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PRELIMINARY  
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TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
3:00 P.M. - 6:00 P.M.  
MONDAY, NOVEMBER 7, 1983

The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Russell): Order, please!

ORAL QUESTIONS

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

MR. NEARY: Mr. Speaker, first of all I would like to welcome members back after the Summer recess. I hope to see a number of proposals and plans and recommendations go on the table of the House in connection with the terrible state of the Newfoundland economy.

Mr. Speaker, I will start out by asking the hon. Premier a question. Because of the policy of his administration of keeping everything secret and sitting on information, I am wondering if he would tell the House, and indeed tell the people of this Province if there are any more unexpected disasters or gloomy news concerning our major industries that we can expect in the days and weeks ahead?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I am pleased to welcome the members of the Opposition here for this sitting as well. As most hon. members know it is only since this administration took office that we have had a Fall sitting. This is not something that has been going on for years and years and decades and decades. There was a time when the hon. Leader of the Opposition (Mr. Neary) was in government when they tried to get out of the House of Assembly as quick as they could in the Spring and did not have a Fall session. The Fall session has only become a part of the whole legislative process since this administration took office, Mr. Speaker. So that makes my response to the

PREMIER PECKFORD:

Leader of the Opposition (Mr.

Neary) all the more positive and favourable. I am very, very pleased to see the Leader of the Opposition here and the other members of the Opposition. Contrary to the time when they did form the Government of Newfoundland, this administration is committed to having the House open more and more often than they would like to have it open if they had been in government. That is number one, Mr. Speaker.

On the other point of the foolish, silly little question that he asked, obviously if we all knew the answer to that question we would be in Heaven. We would have it made if we knew whether something was going to be a success three years from now or three months from now or four years from now or two years from now or not. That kind of a foolish and silly question I do not think is becoming of the Leader of the Opposition. If the Leader of the Opposition has a specific question on a matter of public importance to the Province, well then I think the Leader of the Opposition should ask it, but not to request the Premier of the Province to look into a crystal ball and try to guess the economic situation.

Others far more qualified than I have tried to do that over the last few years, Mr. Speaker, and almost without exception they have been off in their forecasts. So I do not think it behooves me at all to try to make some kind of definitive statement as it relates to whether in fact this industry or that industry is going to be in this or that shape three or four months from now. And obviously the Leader of the Opposition knows that only too well, or if he did not he knows now.

MR. NEARY:

Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I have a supplementary for the hon. gentleman. Mr. Speaker, it is one thing to have a Fall session, then there is another thing to make it productive and not just come in here and waste away the time of the House. And with the answer that we just got from the hon. gentleman, it would seem that I got to him in the first twenty seconds the House was meeting, since we reconvened today.

MR. CALLAN: We used to have Fall sessions.

MR. NEARY: I might say for the benefit of the hon. gentleman that we did have Fall sessions.

Now, Mr. Speaker, the question I put to the hon. gentleman was this; because his administration and he himself sits on information about meetings they hold with Companies that are involved in our major industries, I ask the hon. gentleman is he now sitting on any information involving any more shut-downs concerning our major industries in this Province.

Could the hon. gentleman tell us that? I am not asking him to look into a crystal ball, I am merely asking him to level with the people of this Province and tell this House, and indeed the people of Newfoundland and Labrador, if he is sitting on any other information. Bowater employees would not think the question was silly, or the people who work for IOC, or the people in the fishing industry would not think it is silly. So I am asking the hon. gentleman to come up front and tell us if he is sitting on any information that the people of this Province should have.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I will look into the statement made by the Leader of the Opposition that there used to be Fall sittings on a regular basis years ago and we will see in the next twenty-four hours just how many Fall sessions there used to be, because from my information there have been very few, if any, and no regular ones. But the Leader



PREMIER PECKFORD: of the Opposition (Mr. Neary) said Fall sessions of the House and I do not think there used to be any. So that is the story.

