEMBERS: Hear, hear.

DR. COLLINS: It has given a commitment to the people of this Province that it will make whatever information is in the public interest available to the people and in a form that is readily understandable by the people of this Province and at times where it is appropriate to do so. And I can only say that this government stands by that commitment.

MR. NEARY: Supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, you know, the minister criticizes me for the way I asked the question. Well, if the minister does not like the way I ask questions I feel sorry for him, that is tough. But my view is shared by almost 100 per cent of the people in this Province about the government's believability and their credibility at the present time, Mr. Speaker. Their image has been severely damaged. Now I would like to ask the hon. gentleman if he is telling us that he refuses to give us a monthly statement? Would the hon. gentleman care to make a statement now - and, Mr. Speaker, I might point out, by the way, for members of the House that what the government has done is taxed everything over five cents, everything over five cents you now have to pay a retail sales tax on it, that is what the government has really done, and I do not think that has really been brought home to members of the House - now would the minister care to make a statement on this

MR. NEARY:                      problem that has arisen in connection with children's clothing vis-à-vis adult clothing? A large number of people have been in touch with our offices, all the Opposition offices, asking us, 'How do you define children's clothing'? A lot of people have children twelve and thirteen and fourteen years of age who wear adult sized footwear and clothes. Now would the hon. gentleman care to make a statement on that matter to try to clear that up, because people are being forced to pay the retail sales tax on clothes that they buy for their children? Now how can the hon. gentleman justify that? And can the hon. gentleman explain to the satisfaction of the people of this Province how they can avoid paying retail sales tax on clothing that they are buying for their children?

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

DR. COLLINS:                    Mr. Speaker, in making the statement the other day on behalf of government I indicated that there would now be a removal of the exemption from retail sales tax in regard to adult clothing. Now this is not a unique event in this Province. At a previous date there was



DR. COLLINS:

retail sales tax on adult clothing and then the exemption was brought in. When there was previously retail sales tax collectable on adult clothing, it was done on the basis of sizing. There were certain sizes of clothing which was generally considered to be appropriate to children that were tax free, and clothing above those sizes was generally considered to be appropriate for adults and were taxed. And this is what we have looked at bringing in again this time.

In other words, using the experience and the custom that was in place in this Province previously, using the same custom this time around. I might add that in the Western provinces of the country, from Ontario West, with the exception of Alberta, there is tax collected on adult clothing. In the provinces East of Ontario, there is not any tax, such as was the case here until the other day. But in the Provinces, including Ontario, from Ontario West, with the exception of Alberta, there is tax on adult clothing and they use sizing in all provinces.

In two of the provinces they do have some accommodation for the older children and we are trying to get the information from those provinces as to how they do that. It is not an easy matter. It is a difficult matter to administer. It is a difficult matter to avoid undue tax leakage and that type of thing. But we are trying to get the information from the jurisdictions that use a double method, that is a sizing method, and also, somehow or other, using an age method.

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

MR. NEARY: Mr. Speaker, this is completely

MR. NEARY: outrageous. We are astounded and amazed. The minister has implemented this tax and does not have the administrative problems involved in it unravelled yet. And what the hon. gentleman is saying now, and I just want to repeat this, the hon. gentleman is saying that there is no exemption for children. If you have to buy clothes or footwear -

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

MR. SPEAKER(Russell): Order, please!

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

MR. MARSHALL: The hon. gentleman is making comments on the minister's statement and indicating his interpretation of it. There is a procedure for that, Mr. Speaker. He is into supplementary questions now, and his remarks should be addressing questions to the minister.

MR. SPEAKER: Order, please!

The Chair, I think, has provided some leeway for preamble to the hon. the Leader of the Opposition. He is into supplementary questions, and I would request him to make his questions brief.

MR. NEARY: A supplementary then, Mr. Speaker. Is the hon. minister saying that when people buy clothes or footwear for their children who wear adult sizes, that they have to pay the retail sales tax? Is that what the hon. gentleman is saying?

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

DR. COLLINS: Mr. Speaker, I am saying to the hon. Leader of the Opposition that there has been brought in the same mechanism that was used in regard to clothing vis-à-vis adult and children, that was in place in this Province for many years up until very recently, and which is the common way of dealing with this thing in all provinces which require tax to be paid on adult clothing.

There is, as I think any sensible person will realize, there is a problem. There is a problem that some children are very, very large and that they do have to wear adult clothing.

MR. NEARY: Blame it on the children now because they are big.

DR. COLLINS: But there has to be a sensible -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

DR. COLLINS: - there has to be a sensible approach taken to it. We have elected to what most, if not all provinces who require tax to be paid on adult clothing, we have elected to do what they do. However, if there is an additional mechanism that is workable and can be brought in, we are willing to look at it and we are trying to get some information on possibilities of additional workable mechanisms.

MR. NEARY: Mr. Speaker, a supplementary.

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

MR. NEARY: Mr. Speaker, the hon. gentleman now is saying it is the fault of the children for being so big. The hon. gentleman should have had all these problems sorted out before he made his announcement to increase taxes.

MR. SPEAKER: Order, please! Order, please!  
I request the hon. Leader of the Opposition (Mr. Neary) to be more concise with his questions.

MR. HODDER: He just started, Mr. Speaker! What is wrong with you. Partisanship! Is that your boss?

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Speaker, did the hon. gentleman take a look at the procedure used in British Columbia, that when you buy children's clothes you take an affidavit that you are buying the clothes or footwear for children and not for adults? Is the hon. gentleman looking at that procedure? And if so, would the hon. gentleman tell us how quickly it will be implemented? Because people are out now buying clothes and footwear and paying the tax and they are buying it for their children. And that is unfair.

MR. SPEAKER: The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, the hon. Leader of the Opposition does not seem to realize that our tax mechanisms are under review not just once a year, they are under review almost on a daily basis. We are looking at what other jurisdictions do in regard to tax collections. We sometimes send people from our taxation division to other provinces to see how their system works. We send them to conferences, we send them to seminars. All these

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DR. COLLINS: matters are ongoing and we are quite aware of what is going on at the present time in terms of regulations and that type of thing in British Columbia and in other provinces. What we are now trying to get a handle on

DR. COLLINS:

is the administrative problems,if any, that they are running into in regard to the implementation of the regulations.

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

MR.NEARY: Mr.Speaker, in connection with the statement that I made that everything over five cents is now being taxed by this -

MR. ROBERTS: Five cents and up.

MR.NEARY: - five cents and up is being taxed by this administration, would the hon.gentleman tell the House if he has had any representation from the Hotel,Motel and Restaurant Association protesting the implementation of this tax and the nightmare that it will cause the Hotel,Motel and Restaurant Association?

MR.SPEAKER: The hon. Minister of Finance.

DR.COLLINS: Mr. Speaker, it is not true that all items for sale in this Province from five cents and up are eligible for retail sales tax. And it is not true that I have received a letter saying the changes that were brought in as a result of the economic statement were a nightmare.

MR.WARREN: Mr. Speaker.

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

MR.WARREN: Mr. Speaker, my question is to the Minister of Finance (Dr.Collins). Could the minister advice how much revenue he expects this government to generate because of the tax exemption being taken off the commercial fuel? How much revenue do you

MR.HODDER: expect to generate?

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

DR.COLLINS: Over a twelve month period it will come to just over \$2.5 million.

MR.WARREN: Mr.Speaker.

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

MR.WARREN: Mr. Speaker, my supplementary to the minister: When the minister made this callous move, did he consider the extra burden that the tax will have on the already overtaxed small and large businesses in this Province?

MR.SPEAKER: The hon. Minister of Finance.

DR.COLLINS: Mr. Speaker, when the government made this necessary move, they considered all possible implications of it.

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

MR.WARREN: Mr. Speaker, my supplementary to the minister: Does the minister consider the plight of the consumer because now in this Province we have so many small businesses and large businesses on the brink of bankruptcy and we are talking about an extra twenty to twenty-five cents per gallon of fuel oil that these businesses will have to use and the small businesses naturally will have to pass it along to the consumer? Does the minister take into consideration the plight of the consumer? How much will the consumer have to pay extra by the end of this year?

MR.SPEAKER: The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, as I pointed out in the statement, an anomaly existed in regard to

DR. COLLINS: heating in commercial establishments. Those establishments which heated or used electricity for cooking, for instance, in commercial establishments, they already were subject to a tax burden, to a retail sales tax burden. There was an anomaly



DR. J. COLLINS: in that those commercial establishments which elected to use petroleum products were not subject to it, so that this measure more or less spreads out the burden, makes it equal.

MR. G. WARREN: Mr. Speaker, a final supplementary.

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

MR. WARREN: Mr. Speaker, could the minister tell us if this tax on commercial fuel, does he expect that this will have an affect on the tourist industry in this Province, this tax on the commercial fuel?

DR. COLLINS: Mr. Speaker.

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

DR. COLLINS: Well, I assume the hon. member is asking will it deter tourists from coming to this Province. I would suggest it would be highly unlikely that the imposition of this tax on part of the commercial sector in this Province will deter tourists from coming to this Province.

MR. W. CALLAN: Mr. Speaker.

MR. SPEAKER: The hon. the member for Bellevue.

MR. CALLAN: Mr. Speaker, I have a question for the Minister of Transportation (Mr. R. Dawe). In the Minister of Finance's recent financial statement, in Appendix 1 on page 13, it is indicated that the Department of Transportation plans to save \$200,000 on snow clearing this Winter. Would the minister tell us how the department plans to save that \$200,000?

MR. R. DAWE: Mr. Speaker.

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

MR. DAWE: Mr. Speaker, the item referred to by the hon. gentleman indicated snow clearing but it actually

MR. R. DAWE: refers to the total Winter maintenance budget. There are a number of things that we are doing to seek efficiencies in the way we handle our Winter maintenance programme this year, and one of the things that comes to mind specifically is a change in the hours that are being worked. Instead of the Winter shift being from five o'clock in the morning until two in the afternoon, it will be from six o'clock in the morning until three o'clock in the afternoon. I am told by the people in my department that there is a significant number of overtime hours that are spent between the hours of two o'clock and three o'clock and this will reduce the number of overtime hours that are spent in that area. We have made some other staff changes as it relates to the second foreman on the Winter maintenance programme. We will utilize, where possible, existing staff in areas who perhaps would normally be involved in some survey work during the Winter and employ these people as Winter foremen and so reduce the requirement to hire additional foremen or additional personnel to perhaps operate

MR. DAWE:

the equipment where the operator would move up to second foreman. This will not be possible in all cases but it is certainly one of the things that we have intended to do. We have also reduced an hour of overtime that has been paid in our depots to the clerks. Instead of coming in at the normal hour now of 8:00 in the morning, they will come in at 9:00. This was an extra hour that has been paid over the past number of years. It is an extra hour of overtime per day that has been paid to the clerical staff. By removing that particular hour it will bring them in line with staff in other major areas of the Province like Deer Lake, St. John's, Grand Falls and so on. By the combination of all these things, it is envisaged that we will save a minimum of \$200,000.

MR. SIMMS: The answer to all his supplementaries.

MR. CALLAN: Mr. Speaker.

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

MR. CALLAN: Mr. Speaker, let me get on to that last point that the minister made. Is the minister now contradicting himself? Because last week in the statement that the minister made, the minister was quoted as saying that these clerks in the sub-depots were being paid an hour overtime for lunch and that is where the hour overtime was. Now the minister is saying that the hour overtime was between 8:00 and 9:00 in the morning. So is the minister contradicting the statement that he made last week?

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

MR. DAWE: Again, Mr. Speaker, hon. members opposite either failed to listen to the statements that

MR. DAWE: are made in the media or failed to listen to what is being said by me.

AN HON. MEMBER: Hear, hear!

MR. DAWE: These clerks, Mr. Speaker, a number of years ago were paid that extra hour overtime per day so that they would be working in the depots the same number of hours as the MOS people, the equipment operators who were working in those depots. They are the only people in the depots who are part of the General Service and their particular agreement calls for a seven hour work day. What I have indicated to the hon. gentleman now and what has always been the case is that they will not be required to be in the office for eight hours but will be required to be in the depot for seven hours, as is the case with their counterparts in other offices of the Department of Transportation. So instead of coming in at 8:00 in the morning, we will remove an hour, one from eight is seven, and they will now come in at 9:00 in the morning.

MR. CALLAN: Mr. Speaker.

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

MR. CALLAN: Mr. Speaker, the minister says that one from eight is seven. The minister last week said in no uncertain terms - and it was not just members of the Opposition who misinterpreted the minister, if that is what he is saying, because the press reported as well what

MR. CALLAN:

the minister said-that the clerks in the sub-depots will no longer be paid for their lunch hour. Now these clerks , Mr. Speaker, came in at eight and worked until five. If they were getting paid for their lunch hour and getting paid an hour overtime between eight and nine, they were working nine hours a day and not seven or eight as the minister is saying.

So would the minister clarify? Are they also not getting paid for lunch, plus that one hour overtime between eight and nine? There are two hours been taken from them.

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

MR. DAWE: Mr. Speaker, I just got to say that this line of questioning is too silly at this point in time to respond to.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMS: A good answer.

MR. CALLAN: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon.

member for Bellevue.

MR. CALLAN: I think the minister is too silly to know the answer is the proper way to access it, Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. CALLAN: Mr. Speaker, getting back to the other question that I asked the minister earlier, he says that they are going to save \$200,000 by cutting out some overtime. Is the minister indicating that there will be two shifts this Winter rather than the one shift that the minister had in place for a lot of the areas of this Province last year? Will there be two shifts this year?

MR. SPEAKER: The hon. Minister of Transportation.

MR. DAWE: If the hon. member would like for me to qualify, Mr. Speaker, what I said initially, I said that staff have identified to me as part of an ongoing evaluation

MR. DAWE: of how the department can function a little more efficiently, have identified that the hour between two o'clock and three o'clock in the day is a point in time when there was a considerable amount of overtime paid to the operators who were doing the snow clearing programme. What we have done is changed the hours of work-or the proposed hours of work for this coming Winter season so that, instead of working from five in the morning until two, employees will come to work , this is a normal kind of a day, unless they are called out to do other snow clearing duties before that hour, but normally they will come to work at six and now go home at three. And it is suggested to me, and I have no reason to doubt it because the officials in my department are very, very efficient and, going on their advice, they tell me that this is an hour in the day that will not require as much overtime; as a matter of fact, now it will not require any.

But by reducing that particular hour from an overtime point of view we will save a substantial amount of money.

MR. CALLAN: Thank you, Mr. Speaker.

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

MR. CALLAN: Mr. Speaker, the minister after last Winter's experience has now made at least one change.

MR. CALLAN: As the minister knows, last year where an operators regular cheque was \$800, he was bringing home the \$800 plus \$1200 in overtime. That was 2.5 men's salaries actually. So is the minister saying that this year \$200,000 will not only be saved by not giving the same man two and a half times his regular salary, but that will be spread over two householders?

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

MR. SIMMS: This is going to be good.

MR. DAWE: Yes. I must say it was very difficult to pick a question out of it. What I would suggest is the hon. member, if he had some specifics, is referring to figures there of two and a half times an individual's salary. I would like to inform this hon. House that last year our salary estimates for the year were not exceeded.

SOME HON. MEMBERS: Hear, hear!

MR. DAWE: Mr. Speaker, the Department of Transportation was well within its budget limits for salary expenditures, and that included payments under regular and overtime. So I would be very interested to know the specifics of what the hon. member was referring to. I would suggest they are not factual, and I would be interested in having him present them to me.

The indication is that we did not go two and a half times over salary estimates. As a matter of fact, we were right on line, or a little bit under line.

SOME HON. MEMBERS: Hear, hear!

MR. SIMMS: Good answer. Good answer.

MR. CALLAN: Mr. Speaker.

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

MR. CALLAN: Mr. Speaker, last year, in

MR. CALLAN: last year's budget, the Minister of Transportation (Mr. Dawe) estimated that there would be \$16,803,900 spent on snow and ice removal, or control. Actual figures spent last Winter were \$19,471,000. In other words, over \$2.5 million more. Now, of that \$2.5 million that was overspent, the minister is planning on saving \$200,000. Is the minister going to implement any other measures to save at least \$2 million of that other \$2.5 million?

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

MR. DAWE: Mr. Speaker, I really have difficulty finding a question in some of the things that the hon. member is asking, or, in fact, whether there is a question there.

MR. SIMMS: He does not know what he is saying.

MR. DAWE: But I will try. The member from the other side is quoting figures of \$2.5 million over the estimates for last year as a supplementary question, when he asked about overtime paid out of the salary estimates. If the hon. member would like to check back and find out that because of the unusual Winter, the extra funding for snow clearing last year was spent for equipment rentals and had absolutely no bearing on salary overtime.

MR. SPEAKER: Order, please!

The time for the Question Period has expired.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

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

MR. MARSHALL: Mr. Speaker, on behalf of the Minister of Fisheries (Mr. Morgan) I table the balance sheet of the Fisheries Loan Board



MR. MARSHALL: as of March 31st., 1981  
with the Auditor General's Report attached.

NOTICES OF MOTION:

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

MR. OTTENHEIMER: Mr. Speaker, I give notice that  
I will on tomorrow ask leave to introduce a bill entitled,  
"An Act To Remove Anomalies And Errors In The Statute  
Law."

ORDER OF THE DAY

MR. MARSHALL: Order 48, Bill No. 61.  
Motion second reading of a bill,  
"An Act To Promote Public Safety In the Transportation  
Of Dangerous Goods."

MR. SPEAKER: The hon. Minister of Transportation.

SOME HON. MEMBERS: Hear, hear!

MR. DAWE: Mr. Speaker, it is with a great  
deal of pleasure that I introduce this particular piece  
of legislation. I am sure that hon. members on both sides  
of the House will be very willing to support this piece of  
legislation for a number of reasons.

MR. SIMMS: Like what?

MR. DAWE: A number of months ago non. members  
will remember, as well as everyone in this Province and I  
guess right across the country, the terrible derailment  
that occurred in Mississauga, Ontario and the subsequent  
events from that point in time. As a result of that  
particular accident, which really was not as dramatic as  
a number of other major spills that have occurred when  
particularly dangerous goods and substances have been  
transported, it is not the fact of the accident itself  
but it is the amazing way in which a great number of people,

MR. DAWE: some 250,000 people were evacuated from the immediate area.

Also as a result of that particular incident the then Minister of Transportation, the hon. Don Mazankowski, a good Tory by the way, Mr. Speaker -

MR. SIMMS: Hear, hear! A good Tory. Excellent.

MR. DAWE: - started a royal commission enquiry into that particular incident, not only to look at the aspects and the methods that could be put in place to prevent such an accident from reoccurring, but also to put in place and to look at possible ways that if such an accident should happen how it could be best handled in the best public interest. That commission went on for a number of months. Unfortunately there was a critical change in Ottawa, but

MR. DAWE: Fortunately the good fortune of that inquiry and the action taken by Don Mazankowski carried on and the Federal Government in Ottawa in November 1980 introduced a bill into the House of Commons that dealt with the transportation of dangerous goods in this country.

MR. SIMMS: Right on.

MR. DAWE: There have been a number of meetings between myself and counterparts right across the country, Mr. Speaker, and with the federal Department of Transport dealing with this particularly important matter, and it was decided that each province would introduce in its own Legislature a piece of complimentary legislation which would go hand in hand with the federal legislation dealing with the transportation of dangerous goods.

This has gone ahead, Mr. Speaker, already in the provinces of Alberta, Nova Scotia, Ontario and Prince Edward Island. It is necessary now to have this particular bill, a similar bill, a like bill, passed in all the other provinces. What we will specifically deal with in Newfoundland is transportation of dangerous goods as it relates to travel on our highways. There is an ongoing dialogue and good co-operation, Mr. Speaker, between the federal government and the various provincial departments of transportation as it relates to this particular bill - exceptional co-operation, I might add.

MR. SIMMS: But only as it relates to this particular bill.

MR. DAWE: There are a number of things that are ongoing, training programmes that have to be put in place. As a result of this bill, Mr. Speaker, when it is passed there will be a training session for the inspectors, who will have to be employed from the Province's point of

MR. DAWE: view. There will be a process of public information not only for truckers and for the people who will actually be moving the goods, but there will also, of necessity, be a series of public information seminars and procedures to address the problems associated with what do the public do if in fact there is a particularly dangerous accident that would involve public health and safety.

All of these things will be taken care of. Each of the provinces have not promulgated regulations because they are waiting for the federal government, because of the magnitude and the intricacies of the particular types of goods that will be affected by this particular bill, the provinces and the federal government will be promulgating these regulations together jointly and co-operatively. And as soon as they have been put in place the other things that involve training and so on will also be taken care of over the next number of months.

Mr. Speaker, this particular bill is very beneficial not only to this Province but also to the rest of the country and I look forward to hearing the support of hon. members who may wish to speak on it.

SOME HON. MEMBERS: Hear, hear.

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

MR. WARREN: Mr. Speaker, when this government brings anything positive, in particular towards safety, we on this side are only too glad to join with the minister in supporting such a bill.

MR. G. WARREN:                    However, Mr. Speaker, I would like to ask the minister                    a question or two concerning this bill. Does it have to do with - I would think it does - the transportation of petroleum products such as gasoline, fuel oil and things like this? The reason I am asking the minister is a truck driver with one of the oil companies in St. John's called up the office not too long ago and he said that his company have told him that as long as he is driving a truck he is not supposed to smoke and he must keep a fire extinguisher in the cab of the truck. Will this bill make it compulsory for all oil companies to follow this same procedure that this particular company is enforcing on its employees, or is it just a company decision? I am just wondering if this bill will cover those necessary precautions. As far as I am concerned it may even stop individuals from smoking. I am just wondering if, for example, the Texaco Company, which transfers gasoline or stove oil from Long Pond-Manuels from the Gulf storage tanks to various different places throughout the Province, to the Burin Peninsula, Bonavista Peninsula, the Clarendville area, and one individual driver is probably driving a truck for two or three hours without a break sort of thing - I do not smoke personally but most people smoke -

MR. W. CALLAN:                    I smoke enough for the two of us.

MR. WARREN:                    My colleague is just putting words in my mouth now. Most people that do smoke find it very difficult to go two hours driving without smoking, will this be a difficult rule to enforce?

MR. CALLAN:                    Especially in the Winter when the roads are not ploughed due to the incompetence of the minister.

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MR. G. WARREN:

shadow for Transportation.

See, my colleague is the

If the truck breaks down for -

SOME HON. MEMBERS:

Oh, oh!

MR. WARREN:

quiet for a few minutes?

Will my hon. colleagues be

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Aylward):

Order, please! Order!

MR. WARREN:

Mr. Speaker, if this truck runs into mechanical difficulties from point A to point B does its driver in ten below zero have to go 352.5 feet from the truck in order to have a smoke? What are the precautions? I have not had a chance really to go down through the bill and that.

MR. WARREN: Do the rules and regulations have to be followed very stringently or is it just another bill that will come into place and it will be broken, the same way, by the way, as the seat belt legislation is broken today? They did a survey on the seat belt legislation and only 37 per cent of Newfoundlanders are following the regulations. So will this be another safety regulation that the minister of the department will not put into effect? Because the minister of the department has not put the seat belt regulation into effect as it concerns the safety of this Province.