Now the other thing is the Leader of the Opposition says, you know, he wants a productive session and his opinion is that this is not going to be a productive session. Now, you know, I have just got to say to the Leader of the Opposition I have a list of legislation here, and I do not know if the Leader of the Opposition realizes it or not, he is in the House long enough to realize, that one of our obligations on behalf of the people who have elected us is to pass various laws, to introduce legislation which will govern the way we operate here in the Province. As I understand it, the Select Committee on Elections and Election Financing and so on is going to report within the next couple of weeks. That is a pretty big piece of legislation, a new election act, and along with that the public financing and accountability of political parties in this Province, which we have not had yet. To me that is a piece of reform legislation and I think for that reason alone the House of Assembly should be open.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: So, you know, that seems to be very important. I think the Minister of Health (Mr. House) today is going to introduce

PREMIER PECKFORD: the new Dental Act for Province. Now that is important. All the Leader of the Opposition (Mr. Neary) might want to talk about is resource development so on. This administration over here, Mr. Speaker, want to talk about those things, but we also want to talk about health and social services and things that affect people, you know, social issues of the day. So I think the Dental Act is very important for a lot of people in this Province. We have legislation coming up on education, legislation coming up on housing and a lot on the Student Financial Assistance Act. For example, the Institute of Fisheries and Marine Technology Act, that seems to me to be important. Education and teacher training, Environmental Assessment Act. The Pensions' Benefits Act is going to be one of the big new pieces of legislation this session. That is important. There are a lot of people in this Province who work with organizations or industry outside of government and have very little protection and I think they are looking to the government and to this legislature to provide it. So there is a whole range of legislation that is going to be introduced here, Mr. Speaker, which I think is extremely important. Talking about information, as I understand it, it was this legislature here, led by this administration, which instituted a Freedom of Information Act long before the federal government did. So we took the lead ahead of the federal Liberal government in introducing this kind of legislation. So I can just say to the Leader of the Opposition I am not near as pessimistic about what this session is going to accomplish as the Leader of the Opposition. He would love for it to fail, but I can tell the Leader of the Opposition this session will not fail,

PREMIER PECKFORD: notwithstanding his negative attitude towards the legislature, which he is supposed to be a member of and is supposed to laud and see it as a way through which, when he gets his salary, he can defend it in the eyes of the rest of the people in Newfoundland.

SOME HON. MEMBERS: Hear, hear!

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

MR. NEARY: A supplementary, Mr. Speaker. That was the most weak and feeble attempt that I have heard from the hon. gentleman. And here we are only a few minutes back in session when the hon. gentleman tells us that they have no plans to deal with the economy, we are just barely going to have things like dental legislation. That will put a lot of bread on the tables of the people who are struggling in this Province, Mr. Speaker. Most of it will be legislation of a housekeeping nature.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: Oh, he is back.

MR. MARSHALL: A point of order.

MR. SPEAKER: The President of the Council on a point of order.

MR. MARSHALL: The hon. gentleman is picking up, Mr. Speaker, where he left off two decades ago.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Mr. Speaker, the hon. gentleman is obviously out of order. He is making a speech. This is the Question Period. It has been five or six months since we sat and surely he has some questions to ask.

MR. SIMMS: A good point of order.

MR. SPEAKER: Order, please. I rule that it is not a point of order but merely a difference of

MR. SPEAKER (Russell):

opinion between two hon.

members.

MR. NEARY:

The hon. gentleman, of

course, late arriving as usual, comes to the rescue of the Premier, who is digging the hole deeper for himself.

Now, Mr. Speaker, let me ask the hon. gentleman a supplementary. Will the Premier tell the House and indeed the people of this Province if his administration have any new initiatives - and I underline the word 'new' - do not attack the Government of Canada or do not try to blame anybody else - does the hon. gentleman's administration have any new initiatives to help the people of this Province

MR. NEARY:

who are unemployed and people who are economically marooned as a result of the terrible state of the Newfoundland and Labrador economy resulting from lack of planning and lack of action on the part of his administration?

PREMIER PECKFORD: Well, Mr. Speaker, I find the Leader of the Opposition's (Mr. Neary) question out of touch and out of tune with what is going on in the economy. There were some people in St. John's just recently talking about planning and management. "The investment experts praise Newfoundland Government management" was the headline in the paper.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: That sounds to me like pretty good stuff! They went on to indicate that the people of the Province should be aware that Newfoundland is managing its affairs, in their opinion - that is completely outside, objective, neutral opinion by a national group - that the Government of Newfoundland is doing a pretty good job in managing its affairs. So I would direct the Leader of the Opposition's attention to some objective analyses done by people outside of government.

Now, believe it or not, Mr. Speaker, whilst our unemployment rate is too high - it is very much too high and we all know about that, significantly higher than what we find in other provinces, and we have been trying to change it - it has, from October, 1982 to October, 1983, gone down. You know, Mr. Speaker, in the midst of a lot of our economic problems it has actually gone down. So whilst, obviously, we have to get through the Winter and next Spring, we are trending in the right direction.