Mr. Speaker, I want to just throw out these couple of questions and I will be only too glad to ask some more as we go through the bill.

MR. SPEAKER (Aylward): The hon. the member for Eagle River.

MR. HISCOCK: I just want to speak very briefly on it, Mr. Speaker.

As the Minister of Transportation (Mr. Dawe) said, any form of legislation that is brought in with regard to the safety of our communities and our cities, this side, as well as all people in the Province, are more than concerned in supporting it. But it is always the way that we close the door after the horse is gone.

I would like to bring up questions on several things here. What about the movement of chemicals coming into the Province?

AN HON. MEMBER: (Inaudible) you second that.

MR. HISCOCK: Yes, that will be recorded and we will be monitoring that. The city of St. John's, for example, will also be bringing in regulations to make sure that chemicals will be moved through the city only in the night. Here is the Minister of Transportation

MR. HISCOCK: (Mr. Dawe) saying that nobody should be on the highways in the night at 3:00, 4:00 and 5:00 in the morning when people are going to work. If we are going to be moving these chemicals, particularly in the Winter, dangerous chemicals, and it is the most dangerous time, then obviously, we need the highways looked after by way of safety. There is no sense in bringing in legislation and saying we want to identify the truck that it has explosive chemicals on it or other dangerous chemicals, and we are not going to be able to look after the plowing and salting of the streets until 5:00 or 6:00 in the morning. The City of St. John's is recommending that they only move in the night and early hours of the morning, and I would assume that the federal government and the other provinces will be saying the same thing. So I have a question to ask the minister about that. What about moving chemicals in the Winter and Spring and Fall?

Another question I want to ask the minister - we are going to be taking account, I would assume, of the movement of these chemicals and other dangerous fuels that are going through this Province. What about the chemicals that are dumped - not in great quantities - but what about after they are used? What about the PCBs that were being dumped by industrial companies? What about the remaining amounts of sprays left over from the spray programmes? Do we have, as Ontario is still trying to get and still trying to fight for, and also in the States, do we have an area in this Province designated as a dumping site for dangerous chemicals, in conjunction with the Minister of Environment and the Minister of Municipal Affairs? Of course,



MR. HISCOCK: the answer is no, it is being dumped all over the place. And there are no regulations to it. So what is the sense of bringing in regulations to say that we want to know where the trucks are going with huge amounts, but not following it up by saying, okay, there is half a gallon here left over, there are a few ounces left in those tins, and then take the tins and dump them out in Robin Hood Bay or dump them in Conception Bay dump or dump them in Gander and only find out later, as the States is finding out and Canada, that through the break down over time and through erosion that it is getting into the water supplies of some of these towns in the States and in other parts of Canada.

So if we are going to take the lead from the accident in Mississauga, are we also going to take the lead in trying to regulate not only the transportation but also the dumping? The dumping also has to come under the minister because it is transported over the highways and going into these dumps.

Is ERCO having any chemical dumping? Is Bowaters? Is Abitibi-Price? Is IOC? Is Long Harbour? I mentioned before some of the other companies that are around town, Mr. Speaker. The minister does not think that it is particularly a serious matter, that it may not be in any large quantity. But it is being dumped and we are finding out that the Minister of Forest Resources and Lands (Mr. Power) announced today there is another outbreak of insects in the Province that will involve more chemicals and more spray. We brought up in this House before about the cadmium in limestone getting into agricultural land. We need a follow up. There are no follow-ups whatsoever, Mr. Speaker, We bring in cosmetic legislation of \$150,000 for the Art Council. When the Mummers Troupe gets a little bit critical of this administration, and other potential criticals, why

MR. HISCOCK: do they do? They withdraw the grant from the Mummers Troupe. With regards to the cosmetics of the Status of Women, \$150,000 toward the Status of Women, but when they want daycare, and when they want other follow-ups, what does this government do? Nothing with regard to other parts of legislation.

So here we are seeing another motherhood issue being brought into this House, and of course everybody in this Province supports it, but is it going to have any teeth? Are we going to find out what happens after the chemicals are brought to their destinations? Once they are brought in and stored in the companies' yards, and once they have gone through the city and the Province with regard to transportation and safety, once they have arrived at the final destination are we going to do the same thing as we did with the young men on the oil rigs? Put them out on the oil rigs and shout to the roof tops of our hiring policy and then forget about them.

MR. HISCOCK: Is that what we are going to do, Mr. Speaker, with regard to this legislation? Move it all over the Province and once it arrives at the destination say, Okay, as Minister of Transportation I did my job, now it is up to the Ministers of the Environment and Municipal Affairs to do their jobs. And is there going to be any co-ordination? Because I do not think that the danger is, Mr. Speaker, only with the transportation, even though that is a danger. The danger is what do we do with the waste of these chemicals that will probably get in our water supplies? Will we have to remove housing because of the dangerous chemicals that are underneath and used for infill? And we know in this city we use infill a fair amount. You can look all over this city, whether it is in Mundy Pond, whether it is in Blackhead, Shea Heights, whether it is out towards the Battery, whether it is in Long Pond, whether it is in Torbay, there is a lot of infilling. And infilling is done from industrial sites that are expanding or are moving or cleaning out areas that need expansion. And I caution the minister, when he gets up, and hope that he will bring in existing legislation with this to make sure that the transportation of used chemicals is regulated more and that we have some way of finding that this is not only transported after it is used but it is stored in a safe place and that it will not drain into water supplies and inhibit the environment of this Province.

Thank you, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I am sure the hon. gentleman does not expect to get a quick passage of this piece of legislation. I know the hon. gentleman is over there anxiously waiting to get up to conclude second reading of the bill but, Mr. Speaker, it is too important a matter just to let slide through.

MR. DAWE: I certainly would not want it to slide through.

MR. NEARY: I commend my colleagues on either side of me for their concern in this matter. It is something that everybody should be concerned about, safety on our highways. One aspect of the bill that I do not understand, and perhaps the minister can explain it to me when he winds up the second reading of it, has to do with permits. The bill is not clear. Does it mean now that every company, every business, every industry that is transporting dangerous goods have to apply to the minister for a permit to transport these goods? For instance, an oil company transporting jet fuel, does that oil company -

or it may not be an oil company, it could be an agent - have to make application to the minister at the beginning of the year and then the application will remain in effect for twelve months or will it be done on a fiscal year or just what procedure will they have to follow in order to get a permit? Can it be a twelve month permit? Will they have to apply every time they are going to transport dangerous goods and products over our highways?

MR. HISCOCK: Will the R.C.M.P. know they are transporting it over the highways?

MR. NEARY: That is right, Mr. Speaker. How will the information be communicated to the law enforcement officers? That is very important, that they be aware that dangerous goods will be transported, the date, the hour and so forth and so on.

It seems to me that what the minister is doing now, he is parroting, he is following the good example set by the City of St. John's. The City of St. John's were the first to move in the direction of protecting people on the streets and highways against dangerous goods. The city council already announced that they are putting regulations in place to protect people against accidents. And it seems to me that what the minister is doing is following the good example set by the city council. And I commend the City of St. John's for taking the initiative in this matter.

Mr. Speaker, the minister is parroting now what Mayor Murphy and the members of the city council have already said. But it is a matter of great concern, Mr. Speaker, to a lot of people in this Province, the way that our highways have gotten out of control with regard the transportation of dangerous goods and products.

Every Sunday morning, for example, I notice that going up Portugal Cove Road are huge tankers. And not only Sunday morning, but Saturday night, too, and at times when traffic is heavy on the Portugal Cove Road, you see these huge tankers headed toward St. John's Airport with jet fuel. It is amazing, Mr. Speaker, that an accident has not occurred long ago; a lineup of traffic a mile or a mile and a half long.

MR. NEARY:

My hon. friend probably, who has a residence down in Portugal Cove, has encountered it. I know I have on numerous occasions. I found myself right directly, smack behind one of those huge tankers. It could very easily slip its brakes, have mechanical failure, and the next thing you know you have a catastrophe on the highway.

My own personal view is that these tankers and the transporting of dangerous products should not be allowed on the highways during the hours that people are commuting back and forth to work. And they should not be allowed on the highways on holidays and weekends when people are out for a drive with their families, and especially on Sundays and on holidays when there are large numbers of people using the Trans-Canada Highway, especially, and a lot of

MR. NEARY: the by-roads going out into the country. But I believe that the minister should ban the movement of commercial vehicles on Sundays. They have it in other provinces of Canada.

The argument that I heard before - I am not sure if it was from this minister or his predecessor - was that it might have a tendency to increase the cost of living. I say to that, 'Balderdash, hogwash!' Out in the minister's own district you have a danger situation, from Port aux Basques right up to Corner Brook, where you are risking your life going on the Trans-Canada Highway, especially in the Wintertime, and now the minister is going to make it ten times worse. The most dangerous time on the highway is at 5:00 in the morning. Before you get the first blast of sun in the morning you get that black ice on the highway, and the minister is going to cut out maintenance of the highway at 5:00 in the morning, is not going to start until 6:00 in the morning their major maintenance on the highways, so the hon. gentleman told us.

MR. DAWE: If necessary, the night foreman will decide whether it is necessary to be out at 4:00 A.M. or 3:00 A.M.

MR. NEARY: I see, if it is necessary. Mr. Speaker, by the time the minister's officials determine whether it is necessary or not, you could have a major accident out there on the Trans-Canada Highway.

MR. DAWE: They are not going to be on the road if there is no need for them to be there.

MR. NEARY: Who is not going to be on the road?

MR. DAWE: If there is a need for them, they will be there.

MR. NEARY: Mr. Speaker, the most dangerous time on the Trans-Canada Highway is coming on dark,

MR. NEARY: at dusk, coming on dark, when you get that black ice forming on the highway. It may have been mild all day, the highway is clean and you get this black ice on the highway and you get the same thing in early morning.

MR. DAWE: Early in the year and late in the Spring.

MR. NEARY: Not early in the year and late in the Spring, year round. I went back and forth over the Trans-Canada Highway through the minister's own district twenty-two times last Winter, and I can guarantee you that I went down there times when I knew I was risking my life, especially with these big tractor trailers coming at you, coming off the ferry and barrelling up the highway. The hon. gentleman knows that, I presume he is aware of it, Mr. Speaker, having lived in the area. It is a very dangerous situation, very dangerous and something that should be looked at very carefully. You are risking your life getting on that Trans-Canada Highway, especially in the Wintertime. The minister in his wisdom put up a couple of signs this year down near McDougals where the wind used to blow the trains over and still does, I suppose, blow the



MR. NEARY: trains off the track, and blow their tractor trailers bottom up, loaded. I went down there one day and saw a tractor trailer bottom up with a load of fruit coming up McDougal's, not too far from the boundary of the hon. gentleman's -

MR. DAWE: Just outside the boundary. Yes.

MR. NEARY: - the boundary of the hon. gentleman's - where the boundary divides my district from the hon. gentleman's district.

I have not gone down there, I suppose, in the Wintertime, when I have not seen at least one, if not more, tractor trailers bottom up, and some of them are loaded. Mr. Speaker, the wind down there you would not believe, down near McDougal's and near the Starlite Motel, it is absolutely wicked.

I parked one night in front of the Starlite Motel, I had to stop because of the high wind, and I parked the car facing the motel. And when the wind died down several hours later, I came back to get aboard the car, the car was turned around facing the Trans Canada Highway. The wind had lifted the car up and turned it right around.

MR. BAIRD: You were in the lounge, you were not sure.

MR. NEARY: I had the pleasure of spending some few hours there a couple of Winters ago with the gentleman who won the Juno award in Newfoundland, Eddie Eastman, and his good wife, prior to his winning the award. So there are some advantages to getting stranded, Mr. Speaker, but that does not always happen.

MR. NEARY: But the fact of the matter is that I really think the minister should look at banning the movement of large commercial vehicles, tractor trailers, and commercial vehicles over our highways on Sundays, and on holidays, more especially the vehicles that are carrying explosives and jet fuel, and all the other dangerous products. I think it should be stopped altogether. And that is what I would like to hear the minister address himself to when he closes the debate.

I would also like to ask the hon. gentleman what other products are moving over our highway that we do not know about, that are dangerous. Perhaps the hon. gentleman can tell us. I know dynamite, gasoline -

MR. DAWE: Amonia.

MR. NEARY: Amonia? Do we have amonia going over the highway? Being transported where, across the Gulf?

AN HON. MEMBER: (Inaudible).

MR. NEARY: Yes, Mr. Speaker, that is a new one. We have amonia which is a very dangerous substance indeed. Perhaps the minister can tell us what other products of a dangerous nature are moving over the highway. And would the hon. gentleman tell us what checks are going to be made on the drivers? And what are the qualifications of drivers who operate these vehicles? Will there be any criteria laid down,

MR. NEARV: or standards for drivers of these vehicles? Will they be allowed to pick up hitch-hikers? Will they be allowed to carry passengers? And this sort of information, I think, is what the hon. gentleman should give the House. But, Mr. Speaker, the hon. gentleman should tell us whether or not there will be special permits every time somebody wants to move a load of dynamite. I presume that will involve a special permit. And will there be permits of long duration? Can these companies make an application to get a permit for twelve months, for six months? Then who will check on them once they get their permits? And who will check the equipment to see if it is up to standard? These are all very important points, Mr. Speaker, and I would like to hear the hon. gentleman comment on them. And having said that, I think my other two colleagues indicated that we will be supporting the bill and we commend the city council for taking the initiative and lighting a fire under the minister and getting him to bring similar legislation into this hon. House.

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

The hon. Minister of Transportation.

MR. DAWE: Mr. Speaker, I thank hon. gentlemen opposite for their comments.

Perhaps, in some instances, the hon. gentlemen did not listen to what I had said about the complimentary nature of this particular piece of legislation and how discussions had been going on since 1980. There have been meetings between federal and provincial officials, meetings between federal and provincial ministers of transport and transportation across the country as it relates to this particular problem. You would think, in

MR. DAWE: listening to gentlemen opposite, that there were, at present, no regulations or no restrictions in place as it relates to the transportation, or, in fact, the supervision of the transportation of dangerous goods and their subsequent either removal, disposal or use of. And that, Mr. Speaker, is not true. There are very definite and strong regulations in this Province under the department of my colleague the Minister of Environment (Mr. Andrews) as it relates to the handling and use and disposal of dangerous

MR. R. DAWE:

and caustic substances, as they relate to public health and safety. And these regulations, Mr. Speaker, are the best of any regulations in North America. We have some of the best if not the best in total, environmental safeguards of any province or any state in North America and we are very proud of that, Mr. Speaker. New legislation brought in by this particular government as it relates to environmental assessment and other important regulations of air emission. The hon. gentleman referred to ERCO; some of the safeguards that have been brought in by this particular government have ensured that the problems created by ERCO, by a former, former administrations, are not repeated again in the future. We are very proud of those regulations and the hon. gentleman should be aware that these are in place and they are listened to. The hon. the member for Eagle River (Mr. Hiscock) refers to the disposal of goods and dangerous items, where the dumps are and so on. And hon. members should be aware that this Province was foremost in its request to the federal government, within whom a number of discussions had been held by a number of provinces, to identify within Canada a number of acceptable disposal sites for dangerous goods, and this, Mr. Speaker, has not been done yet. And this is not any real strong criticism, I suppose, of the federal government, albeit that it was in their ball park, if you will, to identify some of these sites, but it is, Mr. Speaker, an indication that the problem of the disposal, which is an entirely different issue, is a very complex and a very difficult thing to decide upon. The United States has a number of problems of its own in identifying sites where the PCBs could be destroyed and properly disposed of and there are a number of things that are happening now which may, in fact, realize a site within Canada and perhaps two where some

MR. R. DAWE: of these particularly dangerous goods and items that have a very prolonged life and half life and so on, can be disposed of safely.

The hon. the member for Torngat Mountains (Mr. G. Warren) referred to things as; whether an individual would have to travel 300 feet away from his vehicle in order to have a smoke. I would suggest to the hon. gentleman that he would perhaps check out his facts a little more carefully, not just in this area, because there are regulations presently in place. The Public Utilities Board in this particular Province regulates the type of vehicle that a company can be licenced for and the type of product that they can carry. And it is a very restrictive licence in some areas for the kinds of products that a person can now carry, and the Public Utilities Board is the regulating agency within this Province that controls the companies that are permitted to carry certain kinds of substances and, as a matter of fact, anything, right

MR. DAWE: from fish to particularly caustic substances. And they are very capable of regulating from a permit point of view, and seeing that this is taken care of. The Department of the Environment is responsible then for a number of other areas as it relates to those particular goods, If there is a spill, there are procedures in place which recognize other departments. It recognizes the responsibility of the Emergency Measures Organization, responsible to the Department of Justice.

SOME HON. MEMBERS: Hear, hear!

MR. DAWE: - and so on. There are procedures in place now to address a number of the things that the hon. member referred to. I would suggest, as well that you check your facts as it relates to the use of sea belts in this Province. Not only did this Province prior to the legislation being introduced, in a survey independently done by the RCMP indicate that the residents of Newfoundland and Labrador wanted sea belt legislation to come in, about 93 per cent - it was the highest in Canada. People said we need seat belt legislation, please bring it in. This is what the survey indicated. And that particular piece of legislation was passed unanimously in this House. And the present use of seat belts is not as low as 37 per cent as the hon. member indicated, Mr. Speaker, monthly surveys indicate that as of the 31 of October of this year, seat belt use in this Province is 71.9 per cent, the highest in Canada.

MR. RIDEOUT: Shot down again.

MR. WARREN: The people of Clarenville must tell lies then.

MR. DAWE: Well, where the hon. gentleman gets his information I certainly am not aware of, Mr. Speaker.

MR. WARREN: From a radio broadcast in Clarenville.

MR. DAWE: Well, I would suggest to the hon. gentleman there are other sources, The Department of Transportation has an employee, Mr. George Jerrett, who did an

MR. DAWE: excellent job of promoting this particular -

SOME HON. MEMBERS: Hear, hear!

MR. DAWE: - piece of information, if you will,  
in explaining the regulations and legislation to the school  
children and a number of other groups around the Province.

MR. SIMMS! Yes. He was out my way.  
He was well received.

MR. DAWE: And if the hon. gentleman wanted  
to get accurate and informed information as it relates to  
seatbelt legislation, I suggest that he call him, and not rely  
on a radio announcer in Clarendville or anywhere else in the  
Province, for accurate information.

MR. RIDEOUT: He just wants negative statistics, that is  
all he wants. They do not check it out see.

MR. BAIRD: Inside information, not accurate.

MR. RIDEOUT: Just wants negative statistics.

MR. WARREN: 37 per cent of the people.



information.

MR. BAIRD: Do not confuse the facts, please.

MR. DAWE: Obviously, Mr. Speaker, as well, the member for Eagle River (Mr. Hiscock) does not listen to what happens in this House, but that does not particularly surprise me.

AN HON. MEMBER: How is that?

MR. DAWE: Well, the hon. member went on to, when he indicated that he did not know what was happening as it relates to the disposal of dangerous goods, or, in fact, that he knew what this particular bill was about, to talk about spray programmes, and he went on to say that now that we have the four-eyed bark beetle in place, we are going to do more spray programmes, when the Minister of Forest Resources and Lands (Mr. Power) in his statement indicated that because of the particular nature of this little pesty beast it is not particularly relevant, or it is not very beneficial to spray the creature because you cannot get the spray at them. So he indicated that there would not be a spray programme associated with this particular infestation of the forests in the Province.

So obviously the member did not listen to what my colleague, the Minister for Forest Resources and Lands, had to say about that. And it just goes to show that he, again, does not understand what is going on in this House, or, in fact, what is going on outside of it.

The member for LaPoile (Mr. Neary), my neighbouring politician, separated by that wind tunnel in McDougal's Gulch, and that is becoming windier since the hon. member deserted Bell Island and went to LaPoile, however, made some very good points. I would like to indicate to the hon. member, apart from the fact—and I would also like to

MR. DAWE: go on record as complimenting the City of St. John's for their initiative in taking some action as it relates to the transportation of dangerous goods in their particular community. I think other communities could take a lead in that. But to suggest that that is the reason why this particular piece of legislation is being brought in is not really true, Mr. Speaker. As I indicated, discussions have been going on with the other provinces and with the federal government for some time now.

The hon. member also made reference to permits, as some other of his colleagues did. There is now, Mr. Speaker, as I indicated through the Public Utilities Board, the necessity to get a permit or a licence to carry particular kinds of goods and particular kinds of vehicles around the Province. And there are regulations in place.

MR. DAWE: The restriction of commercial vehicles is something that is being seriously reviewed. It has been that way for sometime now. It is of genuine concern to the general travelling public, and we have been looking at methods and ways and possibilities of making some restrictions on the use of certain kinds of vehicles on our highroads from time to time. And in that regard I agree in part, at least with the member for LaPoile (Mr. Neary) in that some restrictions need to be put in place. We are looking at that as a department and we will be looking at it as a government in due course. I would also like to indicate to the hon. member that a number of things have happened to our roads and are continuing to happen to our roads that have improved the general safety not only as it relates to the travelling public but as it relates to the transportation of commercial vehicles as well. We have been attempting to improve, with not as much help from the federal government as we would like, but attempting to improve the standard of our Trans-Canada Highway, our primary highroad system through the use of holding lanes, of four-laning where possible and intersection improvements, and we will continue to do so. And that will perhaps lessen the number of restrictions that need to be placed on the travel of commercial vehicles.

There are two reasons, I guess, Mr. Speaker, why this particular bill is being introduced right across the country at this point in time. One is that some of the regulations, I guess, highlighted by the Mississauga incident, have indicated that perhaps the safeguards and restrictions as it

MR. DAWE: relates to how the particular substance is carried is not adequate. Number two, if an accident should happen, if a spill should happen that has a very serious impact or potentially serious impact on the health and safety of human beings in the area or the foliage or the trees, there should be a mechanism, a common mechanism put in place that can address that particular situation quickly and efficiently. Mr. Speaker, these are some of the things that we are talking about with the other provinces and with the federal government so that we can make sure that if and when a spill does happen, or if and when there is an accident and some caustic substances are released into the atmosphere that there is a procedure in place that is known by everyone concerned so it can be handled very quickly and efficiently.

So we are continuing with the training of inspectors, we are going to continue with an education programme that will inform not only the general public but also the operators of commercial equipment who may, in fact, be carrying such substances, and we will be putting in place a procedure in this Province that will ensure that the residents of Newfoundland and Labrador are protected in a very efficient manner and I would suggest, Mr. Speaker, this Province will have the best method in place of any province in Canada.

SOME HON. MEMBERS: Hear, hear!

MR. DAWE: Mr. Speaker, I would like to move second reading of this bill.

On motion, a bill, "An Act To Promote Public Safety In The Transportation Of Dangerous Goods," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 61).

MR. OTTENHEIMER: Order 50, Bill No. 70.

Motion, second reading of a bill, "An Act To Amend The Wild Life Act (No. 2)," (Bill No. 70).