PREMIER PECKFORD: Just over the weekend, the Conference Board of Canada, another fairly reputable group of people, came out with some prognoses, some predictions about the economy, saying that it would grow this year, would be in the positive, and we had indicated that it would be even. Our economic growth rate for 1984 is supposed to increase by somewhere over 4 per cent, according to the Conference Board of Canada, and that is better than New Brunswick, which is only supposed to grow by 3.4 per cent in 1984. The rate of growth for Nova Scotia, where the Leader of the Opposition (Mr. Neary) wants to see all the activity go from offshore, this Province of Nova Scotia where -

MR. NEARY: That is not true.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: - all the Liberals in Newfoundland, Mr. Speaker, want to move to. Of course, most of them are now in Nova Scotia because it is pretty hard to find any around Newfoundland anymore, Mr. Speaker.

MR. WARREN: Call the by-election, boy.  
Go way!

PREMIER PECKFORD: Well, I would like to show you the poll. You are on your way out.

So the rates of growth for Nova Scotia and P.E.I. - now this is the Conference Board of Canada. I am trying to answer the Leader of the Opposition's question about economic growth and economic activity, Mr. Speaker - it is supposed to drop off somewhat in 1984, Nova Scotia's economic growth. This is the Conference Board of Canada, Mr. Speaker, these are not my figures. Unemployment is supposed to drop in 1984 in Newfoundland further than where it is right now and, of course, any drop at all is well worth it.

PREMIER PECKFORD:

So, Mr. Speaker, when one looks outside of government's predictions, statistics, one sees that there are independent experts in Canada who are looking upon Newfoundland in a much more favourable light on what the Government of Newfoundland is doing than is the Leader of the Opposition (Mr. Neary). So I direct the Leader of the Opposition's attention to that.

Secondly, Mr. Speaker, let me say that

PREMIER PECKFORD:

through the past year, right up until a couple of weeks ago, the Government of Newfoundland has been supporting the small fish processors all over the Province with somewhere around \$32 million or \$33 million in guaranteed loans to individual plant owners, which is creating thousands and thousands of jobs. We fought hard and we negotiated hard and we bargained hard until we got a restructuring agreement which would see a lot of the fisherman -

MR. NEARY:

You could have had it five months earlier than you actually did.

PREMIER PECKFORD:

I shall demonstrate to the Leader of the Opposition (Mr. Neary) the significant differences between the two over the five months. So, Mr. Speaker, we were able to keep plants opened where everybody had thought for sure they were going to close down. We have more say now in the deep sea fishery than we did since 1949. We have done that.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

Mr. Speaker, we have turned around the situation in Baie Verte and have a lot of people employed there. We have turned around the situation in Flat Bay, where we had a small mine, and brought jobs there, Mr. Speaker. We are now working on St. Lawrence in the mining sector to try to turn St. Lawrence around and, Mr. Speaker, you know, we do not wait too long. The shipyard in Marystown made money for the first time in this past year. That is not a bad situation. So, Mr. Speaker, when one looks at outside experts and what they think of us as opposed to the Opposition, and when one looks internally at the kind of initiatives that we are taking to try to help the forest industry, the mining industry, the fishing industry, our record is good, Mr. Speaker, and we do not have to listen to what the



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PREMIER PECKFORD: Leader of the Opposition (Mr. Neary) has to say about the performance of this government. The people of Newfoundland know and independent experts know, and both look favourably upon this administration.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER (Russell): Order, please!

Before I recognize the hon. the Leader of the Opposition, it is a pleasure indeed for me to welcome to the Speaker's Gallery a former Sargeant-at-Arms of this Legislature, a gentleman who served it well, in the person of Mr. Hemmens.

SOME HON. MEMBERS: Hear, hear!

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

MR. NEARY: Mr. Speaker, there is no harm to say that the devil quotes scripture to suit himself. We just heard a typical example from the hon. gentleman.

I was passed a note, by the way; in 1966 the House sat in November and did not prorogue for two years.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Speaker, when it comes to quoting from newspapers, here is a good newspaper headline: 'Bowater Will Stay: Peckford Relays Pledge'. That was in 1983. Now, Mr. Speaker, by the way, restructuring could have been signed five months earlier and it would have been essentially the same agreement. Maybe not 100 per cent identical but essentially the same agreement.

SOME HON. MEMBERS: Says who?

MR. NEARY: Well, Mr. Speaker, we have the facts to back it up.