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

SOME HON. MEMBERS: Hear, hear!

MR. SIMMS: Mr. Speaker, Bill No. 70 is the one that I indicated in the House a couple of days ago would be coming up for debate fairly shortly and members opposite would have an opportunity to elaborate on their own opinions with respect to wildlife management in this Province. It relates also to the announcement that I made several weeks ago about the intention of the government to introduce stiffer penalties and so on, and other amendments to the Wild Life Act. It is pretty well explained in the explanatory notes found on the inside of the bill, Bill No. 70.

I think I should begin, Mr. Speaker, by stating categorically at the outset that I think it is fair to say that this Province has perhaps one of the most efficient wildlife management strategies in the whole country, and this can be substantiated by the fact that other provinces have indeed expressed an

MR. SIMMS: interest in our programme and are, I believe, interested in implementing some of the programmes that we have included in our whole wildlife strategy. Also, there is further proof by looking at the wildlife populations in the Province. The caribou population is now in excess of 25,000 animals and our moose population is in excess of 50,000 animals. And I think, as a direct result of being able to maintain these populations, this Province now enjoys one of the higher success rates in all of North America.

That is not to say, Mr. Speaker, of course, that we do not experience some problems with respect to our wildlife resources and these problems, of course, come from numerous sources, but the most

MR. SIMMS: persistent problem, I guess, as everybody is aware, is poaching. And despite all our efforts, the illegal killing of big game animals continually puts excessive pressure on our wildlife officials.

This act, "The Act To Amend The Wild Life Act", contains some very important amendments which we hope will serve as major deterrents to would be offenders, i.e. the poachers. It provides for three significant amendments: one, that there will be a provision included for the provincial courts to be able to receive in evidence a certificate from the Director of Wildlife; number two, the automatic forfeiture of items used to transport illegal big game will also be included; and, of course, number three, there will be increases in the penalties where big game animals have been killed, transported or possessed illegally.

Section 9 of the act is amended by adding a subsection to permit a certificate that is signed by the Director of Wildlife to be entered in a prosecution in a Provincial Court as proof that a licence or seal or tag or whatever has or has not been issued to a person. The reason for that amendment, Mr. Speaker, is that in prosecutions relative to licences and tags, it is frequently necessary to present evidence in Provincial Courts to establish certain facts pertaining to the issue of licences, and this presently necessitates the appearance of the director or his delegate in court to simply state the information that is contained in their own records. The presentation of the certificate from the director would eliminate this inconvenience and, of course, it would also reduce costs.

Section 11 is amended by adding a paragraph to subsection (5) which will provide that the courts shall order forfeiture of anything that has been used

MR. SIMMS:                    by its owner in relation to the transportation of big game that has been taken, killed or possessed illegally or contrary to the Wild Life Act or regulations. This amendment is considered to be quite appropriate and necessary in order to have consistency in the various Provincial Courts.



MR. SIMMS: In some cases the courts are currently ordering the forfeiture of items such as vehicles and snowmobiles, while other courts, of course, will not make such an order. So the amendment is considered important as a deterrent, as well, to would be violators, but that would mean, then, that many such individuals who might risk convictions and fines might not be so inclined if they risked the loss of their equipment.

And I guess the most significant amendment, Mr. Speaker, the third one, related to section 7 (a) of the act, which is the penalty section, is the one where penalties are imposed where big game animals have been taken contrary to the act or regulations.

At present the act provides that a first offender receive a fine of not less than \$500, and not more than \$1,000. The alternative under that system, the present system, is simply to sentence an offender to a jail term of not less than seven days. This present system, of course, is somewhat inconsistent. If a court so decides it is now possible to impose a seven day jail sentence with no fine whatsoever. If a fine is levied, however, a jail term of not less than three months must be given in default of payment.

So the proposed amendment with respect to the first offenders is as follows: in the future a fine of not less than \$1,000 and not more than \$5,000 will be given for anyone convicted of an offence related to big game. If a first offender is not fined at all, the alternative will be for the courts to impose a jail sentence of not less than one month, and not more than

MR. SIMMS:                    six months, and the courts will also, of course, have the option to impose both the fine and the imprisonment, thereby eliminating the inconsistency, Mr. Speaker, which now exists.

                                  With respect to a second offender, within two years of a previous conviction, the act now allows for a sentence of at least fourteen days in jail and a \$1,000 fine. In default of payment an additional fourteen days must be served, thus creating a minimum of twenty-eight days in jail. And here again, of course, there is an alternative; a court may simply impose a sentence of twenty-one days with no fine whatsoever and again we are faced with an inconsistency.

                                  So the proposed amendment, Mr. Speaker, will be fine a second offender, first of all, as a person who has committed a second offence within a five year period, as opposed to the present two year period, and when such an offender is convicted, a jail term of not less than one month and not more than six months, plus a fine of not less than \$3,000 and not more than \$10,000 would be imposed.

MR. SIMMS: Through these proposed amendments we will again eliminate any inconsistency with respect to second offenders.

That pretty well states what the amendments to the Wild Life Act will do in this particular bill, Bill No. 70. They will remove inconsistencies that are presently in existence and the increased penalties, as outlined, I hope are so important they will serve, we hope, as a deterrent to would be violators. I move second reading.

SOME HON. MEMBERS: Hear, hear!

MR. WARREN: Mr. Speaker.

MR. SPEAKER (Dr. McNicholas): The hon. the member for Torngat Mountains.

MR. WARREN: Mr. Speaker, we on this side do support the minister in bringing in these changes to the Wild Life Act.

I think, Mr. Speaker, we have seen in the past three or four years that people in this Province do not have any respect for the rules and regulations that have been handed down. And there is only one way for this government or for any society to beat this crowd of poachers, that is to bring in stiffer fines. And here we have a minister who has made more progress in his department since he became minister than has been made in any department in this government since I became a member in 1979.

However, Mr. Speaker, I only wish that our judges could understand and could follow other parts of our society. Here we have a person who kills a moose illegally, which he should not have done, and he is going to be fined a minimum of \$1,000, while another person will go down and hold up a gas station

MR. WARREN: and practically get off scot-free. There is something wrong with our system.

Mr. Speaker, it is not the minister's fault. The minister has done his duty by bringing in those stringent regulations; however, I think we have to look at the rest of our society, seeing it is so lackadaisical in this day and age with people holding up service stations and so on.

Mr. Speaker, I do not see here, and the minister has not clarified it - for a first offence it does say \$1,000 up to a

MR. G. WARREN:

maximum of \$5,000 and the second offence, set a jail term of six months or a fine of between \$3,000 and not more than \$10,000. I am just wondering if this would probably be the appropriate time to suggest to the minister that probably an amendment could be brought in here saying that an individual should not be issued a licence, should not be given the opportunity to receive a big game licence for at least the next five years. I am just wondering, Mr. Speaker - it is there now but it is up to the judges discretion, I believe at the present time, and I am just wondering if he is changing the act to bring in a stronger penalty in jail terms or dollar value. I would suggest to the minister, also, that even if it is there now for five years, why not bring it in for another five? Make it harder for them to obtain licences also. You know, if you are going to try to turn off the poacher, you have to take every angle possible. I mean, you are increasing the dollar value and you are increasing the jail term possibility but surely goodness we should also decrease his opportunities of receiving a licence. And the same thing applies to an impaired driver, Mr. Speaker. I think we are not severe enough with those people who break the law, and it makes it much more difficult for the rest of society to live in peace.

Mr. Speaker, I am

sure the minister is outside but I know he must be listening

AN HON. MEMBER:  
officials, that is all.

He is out talking to his

MR. WARREN:

Yes.

So, Mr. Speaker, although this

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MR. G. WARREN:                    does pretty well pertain to  
the moose and the caribou populations and the poaching of  
those two species, and it may not have any direct bearing  
on this bill,    I am just wondering if the minister would tell us -  
maybe it is under the federal regulations            the migratory  
birds, the ducks, the rabbits and the ptarmigan.

MR. WARREN: How about the illegal hunting or rabbits, the illegal hunting of the ptarmigan.

MR. SIMMS: That is a separate act altogether.

MR. WARREN: I know it is a separate act, but I just want to bring it up to the minister. I know it is a separate thing from this act altogether, but I think the minister should make those people aware also that he has the intention of bringing in similar fines and imprisonment, and similar stipulations for those people. Because we are only seeing a small -

MR. SIMMS: Should we increase fines?

MR. WARREN: By all means. By all means, If we are going to do it to people who are poaching the moose and the caribou, let us do it to the rabbit hunters and to the partridge hunters. Because this is happening in a much greater volume to them than it is happening to the moose and the caribou. We are talking about the moose and the caribou because they are so valuable a commodity, because it is such valuable meat.

But we do not hear about the rabbit hunter out in Trinity Bay who goes in and puts out 200 snares without a rabbit licence. We do not hear about that guy. As I said to the minister, it may not be relevant to this bill, but I think, and I will be only too glad to stand in the House and support any similar measures which apply to small game hunters as well as large game hunters.

And let us face another thing, Mr. Speaker. I have seen this just this past year when I tried, unsuccessfully, to get a moose, that there were moose hunters in the same area that I was in who were also snaring rabbits without a rabbit licence.

So you see, Mr. Speaker, there were moose hunters hunting moose, but at the same time they

MR. WARREN: had rabbit snares out, trying to catch some rabbits without a licence. And this is happening. A lot of the moose hunters -

MR. SIMMS: Without a rabbit licence.

MR. WARREN: That is right. So it is happening, that the moose hunter who has a licence to go down to Terra Nova to hunt a moose does not have a rabbit licence, but he brings back twenty-five or thirty rabbits with him.

What I am saying, Mr. Speaker, is what is sauce for the goose is sauce for the gander. Let us not pick on the moose and the caribou hunters, let us pick on all of them, let us give all of them the justice they deserve. And the justice any poacher deserves is the highest penalty possible. That is the justice, as far as I am concerned, and the same thing goes for an impaired driver or anything else.

AN HON. MEMBER: (Inaudible).

MR. NEARY: He spent more time in the woods, my son, than you spent in school.

MR. WARREN: So, Mr. Speaker, I suggest that the minister should look seriously at some of those clauses. I again commend the minister on bringing in those increased fines. I am sure that if the minister would seriously consider some of those other avenues that his department can approach in stopping the poachers - I think one of the causes, one of the problems with the poachers in this Province



MR. WARREN: the great chance, if you are lucky, to get meat at a cheap price. If you are not lucky and get caught, then you have to pay the consequences. But the reason they are doing it, and I hasten to say this, is that with the economy of our Province at this time, and there are people out there on the bays of Newfoundland and around the Coast of Labrador who are practically desperate in finding meat -

AN HON. MEMBER: This has nothing to do with the bill.

MR. NEARY: No, he is merely pointing out one of the causes, one of the reasons.

MR. WARREN: - and this is one of the clauses, that the people just cannot afford, cannot afford to go into the supermarkets and pay five and six dollars for a kilogram of meat - I think it is in kilograms now instead of pounds, is it not? So, Mr. Speaker, it is a desperate move on behalf of the poacher. But the poacher when he gets caught, even if he does not get caught, Mr. Speaker, I am sure some of those poachers when they go in the woods they must be very nervous about the whole ordeal and some of them do not give a hoot about whether they get caught or not. However, I believe the minister will hold to his guns - excuse the pun - on this bill in bringing in these increased fines. And take into consideration too, that if you are going to increase the fines, let us increase period in which he can qualify for a licence.

MR. SIMMS: Do you mean the point you mentioned earlier?

MR. WARREN: Yes. I think it is worth seriously considering.