Now, Mr. Speaker, I asked the hon. gentleman a few moments ago if his administration had any new initiatives to deal with the horrible state of the Newfoundland and Labrador economy. Now, let me get a little more specific. Would the hon. gentleman tell the House what he is

MR. NEARY: waiting for on the offshore?

What is he waiting for? He was given a mandate April 6, 1982 to negotiate an agreement. Now what is the hon. gentleman waiting for?

MR. SPEAKER (Russell): The hon. the Premier.

PREMIER PECFORD: Mr. Speaker, I am very pleased to answer that question. We are waiting for an answer from a letter we sent Mr. Chretien there several months ago which he has not answered to this moment.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, let me ask the hon. gentleman a supplementary. The hon. gentleman, as I understand it, will be meeting face to face tomorrow with Mr. Chretien at a press conference being held by Husky and Bow Valley. The two hon. gentleman have been invited to sit at the head table at the press conference. Will the hon. gentleman take advantage of this meeting to get negotiations going and carry out the mandate that he was given in April, 1982?

MR. SPEAKER:                   The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, as I understand it the Minister of Energy, Mines and Resources for Canada (Mr. Chretien) will be here with a number of companies - it must disappoint the Leader of the Opposition (Mr. Neary) awfully because this is all supposed to happen in Nova Scotia again - and the Minister responsible for Energy in Newfoundland and Labrador (Mr. Marshall) will be sitting down with a number of companies

PREMIER PECKFORD: announcing a new, positive initiative that is being undertaken by a number of these companies as it relates to the offshore, Mr. Speaker, if the opportunity arises we would love to be able, and no doubt the Minister responsible for Energy (Mr. Marshall) will do so, to remind Mr. Chretien that it would be a nice idea if he answered his mail.

SOME HON. MEMBERS:

Hear, hear!

MR. NEARY:

Mr. Speaker, a supplementary.

MR. SPEAKER (Russell):

The hon. Leader of the

Opposition.

MR. NEARY:

Could the hon. gentleman

now tell the House, Mr. Speaker, what he is waiting for in the case of the former employees of Iron Ore Company of Canada in Labrador West who are economically marooned? What is the hon. gentleman waiting for?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, we are

waiting for the consideration by Cabinet of the report of a task force which has been underway now for the last number of months which government will be considering over the next two weeks. And so at that time, once that has been considered by Cabinet, then we will be informing this hon. House and the people of Newfoundland what we intend to do as what this task force reports relative to the hardship that people in Labrador West are undergoing right now. So we are right on top of that, Mr. Speaker, no problem. The task force is just finalizing its report, it will be before Cabinet over the next few days or hopefully in a week or two, so then we will be able finalize decisions based upon the recommendations coming out of that report. That is what we are doing there, Mr. Speaker. So we are not really waiting for anything except to sit down over the next few days and consider the report that the task

PREMIER PECKFORD: force has put together relative to the hardships now being undergone by a lot of people in the Labrador West area.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker.

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

MR. NEARY: I presume the hon. gentleman is aware, to be more specific with a supplementary question, that an awful lot of homeowners in Labrador West are having their personal credit ruined for life through no fault of their own. What is the hon. gentleman waiting for? Why can he not deal with this situation?

MR. SPEAKER: The hon. Premier.

PREMIER PECKFORD: Well, obviously the Leader of the Opposition does not understand the complexity of the situation in Labrador West and just wants to brush it over with a broad brush. Number one, the problem in Labrador West, as I understand it- and this is why the task force was established in the first place- is to deal with the dislocation, disruption and hardship being suffered socially by the people of Labrador West and how we could arrest it, especially as it related to housing. This was in the terms of reference of the task force, which was given very specific terms of reference and also a very specific time frame so no time was lost. So what we are faced with, Mr. Speaker, is to look for some independent, objective assessment of that hardship and then to make certain recommendations along the lines of trying to reduce that hardship.

Now, as I understand it, there are quite a few mobile homeowners in Labrador West, a few hundred, then you have quite a few people who have mortgages on single family homes, and then you have the

PREMIER PECKFORD:

added complication where some of those mortgages are insured by CMHC and some are insured by a private insurance company, so you have at least three different types of housing problem in Labrador West, and it gets a little bit complicated when you are dealing with private insurance companies, also with private banks, and this is the whole reason why the task force was set up in the beginning.

So we will be addressing those problems, Mr. Speaker, in a real and meaningful way when we have an opportunity over the next few days now, or a week or so to fully analyze the report by the task force that just finalized it last week.

MR. NEARY:

Mr. Speaker.

MR. SPEAKER (Russell):

The hon. Leader of the Opposition.

MR. NEARY:

It seems a long time now, so could the hon. gentleman tell us what he is waiting for in the case of the Golden Eagle Refinery at Holyrood?

MR. SPEAKER:

The hon. Premier.

PREMIER PECKFORD:

Yes, Mr. Speaker, no problem. Negotiations are ongoing between the Minister of Development (Mr. Windsor) and Ultramar and Metro Fuels Limited on the whole question of the refinery at Holyrood and if there is some way to reactivate it. You know, there are sensitive negotiations going on, they have been going on now for months and the Minister of Development has been right on top of them and Cabinet has been informed

PREMIER PECKFORD: of the ongoing discussions there, Cabinet was informed again this past Thursday, and actions are being taken by the Minister of Development (Mr. Windsor) now and ongoing negotiations with those companies to see whether in fact we can reverse a bad situation at Holyrood. So we are on top of that too. Another one, Mr. Speaker, please?

MR. NEARY: Supplementary, Mr. Speaker.

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

MR. NEARY: Again, of course, we did not get anything definite from the hon. gentleman. Obviously they have no plans, Mr. Speaker. Could the hon. gentleman tell us what his government is waiting for regarding the inshore fishery where the Fishermen's Union tell us that the small boat owners are either bankrupt or facing bankruptcy? What is the hon. gentleman waiting for before he deals with this situation? Is he waiting for all the inshore fishermen to go bankrupt and have the boats seized or taken back or hauled in on shore? What is the hon. gentleman waiting for?

MR. SPEAKER: The hon. Premier.

PREMIER PECKFORD: We are waiting to see, Mr. Speaker, the definition of the problem. Every fisherman in Newfoundland is a different quintal of fish, if you want to use a good comparison. You have your small boat owners, like your lobster boat owners, from somewhere around eighteen and a half feet long to somewhere in the twenty-three to twenty-five foot class; then you have another group who will be somewhere between twenty-five and thirty-five; and then you have your larger boat owners between forty-five to sixty-five. Then you have those who prosecute crab almost exclusively, you have others who just have a groundfish licence, you have others who have both a groundfish licence

PREMIER PECKFORD: and a salmon licence and a lobster licence. So you have to define what the problem is. It is no good to try to say that all the boat owners in the inshore fishery are in trouble - some are, some are not. And as I understand it, the Fishermen's Union now has taken upon itself to call a conference to fully define just what the problem is. And when the problem is fully known and within our ability to do anything, then we will, in consultation with the union and the federal government, decide whether in fact some kind of a remedial programme is necessary or not. That is where that is, Mr. Speaker, The union has highlighted it, we are aware of it and we are going to try, together with the union and with the federal government, to see whether we can define exactly where the worst problems exist and where they do exist, then if we can all get together to see if we can help remedy it. That is the story on that, Mr. Speaker.

MR. NEARY: Supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, what an answer!

Here they had the whole Summer to prepare plans and proposals to put on the table of the House to deal with these matters. Could the hon. gentleman tell us what he is waiting for regarding the funding of the Cow Head development project in the district of Burin - Placentia West? Why has the hon. gentleman not put funding in place for that development? What is he waiting for? And what is he waiting for regarding the shipyard when everybody in this Province knows the deep sea fleet is obsolete and aging and a couple of trawlers should be built at the Marystown Shipyards on speck? What is the hon. gentleman waiting for before he does something to boost the economy of this area?

MR. SPEAKER: The hon. the Premier,

PREMIER PECKFORD: Mr. Speaker, I think we have already done something to boost the economy of that area by

PREMIER PECKFORD: forcing the federal government to agree with us that Grand Bank should be given an eighteen month chance to stay into operation and, after that time, to assess the situation with that plant rather than try and close it down immediately without it having a chance. So therefore we gave an eighteen month breathing spell for Grand Bank which is in that area. On Burin, we want to change it to a secondary processing facility to ensure that there is still some economic activity ongoing in Burin which earlier on the federal government did not want to do. That is two things. As far as the shipyard goes, Mr. Speaker, as I said earlier, this past year has been the first year that that shipyard has shown a profit, that they have actually made money. Every other year since it has been in operation it lost money and this past year it has made money. So that is a pretty significant thing that we have done there, Mr. Speaker. Now as far as building new trawlers, the first thing that has to happen is that the new restructured company has to get established and a full assessment done of what they are going to need for the future in the way of new trawlers. And, after that is done, in the agreement there is a provision which says, 'Marystown has to be very favourably considered in any construction of new fishing trawlers'. So we tried to cover and protect Marystown in that.