Mr. Speaker, I do not think I have anything further to say on this bill. I think the

MR. WARREN:                   minister has made a progressive  
move and it is in the right direction. And I hope now that  
the minister has done his work, that the media of the  
Province will do their work and let it go out to the  
poachers, be aware that - you know, if one sorry person has  
to cough up \$1,000 or \$5,000, I have a feeling that once  
others know about that person it will not take too long

MR. WARREN:

before our poaching will be on the decrease, and with that probably we will have the opportunity of having the licences, the moose licences themselves, issued in more abundance to the people in the Province.

So, Mr. Speaker, I support the bill, but I would like to think the minister can go a little bit further in some instances.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (McNicholas): If the minister speaks now he closes debate.

MR. SIMMS: Mr. Speaker, I will just make a few final comments on it. I first of all want to thank the hon. member for Torngat Mountains (Mr. Warren) whom I have discussed this particular bill with on a number of occasions and I know that he is sincere in his support and I appreciate it.

He mentioned I think, at the conclusion of his remarks that we have to depend on the media and that is obviously true. We also, I would suggest, have to depend considerably on the general public who have been most helpful and co-operative in the past in reporting violations. Because we obviously do not have wildlife protection officers in every part of the Province, as much as we would like to. But I agree with him and I do hope, and I think they will, I think they gave it pretty good coverage when I announced initially the changes and amendments that we were going to make, and they were very supportive then and I think they will consider to be, at least I hope they will consider to be so.

I thank the hon. member for the support that he has offered here today.

MR. SIMMS: I will just mention in passing that the hon. member talked about the fines being assessed for those people convicted of big game violations, and then compared it to violations under the Criminal Code of Canada like robbery or whatever. Of course he would be aware that I have no jurisdiction in that regard. Perhaps the Criminal Code of Canada needs to be revised and updated. I am sure it does.

MR. NEARY: They are working on it.

MR. SIMMS: They are working on it now, the non-Leader of the Opposition (Mr. Neary) tells me.

With respect to the point that the hon. member for Torngat Mountains (Mr. Warren) made concerning not permitting a violator, or somebody who has been convicted from holding a big game licence for a lengthy period of time, that is

MR. SIMMS: already covered under the act as he suspected. The first offenders are not permitted to hold a big game licence for a period of five years. Second offenders are not permitted to hold a big game licence indefinitely. In other words, they probably will never get one again.

So I think that is fairly stringent, Perhaps it is one of the matters that has not been related publicly enough, and perhaps it is one of the matters that should be emphasized a little more that a person convicted of a big game violation, first offense, will not be permitted to hold a big game licence for five years, a second offender, it is indefinite, might never be able to -

MR. WARREN: (Inaudible).

MR. SIMMS: Well, perhaps so. In any event the point is that it is already covered under the present act. So I think there is a reasonable deterrent there at the present time.

This bill, of course, covers big game violations. The hon. member talked a lot about small game violations and that is an area which we are constantly reviewing. And I can assure you that I am not satisfied with everything we have now. My officials and I are continuously looking at and reviewing the acts covering small game as well as big game, and we will be looking at some of the suggestions that he made.

I guess, Mr. Speaker, that is about all I can say in closing the debate. That is about the only point that the hon. member raised. I hope that I have addressed it and covered it. I therefore move second reading of the bill.

SOME HON. MEMBERS: Hear, hear!

On motion, a bill, "An Act To Amend The Wildlife Act, (No.2)", read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 4).

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

COMMITTEE OF THE WHOLE

A bill, "An Act To Amend The Conflict  
Of Interest Act, 1973." (Bill No. 15)

MR. CHAIRMAN (MCNICHOLAS): Shall Clause 1 carry?

MR. MARSHALL: Clause 1 as amended, Mr. Chairman.

MR. CHAIRMAN: Clause 1 as amended.

MR. MARSHALL: Mr. Chairman, that is the amendment that I proposed. It was just carried yesterday. The amendment that the hon. Leader of the Opposition (Mr. Neary) proposed was defeated, so this is Clause (1) as amended.

On motion, Clause (1) as amended, carried.

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

MR. MARSHALL: Order 3 Bill No. 59

A bill, "An Act To Amend The Public Utilities Act." (Bill No. 59)

On motion, clauses (1) and (2) carried.

MR. CHAIRMAN (Dr. McNicholas): Shall Clause (3) carry?

MR. ROBERTS: Mr. Chairman.

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

MR. ROBERTS: The bill was debated, I think, when I was out of the Province and I am surely not going to debate it. But if I may, at least for the purposes of the debate go back to Clause (1) of the amending bill and not to debate it, I mean, what is, is, but could the minister - the Minister of Communications (Mr. Doyle) is not here. I assume the President of the Council (Mr. Marshall) who inherits the short stick on all these things will deal with it. These definitions are extremely broad and I wonder if the minister could tell us whether they are comparable to the definitions that have been adopted in other provinces? I know other provinces are moving to assert control over cable, and that is fair enough. There are those who say that is not constitutionally proper but the court will decide

MR. ROBERTS: that and there is no reason we should back off absent the court decision. Who knows what the court will say? But the definitions are very, very broad. I am told, for example, it would cover the police channels; it would cover far more than just cable television. My understanding of the Minister of Communication's (Mr. Doyle) remarks at second reading is that what the government are particularly concerned about are the cable channels and trying to bring these under a provincial regulatory regime. But these definitions here go well beyond that, and while I am not going to belabour the point, can the minister tell us, do these mirror or do these incorporate the definitions elsewhere or are they our own home grown, home brewed definitions? - in which case they are very, very broad. I gather now the minister has been given some information. Could he tell us?

MR. CHAIRMAN (Dr. McNicholas): The hon. the President of the Council.

MR. MARSHALL: Mr. Chairman, it is my understanding that these are the same definitions as were used in the other provincial acts, which were looked at when this bill was brought in. Because the hon. member knows, as he has already indicated, that the substance of this bill has really been challenged and subjected to a court case and consequently, we have used the same definitions for that purpose.

MR. ROBERTS: Mr. Chairman.

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

MR. ROBERTS: Thank you, Mr. Chairman. I will certainly let it stand at that. I mean, there is litigation, as I recall, in British Columbia. I am not



MR. ROBERTS:                   sure who is taking it to court or why, but there obviously is a constitutional issue, it has been raised, and presumably in due course, the Supreme Court of Canada will be asked to rule on it and will resolve the matter, and we will leave it at that.. But as long as these definitions are similar to those in other provinces, all we are saying is if we are wrong we are in good company when we are wrong, and if we are right then we are fine.

                                  I do understand correctly, do I, that it is the government's intention in asserting its regulatory authority as established by this bill, to deal only with the cable television? We are not reaching out into Answer Telephone or, you know, these paging devices and all that, rather, we are dealing with the -

MR. NEARY:                   Pay T.V.

MR. ROBERTS:                   My friend and colleague, the Opposition Leader says pay T.V. - the cable, the conveyance of signals by channels, by cable. Okay, we will leave it at that and see what happens.

MR. ROBERTS: Where are we now? On Clause 4, are we? I would like to have a word on Clause 4 when we come to it.

AN HON. MEMBER: (Inaudible)

MR. ROBERTS: I apparently have caused, which is often the case, confusion and chaos at the Table.

I think, Mr. Chairman, you have called Clauses 1 and 2 and they have been adopted. I was allowed to make some remarks on Clause 3 which may have stretched Clause 3 a little. If that has been adopted, I would just like to ask a question on section 4 of the bill.

MR. CHAIRMAN (Aylward): Shall Clause 4 carry?

MR. ROBERTS: Well, before it does could I simply ask the minister, Clause 3, which is the one giving the PU Board the authority to allow non-telephone company attachments and that is certainly an authority I hope they will exercise, that becomes law on assent. Clauses 1 and 2 will come into force when proclaimed by the Cabinet. And again that is not an unusual type of situation, a lot of our legislation is subject to that kind of enacting clause.

Could the minister tell us what is the ministry's intention? Do they intend to proclaim this only after the litigation is disposed of, assuming that the litigation upholds the provincial side as opposed to the federal side on this one or is it their intention to proclaim this into effect at some point, you know, a little down the road, possibly when some regulations are made? The minister, I think, grasped the gist of what I am saying and I am not arguing for or against, if the Province feels it has jurisdiction and wants to assert it I am all for it. But we are being asked to enact legislation and at the same time the Cabinet are being given a power to withhold it. What do they intend to do?

MR. CHAIRMAN (Aylward): The hon. President of the Council.

MR. MARSHALL: It is not for the court case, Mr. Chairman, even though we are aware of the court case. It is for the purpose, as the hon. gentleman indicated, of formulating amendments to the regulations and appropriate regulations. Now, I have said it is not for the court case but we will obviously, beforehand, become apprised of the stage of, you know, how far away it is from final determination as to jurisdiction, and if we can estimate it is only a matter of a month or two we may wait then. But the primary concern is for the regulations.

MR. ROBERTS: I thank the minister and I will not embarrass him by asking him what regulations are going to be amended. I am hard put to think of any -

MR. MARSHALL: (Inaudible) making regulations.

MR. ROBERTS: - okay.

MR. MARSHALL: (Inaudible)

MR. ROBERTS: There certainly are, as far as I am aware, no regulations which bear upon it now. In fact, on the Public Utilities Act I am not sure what regulations the Province makes; the PU Board perhaps with Cabinet's assent, makes its regulations, needless to say, for its own governance.

MR. MARSHALL: (Inaudible) set up,

MR. ROBERTS: Okay, that is fair enough.

Can I ask one other question then?

MR. ROBERTS: Do we intend to intervene, to ask leave of the British Columbia courts to become a party to the litigation? It may have come up in other provinces and it conceivably could come up here. Do we intend to refer to this? Do we intend to seek a jurisprudential adjudication of this constitutional issue or are we going to be bound by what is decided in courts in other provinces? Well, obviously we will be bound by the Supreme Court of Canada.

MR. MARSHALL: It has not been decided fully yet, Mr. Chairman, but I would imagine that we will be, After we are apprised of the exact status of the ongoing court case, we would certainly, I think, intervene, certainly when it gets to the stage of the Supreme Court of Canada.

MR. CHAIRMAN (MCNICHOLAS): The hon. member for the Strait of Belle Isle.

MR. ROBERTS: Thank you, Sir. Is any consideration being given to a reference directly to our Court, our Court of Appeal, it is not our court, the Court of Appeal in this Province, our Newfoundland court? That would at least bring it in at an appellate level and then an appeal from there could be taken directly to the Supreme Court of Canada. Is the minister knows appeals on references are automatic and not necessarily by leave.

I suggest that simply because obviously the matter is going to be adjudicated. The quicker it is settled the better because all concerned can go that way. Is any consideration being given to a direct reference to the Newfoundland Appellate Court?

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

MR. MARSHALL: We are assessing that, Mr. Chairman. As the hon. member is aware there is a real benefit of referring it not to our court but to the highest court in the Province, because then the Supreme Court of Canada can have the benefit of the reasoned, considered opinion that will be given by the

MR. MARSHALL: judges of the Appellate Division of the Supreme Court in Newfoundland in making their final decision. And in this particular case I would feel that the Supreme Court of Canada would wait until a reasoned, considered decision will be made before they will hear the matter, emanating from our particular court and not take jurisdiction in an unprecedented manner, except in one other case, and set the matter down for trial.

On motion, clause 4 carried.

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

A bill, "An Act To Amend The Development Areas (Land) Act." (Bill No. 11)

On motion, clauses 1 and 2

carried.

MR. CHAIRMAN (McNicholas): Shall clause 3 carry?

MR. E. ROBERTS: Mr. Chairman.