As it relates to the other development, on Cow Head, which is in the Spanish Room area, we want to get into more servicing of offshore exploration and development kind of rigs, design work is proceeding. The Minister of Development (Mr. Windsor) only a few weeks ago announced that we were moving ahead on our own to finalize design for the road down to the ocean, to Mortier Bay, and then a dock to be built, so that we will have at that point in time the really only facility in the



PREMIER PECKFORD:

Eastern seaboard, as I understand it, where large, huge rigs, both on the exploration side and the development side, can come right in to the bay, a very sheltered bay, and park just the same as you would park a car or a small boat. They will not have to take their labour force and bring them out into the middle of the harbour or the middle of the bay with the extra expense that that has cost. So that is right on schedule and design work will be finalized before the end of December and then in the Spring we will see what happens to Cow Head.

MR. NEARY:

Supplementary, Mr. Speaker.

MR. SPEAKER (Russell):

The hon. Leader of the

Opposition.

MR. NEARY:

Mr. Speaker, I am beginning to

think what the Economic Council of Canada said about the recovery in I think it was Alberta, Quebec and Newfoundland is true, that the recovery will be very slow. And we can see why, because the administration have no plans to deal with these matters that we are raising here today.

Mr. Speaker, let me ask the hon. gentleman another specific question and see if we can get an answer. If he cannot answer it, perhaps he might refer it to the Minister of Finance (Dr. Collins). Since we have reached the point of diminishing returns in the collection of retail sales tax in this Province, has the administration given any thought to lowering the sales tax, either for an indefinite period or for a specified period of time, thereby increasing consumer purchases and stimulating the Newfoundland and Labrador economy? Is the hon. gentleman listening to me?

PREMIER PECKFORD:

I am listening.

MR. NEARY:

Because obviously,

Mr. Speaker, the increase in sales tax up to twelve per cent has been counter-productive and we have reached the stage of diminishing returns. Would the hon. gentleman tell us if his administration has given any thought to reducing the sales tax to motivate consumer purchasing and stimulate the Newfoundland and Labrador economy?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Well, Mr. Speaker, that question is based on a false premise and perhaps the Leader of the Opposition (Mr. Neary) should have left it to his Finance critic to ask the Minister of Finance that question, because obviously he is not very well prepared today. We are not at diminishing

PREMIER PECKFORD: returns on retail sales tax, we are predicting somewhere close to a 16 per cent increase this year, from \$275.6 million last year to \$320 million this year. So the Leader of the Opposition (Mr. Neary) should get his facts straight so that when he poses a question based upon some premise, the premise itself is valid.

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

MR. NEARY: Mr. Speaker, that is really a bright and intelligent answer. The hon. gentleman, Mr. Speaker, obviously has no plans. The hon. gentleman was talking about profits at the shipyard. Well, I was down there on the weekend and all we heard about was lay-offs in the shipyard.

MR. TOBIN: The hon. Premier is far more intelligent.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Ignorance.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Well, we had more at our youth convention in Gander than the hon. gentleman had at his. And by the way, the hon. gentleman should not misquote Robert Frost. Mr. Speaker, let me ask the hon. gentleman about another project.

MR. PECKFORD: I did not misquote.

MR. CALLAN: You used the quote in the wrong place.

MR. NEARY: He used his quote in the wrong place. And my hon. colleague who was an honour student in English -

MR. SPEAKER: Order, please! Maybe the Leader of the Opposition would like to pose a question.

MR. NEARY: Yes, thank you, Mr. Speaker, I want to ask the hon. gentleman now what he is waiting for. He seems to be waiting for something, we do not know what it is. We get the same answers year after year after year, we will get the same answers next year. What is the hon. gentleman waiting for

MR. NEARY: in connection with the development of the Lower Churchill?

MR. SIMMS: Have you got an hour?

MR. SPEAKER (Russell): The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, the Leader of the Opposition gets up and asks a question on retail sales tax, his facts completely incorrect, an erroneous prediction, saying that we were at the point of diminishing returns. Well, I just demonstrated to the Leader of the Opposition, and he could not come back on it, that we were going to have an increase in retail sales tax, so he dropped that like a lead balloon. He is exhausted already on the first day, the first Question Period, Mr. Speaker, The Lower Churchill. I say to the Leader of the Opposition, if we develop the Lower Churchill tomorrow we would have to increase electrical bills by about 100 to 150 per cent. So I can only take it from the Leader of the Opposition's question that he wants the Government of Newfoundland to go ahead and develop the Lower Churchill so he can charge 100 per cent more on everybody's electrical bill in the Province than we are charging right now. What are we going to do with the Lower Churchill? Has the Leader of the Opposition done his homework to show that the Lower Churchill - Gull Island and Muskrat - delivered to the Island right now will cost anywhere from 60 to 90 mils per kilowatt hour and the consumer in Newfoundland right now is paying somewhere between 23 and 28 mils per kilowatt hour. So he wants us to quadruple the electrical rates in this Province, Mr. Speaker. I think it is a shame that the Leader of the Opposition wants to increase electrical fees to the consumers in this Province. Shame! Shame! And I will not bow to the pressure to increase that 100 per cent. No, I will not, Mr. Speaker. Never. Never. Never.

SOME HON. MEMBERS:

Hear, hear.

MR. SPEAKER (Russell):

Order, please!

The time for the Question Period  
has expired.

MR. NEARY:

On a point of order, Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the  
Opposition on a point of order.

MR. NEARY:

Mr. Speaker, I cannot let two  
statements the hon. gentleman made slide along: Number one,  
the hon. gentleman made a statement earlier that he attributed  
to the Opposition, Mr. Speaker, which is completely false,  
untrue, that we wanted to see all the industries go to  
Nova Scotia. The hon. gentleman said that and then he built  
on it himself, something like the CBC do, they use a word  
and then they build on it and they attribute it.

SOME HON. MEMBERS:

Oh, oh!

MR. NEARY:

The hon. gentleman has had  
criticism of the CBC for doing the same thing with them, so  
I am just throwing it back at the hon. gentleman. And the  
other thing is with regard to development of the Lower  
Churchill, Mr. Speaker. Nobody in this house could be  
silly and foolish enough to make a statement like the hon.  
gentleman just made, that the development of the Lower  
Churchill, the development of the rivers in Newfoundland  
that flow into the Province of Quebec, that the reopening  
of the Upper Churchill contract could trigger increase in  
the electricity rates in this Province. That is too silly  
to talk about, but if I leave it on the record, Mr. Speaker,  
somebody upstairs may report it. So the hon. gentleman is  
getting away with nothing in this session of the House.

SOME HON. MEMBERS:

Hear, hear!

PREMIER PECKFORD:

To that point of order, Mr. Speaker.

MR. SPEAKER (Russell): The hon. the Premier, to that point of order.

PREMIER PECKFORD: Mr. Speaker, let us get the facts straight around here. There are rules in this House, Mr. Speaker, and the Leader of the Opposition (Mr. Neary) has to abide by them the same as everybody else. And everybody knows, who knows anything about the rules of this House, that what the Leader of the Opposition just did was abuse them. There is no point of order, and for the third time in eight minutes he has been shot down.

SOME HON. MEMBERS: Right on!

MR. SPEAKER: Order, please! Order, please!  
The hon. the Leader of the Opposition certainly did not raise a valid point of order.

SOME HON. MEMBERS: Hear, hear!

#### NOTICE OF MOTION

DR. COLLINS: Mr. Speaker.

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

DR. COLLINS: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Gasoline Tax Act, 1978 (No. 2)" and also "An Act To Amend The Retail Sales Tax Act, 1978".

MR. OTTENHEIMER: Mr. Speaker.

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

MR. OTTENHEIMER: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills: "An Act To Give Effect To The Convention On The Civil Aspects Of International Child Abduction", "An Act Respecting Reciprocal Enforcement Of Custody And Access Orders", "An Act To Amend The Newfoundland Human Rights Code".

MR. DINN: Mr. Speaker.

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

MR. DINN: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Govern Collective Bargaining Between The Government Of The Province And Interns And Residents In The Province."

SOME HON. MEMBERS: Hear, hear!

MR. DAWE: Mr. Speaker.

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

MR. DAWE: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills: "An Act To Authorize The Lieutenant-Governor In Council To Enter Into An Agreement With British Newfoundland Corporation Limited And N. M. Rothschild And Sons Limited And BRINCO Mining Limited", and a bill entitled, "An Act To Repeal The Ferries Act."