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

MR. ROBERTS: Just a moment, it is clause 2 I wanted. It was clause 3 of the old act. Let me just ask a question: Why -

AN HON. MEMBER: This is not the time for discussing principle.

MR. ROBERTS: It is not one of principle, it is one of detail and this is the proper place for it.

Clause 2 repealed. Section 3

of the present act and substituted 2 - it did not substitute anything for it, it just repealed Section 3. Clause 3 repealed Section 4 and replaces it with a new subsection 1 of Section 4. Can the minister tell us why? I mean, it seems to be no different, there is no substantive difference between the present subsection 4 (1) and the new subsection 4 (1) that we are putting in.

MR. WM. MARSHALL: Have you got the section, because I do not have the old section.

MR. ROBERTS: Well, the Law Clerk may have it, and if not perhaps could get it. Maybe we could just let that stand. I mean, it is unusual.

MR. MARSHALL: The explanatory note says that it is there to allow for greater flexibility and I think that the Law Clerk will get the section.

MR. ROBERTS: Yes. Let us get the Clerk to get it.

MR. MARSHALL: Let us look at it now. He will

MR. WM. MARSHALL:

be here in a minute.

MR. E. ROBERTS:

All right. Let us wait then.

I am prepared to wait. We are not being paid by the hour in here, unfortunately for the people of the Province.

Do you want to go on to strike out clause 5 and come back to it?

MR. MARSHALL:

Wait now. He will be here in a minute.

MR. ROBERTS:

All right. There he is.

MR. MARSHALL:

We will see how it reads now.

Very rarely are amendments brought in by this government miniscule, but I think probably in this case it probably is miniscule because -

MR. ROBERTS:

That is why I asked. It is

even more miniscule.

MR. MARSHALL:

- 4 (1) says, 'When the Lieutenant Governor in Council deems it desirable' -

MR. ROBERTS:

Word for word the same so far.

MR. MARSHALL:

Yes, okay - 'he may by order' -

MR. ROBERTS:

So far.

MR. MARSHALL:

- 'establish any area in the

Province by the name of the development area of 'blank' and the area shall be defined in the order.'

MR. ROBERTS:

So, all we are doing is changing the requirement that the development area be identified as the development area of Middle Bite and son on.

MR. MARSHALL:

Yes. That is right. That is all.

MR. ROBERTS:

Boy, given the economic problems, we are really coming to grips with the issues.

MR. MARSHALL:

Well, we have to meet everything, you know.

MR. ROBERTS:

Yes. The law prohibits the rich

MR. E. ROBERTS: and poor alike from sleeping  
under the bridges of Paris.

On motion, clauses 2 through 4  
carried.

MR. CHAIRMAN (McNicholas): Shall clause 5 carry?

MR. WM. MARSHALL: Mr. Chairman, I move that clause  
5 of the bill be struck out. I might say that this is  
moved after consideration of the debate that occurred during  
second reading, which once again indicates how amenable



MR. MARSHALL:

this government is to a suggestion no matter from what quarter it comes. Once again I cannot say it is an innovation that this type of thing would occur because it has happened so many times in the past ten years. But if we went back further beyond that it would be a real happening that would have screaming headlines in the paper that there had been any deference to the Opposition.

Now the reason for it is, as was pointed out in the debate on second reading, that the way we want to leave it now is that the transaction would be voidable, it would be up to the court to decide as to whether or not the transaction would be voidable, rather than to use the present wording there that would make it void absolutely anyway without the possibility of anyone having recourse to court and getting a hearing.

So I propose that amendment, Mr. Chairman, and I express the thanks of government to the Opposition, for drawing this to our attention. It is not the type of amendment, that is in its original form, that this government would normally entertain.

MRS CHAIRMAN (Dr. McNicholas): The hon. member for the Strait of Belle Isle.

MR. ROBERTS: Mr. Chairman, first of all, for those on this side I wish to acknowledge the government's gesture, action in moving this amendment and I thank them because, of course, without their willingness to move the amendment it would not - it could have been moved, we were prepared to move it on this side, but it would not have been accepted.

MR. ROBERTS: I listened with interest to the hon. gentleman's pratings and preenings. I will simply say, and I say to him, that I am prepared to wager my sessional indemnity against his. He is carrying on the practice of law, as well as drawing a ministerial salary, as well as drawing a sessional indemnity. I am carrying on the practice of law and drawing a sessional indemnity, but I am prepared to wager mine against his with the stakes to go to charity, I do not mean the Minister of Finance (Dr. Collins), I mean charity that this is the first amendment of any substance that this government have accepted during any period when the hon. gentleman has been in the Cabinet. Now I am not going to speak of periods for which he is not responsible.

This is a good amendment. This clause, the clause which we are striking out, ought never to have seen the light of day. It is a Draconian measure and ought not to have been allowed. I am glad the government and going to take it aside.

If some person in a development area does something by way of dealing with land that is not proper, then the proper and appropriate place to deal with it are the courts. The power has been vested

MR. ROBERTS: in the courts for ten or twelve years. I do not think it has ever been used; I do not think the courts have ever been asked to declare a transaction void, but the fact remains it is there. If it is needed it can be used and it should be used.

So I will once again simply repeat that the hon. gentleman is - well, I guess there is a polite way to put it, the hon. gentleman's memory is failing him when he says that there has never been an amendment or there has never been more amendments accepted or whatever he said, during his time. Now, I will simply say that this is the first such amendment of substance that has been accepted during his tenure of the House leadership, no matter how eloquent the arguments, and I am prepared to wager my sessional indemnity against his with the stakes to go to charity.

MR. BAIRD: Are you using the House for betting?

MR. ROBERTS: I think it is perfectly proper and if the hon. gentleman from Humber West (Mr. Baird) wants to put his sessional indemnity on the line, I am prepared to take him on too. I am not sure what charity it should go to. For the gentleman from Humber West, perhaps it should go to the handicapped children charity, but I am prepared to have it go to any charity.

MR. BAIRD: My choice.

MR. ROBERTS: Well; that is what I suggest, the hon. gentleman's choice, yes, keeping it close to home. Okay, let us put it to that.

The government have done the right thing to accept the amendment but let us not get carried away in thinking that they have done it very

MR. ROBERTS: often, this is the first time they have done it in all the years they have been here.

A bill, "An Act To Amend The Development Areas (Lands) Act," (Bill No. 11).

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

MR. MARSHALL: Order 5, Bill No. 42.

"A bill, "An Act To Amend The Urban And Rural Planning Act." (Bill No. 42).

On motion clauses (1) through  
(32), carried.

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

MR. MARSHALL: Order 6, Bill No. 19.

A bill, "An Act To Amend  
The Provincial Court Act, 1974". (Bill No. 19)

On motion clause (1), carried.

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

MR. MARSHALL: Order 7, Bill No. 41.

A bill, "An Act To Amend The Law  
Society Act, 1977". (Bill No. 41)

On motion clauses (1) through  
(4), carried.

MR. ROBERTS: Did the minister find out why  
we are saying actively and not acutally?

MR. OTTENHEIMER: I did ask and I got an answer  
but to be perfectly frank I did not understand it. I think  
it is for linguistic conformity.

MR. ROBERTS: Whatever that may be. Talk about  
the blind leading the blind.

On motion clauses (5) and (6),  
carried.

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

MR. MARSHALL: Order 8, Bill No. 34.

A bill, "An Act To Amend The Jury Act".

(Bill No. 34)

On motion, clause 1, by leave, carried.

MR. ROBERTS: As a matter of interest, let me ask one of the ministers why on our bills, since we are grinding through this -

MR. CHAIRMAN (MCNICHOLAS): The hon. member for the -

MR. ROBERTS: Strait of Belle Isle, Mr. Chairman.

MR. CHAIRMAN: - Strait of Belle Isle.

MR. ROBERTS: - this crucial legislation that people out in Northeast Crouse are having a meeting tonight to welcome, a public meeting, why is it that on our bills we have a space to allow for second reading and a space to allow for third reading. And those of us in the House who wish to annotate our bills - for example, the gentleman for Bonavista North (Mr. Cross), I have no doubt, annotates his bills and well he should - why is it there is no space to annotate when Committee stage is taken? I notice the law clerk having a consultation with the Minister of Justice (Mr. Ottenheimer). Perhaps two such minds can give us a simple answer. But it is a good question.

MR. MARSHALL: It is one of the things,

I just tell the hon. gentlemen, this is one of the shameful things in our further past that we have carried on with. We have carried on the same procedures before and we have not changed it. So perhaps we should really change it because there should be Committee there to be able to note - it has to pass Committee - so perhaps we can do that.

MR. ROBERTS: I thank the hon. gentleman. There is much that is shameful in his past and I am glad that he is prepared to correct some but -

MR. NEARY: And his present,

MR. ROBERTS: and that is not to mention his future. But it is perhaps typical of the way things are done, that one simply carries on. We should be just grateful at some point in time somebody once ordered bills to be printed or no doubt the government would want legislation to go through without the formality of that. But anyway we will look forward to this cataclysmic reform which is comparable, I would suggest to your, Mr. Chairman, to all the other reforms this government have brought in. And this is one more now that Order Papers are going to be amended to provide a space for members, including my friend from Bonavista North (Mr. Cross), to annotate and we will have a set of bills to announce that the Committee stage of a bill has been taken.

MR. NEARY: The hon. gentleman for St. Barbe (Mr. Osmond) will be in on that.

MR. ROBERTS: Oh, the gentleman for St. Barbe, yes, he does it now. He writes it in without a space. I think that is another great reform to the credit of the Peckford Administration, Sir.

MR. MARSHALL: It will be brought in in the next session.

MR. ROBERTS: Oh, it is worth at least a session.

MR. MARSHALL: We will not do it until the next session.

MR. ROBERTS: Oh, we will not do it until the next session.

MR. NEARY: It will take them a year or two to get around to it.

MR. ROBERTS: Yes, and then they will need an ADM to look after it.

On motion, clause (2) through (4) carried.  
Motion, that the Committee report having passed the bill without amendment, carried.

MR. MARSHALL: Order 9 Bill No. 39.

A bill, "An Act To Amend The Parliamentary Commissioner (Ombudsman) Act." (Bill No. 39)

On motion, clauses (1) through (3), carried.

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

MR. MARSHALL: Order 10 Bill No. 40.

A bill, "An Act To Amend The Automobile Insurance Act And The Highway Traffic Act To Increase The Minimum Liability Under Motor Vehicle Liability Policies." (Bill No. 40).

On motion, clauses (1) through (8), carried.

MR. MARSHALL: Mr. Chairman, there is an amendment to Clause (9). I move that Subsection 2 of Clause (9) be amended by striking out the words, "Until the policy expires or is cancelled or renewed." The purpose of the amendment is to delete unnecessary words and these words are redundant so we want them taken out.

MR. ROBERTS: Mr. Chairman.

MR. CHAIRMAN (McNicholas): The hon. member for the Strait of Belle Isle.

MR. ROBERTS: I simply say I welcome the government's policy and on that basis they can delete almost all the legislation they have passed at this session.

On motion, amendment carried.

On motion, clause as amended carried.



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

A bill, "An Act To Amend The  
Judicature Act." (Bill No. 60)

MR. CHAIRMAN (Aylward): Shall Clause (1) carry?

MR. ROBERTS: Mr. Chairman, this is the only

MR. ROBERTS:

clause of the bill, I would like to move an amendment that the word 'seven' where it appears be struck and replaced with 'eight', and the word 'six' which appears in sub-clause (b) be struck and be replaced with 'seven'. That is one amendment even though there are two words being changed. Obviously there is nothing tricky about it. These are not just minor words, This would increase the number of positions on the Trial Division of the Supreme Court from six to eight instead of six to seven. So I would move the amendment, Sir.

MR. OTTENHEIMER:

Mr. Chairman.

MR. CHAIRMAN:

The hon. Minister of Justice.

MR. OTTENHEIMER:

As the hon. gentleman is aware, there was a difference of opinion between the Opposition and the government on this matter when we debated it during second reading, and the government continues to be of the opinion that an increase of the Trial Division of the Supreme Court to seven at this time is sufficient, with merger being planned for this Fall and, of course, the total compliment then would be sixteen. Obviously it is a matter which the department and government will keep under review but we are not able to support the hon. gentleman's amendment.

MR. ROBERTS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. member for the Strait of Belle Isle.

MR. ROBERTS:

So much for the new look that the President of the Council (Mr. Marshall) spoke of. I am not going to flog a dead horse and I am not even going to attempt to flog the ministry. I wonder if the minister could tell us whether he or - I am sorry, the hon. gentleman

MR. ROBERTS: from Stephenville (Mr. Stagg) has once again returned.

MR. STAGG: I was speaking to the Minister of Culture, Recreation and Youth (Mr. Simms).

MR. ROBERTS: Oh, I see. Well, speaking to the Minister of Culture, Recreation and Youth is cultural recreational and youthful and can even be a pleasure on occasions as I can testify.

MR. NEARY: Let us hope some of the culture rubs off on the hon. member for Stephenville.

MR. ROBERTS: Yes, if ever there was a gentleman who needed culture it is my friend from Stephenville, so I would commend it to him.

Mr. Chairman -

MR. STAGG: (Inaudible) on that hon. member.

MR. ROBERTS: Now here they come. Look, Mr. Chairman, we are doing perfectly well here legislating and he wanders in from wherever he has been, off assisting in a parliamentary way - who is he assistant to?

MR. NEARY: No answer. He does not do anything anyway.

MR. STAGG: Development.

MR. ROBERTS: From assisting in a parliamentary way the development of this Province. And the development of this

MR. ROBERTS:

Province, Sir, speaks for itself. Since the hon. member for Stephenville (Mr. Stagg) became involved in development, why, we have had development wherever we looked. Development to the front of us, development to the left of us, development to the right, development to the back, development up and down.

MR. STAGG: Unusual as it is of you, please be kind.

MR. ROBERTS: Well now, Mr. Speaker, I believe in being kind to dumb animals, and I suppose on that ground I should leave the gentleman alone.

MR. STAGG: The hon. gentleman -

MR. ROBERTS: Let me say to my friend from Stephenville, if he wants to get in the Cabinet, if he wants to meet his great aim, if he wants to rise to the eminence occupied by the Minister of Recreation, Culture and Youth (Mr. Simms), let alone that occupied by the Minister of Transportation (Mr. Dawe) - and I am not mentioning the Minister of Labour (Mr. Dinn), or whatever he is these days - he had best possess his soul in patience. He has got a foot in the door, Sir, but it is only a toe hold.

MR. STAGG: I have not got to hand out the cigars like you.

MR. ROBERTS: He has not got to what? He has not got what? If there is a handout he has not got. I think we should know about it.

MR. STAGG: Imagine handing out cigars -

MR. ROBERTS: What is this?

MR. STAGG: I understand the hon. gentleman made a profession of handing out cigars at the former, former Premier's cocktail parties.

MR. ROBERTS: I think the hon. gentleman has had too many cocktails. I have not smoked in twenty years nor have I handed out cigars for any reason at all. But if he really wants a cigarette I will speak to one of my colleagues who does indulge. There! The Minister of Transportation (Mr. Dawe) has a cigar left from somewhere which he is offering to the gentleman.

MR. DAWE: No, it is empty.

MR. ROBERTS: It is empty? So is the minister.

Now, Mr. Chairman, let me ask the Minister of Justice (Mr. Ottenheimer), who is patiently waiting and I know will answer, was there any consultation with the judges of the Supreme Court? I think this is a proper question. Was there any consultation with the judges of the Supreme Court, presumably with the Chief Justice, either Chief Justice Mifflin or Chief Justice Hickman - I am not sure, you know, with whom relations are had on this matters - was there any consultation with them before bringing in this bill? I will leave it at that. I will not ask, because I do not think it is proper to ask, assuming there was consultation, what the advise and reaction of the judges was. But can he assure the House that there was consultation?

MR. CHAIRMAN (MCNICHOLAS): The hon. Minister of Justice.

MR. OTTENHEIMER: Well, Mr. Chairman, certainly there was consultation, discussion.

MR. ROBERTS: Remember, Hansard is recording these words now.

MR. OTTENHEIMER: This will not come as a surprise to the judge with whom the discussion was held. He may not concur.

MR. ROBERTS: No, I did not ask that.

MR. OTTENHEIMER: No.

MR. ROBERTS: It was one of the Chief Justices, was it? Can I ask that?

MR. OTTENHEIMER: Yes.

MR. ROBERTS: It is proper to ask which Chief Justice?

MR. OTTENHEIMER: Yes, of the Trial Division.

MR. ROBERTS: Chief Justice Hickman.

MR. OTTENHEIMER: Yes, Because obviously this pertains to the Trial Division.

MR. ROBERTS: It affects his Division, sure.

MR. OTTENHEIMER: So, there certainly was discussion. I do not think, I am sure that the course that the government is taking will not come as a surprise.

MR. ROBERTS: I will leave it at that.

MR. OTTENHEIMER: I do not think it is any secret.

MR. NEARY: Now the big question is who is going to get the job?

MR. ROBERTS: All shut down from here to Cape Chidley.

MR. NEARY: The law business is so bad downtown you will have no trouble now to get somebody now to go to Labrador.

MR. ROBERTS: There is a tradition in England that the Attorney General is entitled to a seat on the bench. Are we to expect great things from the Justice Minister?

MR. OTTENHEIMER: Well, my predecessor was.

MR. ROBERTS: As President Kennedy said of Bobby Kennedy when he made his brother Attorney General, 'Why should I not make him Attorney General and give him a chance to get some experience before he goes into practice?'

MR. CHAIRMAN (MCNICHOLAS): Shall the amendment carry?

Those in favour "Aye", contrary "Nay". The amendment is defeated.

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

MR. OTTENHEIMER: Order 12, Bill No. 17.

A Bill, "An Act To Amend The Contributory Negligence Act, The Married Women's Property Act And The Automobile Insurance Act". (Bill No. 17).

MR. ROBERTS: Do you have an amendment?  
What are you doing?

MR. MARSHALL: There is an amendment, Mr. Chairman. I am sorry. I have to apologize. I had an interview with the press and, as the hon. gentleman knows, I never lose an opportunity to talk about the Opposition. This is an amendment, Mr. Chairman. It is a minor amendment. Clause 4 of the bill

MR. MARSHALL: is amended by striking out the words, 'Subparagraph (i) of Paragraph (b) - that is a small b-of section 16'and by substituting there the words, 'Paragraph (b) of section 16'.



MR. MARSHALL: The reason is there were no subparagraphs in it. The drafter had thought there was going to be a subparagraph to follow. This is a momentous amendment, Mr. Chairman.

MR. ROBERTS: This tells us something about the way the government handles legislation.

MR. MARSHALL: No, this is the way we catch our things before it is too late. Otherwise it would be next year and a momentous bill to amend anomalies in the Statute laws would have to be brought in by the Minister of Justice (Mr. Ottenheimer).

MR. OTTENHEIMER: Are you sure there will not be anyway?

MR. MARSHALL: This is to pull the Minister of Justice's chestnuts out of the fire. That is why I am doing this.

MR. ROBERTS: Mr. Chairman, in the face of that eloquent appeal from the heart what can we do on this side except say that we too believe in pulling the Justice Minister's chestnuts out of the fire. Because it is late in the afternoon, and filled with the spirit of the approaching Christmas season, we will not talk about some of the other chestnuts in the fire. But I would simply say that we on this side and the people of Newfoundland welcome the minister's decision to pull chestnuts out of the fire and over the next few months we will give him several chestnuts that are being well roasted and need to be pulled out.

On motion, clause 1 through 3,  
carried.

On motion, clause 4 as amended  
carried.

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

MR. MARSHALL: Order 13, Bill No. 16.

A bill, "An Act To Amend The  
Conveyancing Act." (Bill No. 16)

On motion, clauses (1) through (3) carried.

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

MR. MARSHALL:

Order 14, Bill No. 14.

This is the Opposition's bill, Mr. Chairman.

A bill, "An Act To Amend The Prisons Act." (Bill No. 14).

On motion, clause (1) carried.

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

MR. MARSHALL:

Order 15, Bill No. 3.

A bill, "An Act To Amend The United Church Of Canada Act." (Bill No. 3).

On motion, clause (1) through (3), carried.

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

A bill, "An Act To Amend The Wild Life Act." (Bill No. 4)

On motion, clause (1) carried.

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

A bill, "An Act To Amend The Gender Development Corporation Act, 1975." (Bill No. 5)

On motion, clause (1) carried.

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

A bill, "An Act To Amend The Department Of Labour And Manpower Act." (Bill No. 20)

On motion, clause (1) through (5), carried.

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

A bill, "An Act To Amend The Livestock (Community Sales) Act." (Bill No. 30)

On motion, clause (1) carried.

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

A bill, "An Act To Repeal The Fur Farms Act." (Bill No. 31)

On motion, clause (1) carried.

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

A bill, "An Act To Amend The Newfoundland Geographical Names Board Act, 1974." (Bill No. 12)

On motion, clause (1) carried.

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

A bill, "An Act To Amend The Bay St. George Community College Act." (Bill No. 8)

On motion, clause (1) and (2), carried.

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

A bill, "An Act To Repeal The Newfoundland Fisheries Development Authority Act." (Bill No. 10)

On motion, clause (1) carried.

MR. CHAIRMAN (McNicholas): Shall Clause (2) carry?

MR. MARSHALL: Mr. Chairman, there is an amendment to clause (2) which would stake out reference merely to the Newfoundland Fisheries Development Authority in section 2 (b) (2) of the Expropriation Act. The reference was overlooked when the bill was prepared. I move that subclause (2) of clause 2 of this bill be struck out and the following substituted: 'The Expropriation Act is amended (a) by repealing subparagraph (3) of paragraph (b) of section (2); and (b) in paragraph (d) of section (3) by striking out the words, "The Newfoundland Fisheries Development Authority Act or ."

On motion, amendment carried.

On motion, clause (2) as amended, carried.

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

A bill, "An Act To Promote Public Safety In The Transportation Of Dangerous Goods." (Bill No. 61)

On motion, clause (1) through (5) carried.

MR. MARSHALL: Mr. Chairman, with the consent of the Opposition, I would move that clauses (6) to (25) inclusive carry.

MR. CHAIRMAN (MCNICHOLAS): The hon. Leader of the Opposition.

MR. NEARY: We, Mr. Chairman, approve of that.

On motion, clauses (6) through (25), by leave, carried.

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

A bill, "An Act To Amend The Wild Life Act (No. 2)." (Bill No. 70)

On motion, clauses (1) through (3) carried.

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

On motion that the Committee rise, report progress and ask leave to sit again, Mr. Speaker returned to the Chair.

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

MR. MCNICHOLAS: Mr. Speaker, the Committee of the Whole has considered the matters to them referred and have directed me to report bills No. 59, 42, 19, 41, 34, 39, 60, 16, 14, 3, 4, 5, 20, 30, 31, 12, 8, 61 and 70 without amendment; and bills no. 15, 11, 40, 17 and 10 with amendment and ask leave to sit again.

On motion, amendments read a first and second time.

On motion, report received and adopted, bills ordered read a third time on tomorrow, Committee ordered to sit again on tomorrow.

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

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