MR. POWER: Mr. Speaker.

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

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. POWER: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Crown Lands Act".

MS VERGE: Mr. Speaker.

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

MS VERGE: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills: "An Act Respecting The Granting Of Degrees And Respecting The Operation Of Universities And Other Degree Granting Institutions In The Province", "An Act Respecting The Conferring Of Titles And Degrees By Queens College", and

MS VERGE: "An Act To Amend The Memorial  
University Act".

MR. SIMMS: Mr. Speaker.

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

MR. SIMMS: I give notice that I will on  
tomorrow, Mr. Speaker, ask leave to introduce a bill  
entitled, "An Act To Amend The Wilderness and Ecological  
Reserves Act" -

SOME HON. MEMBERS: Hear, hear!

MR. SIMMS: - which will provide for the  
safekeeping of Liberals in this Province.

SOME HON. MEMBERS: Hear, hear!

MR. HOUSE: Mr. Speaker.



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

MR.HOUSE: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills: "An Act To Amend the Hospital's Act, 1971", and "An Act Respecting The Registration Of Nursing Assistants."

MR.SPEAKER: Are there any more notices of motion?

The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following bills: "An Act To Ratify , Confirm And Adopt An Agreement Entered Into Between The Government Of The Province And The Government Of Canada Respecting The restructuring Of The Newfoundland Fishery."

SOME HON.MEMBERS: Hear, hear!

PREMIER PECKFORD: "An Act To Amend Certain Acts Respecting Government Departments To Provide The Power For Ministers To Enter Into Agreements Subject To Specified Terms And Conditions", and "An Act Respecting Certain Powers Of Appointment." And, Mr. Speaker, I wish to move that this hon. House adopt a resolution to authorize His Excellency The Governor General to issue a proclamation respecting amendments to the Constitution of Canada. This has to do with the subsequent agreement by all the provinces and the federal government for amendments to be placed in the Constitution dealing with aboriginal rights. And it is necessary for all the parliaments of Canada, all the legislatures of the provinces -

MR. ROBERTS: I thought it was seven out of ten they need.

PREMIER PECKFORD: Well, in this case it is all.

I know all about seven out of ten. The member for the Straits of Belle Isle (Mr.Roberts) did not need to turn

PREMIER PECKFORD: up to tell me that today.

Mr. Speaker, I am quite aware of that. So all the legislatures of all the provinces plus the Parliament of Canada will pass this resolution and then we will be able to make the appropriate amendment to the Constitution of Canada.

MR. NEARY: I just want to ask the hon.

gentleman if he is going to move that resolution now?

We can pass it now. Does the hon. gentleman want to do it now?

PREMIER PECKFORD: I am sorry, the hon. Leader of the Opposition did not understand. I think the Speaker called, Notices of Motion, so this is a notice and then tomorrow, if we call it, we will debate it.

MR. NEARY: Okay, fair enough.

MR. SPEAKER (Russell): Are there any more Notices of Motion?

#### PRESENTING PETITIONS

MR. SPEAKER: The hon. member for Bellevue.

MR. CALLAN: Mr. Speaker, I beg leave to present a petition on behalf of 2,290 residents, people who live in the Trinity South area. And what I mean by Trinity South is it actually takes in part of the district of Trinity-Bay de Verde, represented by a PC gentleman whose signature, Mr. Speaker, appears on this petition. I am glad to see that as well, of course, as my own signature. Mr. Speaker, the people whose names appear on this petition are from Heart's Delight, and they are from all up and down the Trinity South shore, Norman's Cove, Bellevue, Blaketown, Dildo, South Dildo, Whitbourne, Markland, Whiteway, Cavendish, Old Shop, all of the towns and villages, Mr. Speaker, located, as I said, in that area referred to

MR. CALLAN:

commonly as Trinity South.

Mr. Speaker, let me read the prayer of the petition signed by 2,290 residents. "We the undersigned workers and residents of Trinity South request that government take steps to insure the North Atlantic Fisheries Plant at South Dildo, Trinity Bay, be supplied with fish and that the plant be reopened to provide the employment that was provided in previous years. The fishery has always been the backbone of the Trinity South economy and during the past several seasons the declining fishery has produced ever increasing unemployment and welfare.

MR. CALLAN:

We believe that a plant such as North Atlantic Fisheries should not stand empty and idle while people who are willing to work must endure the hardships associated with a work season that lasts for only three or four weeks." And that, Mr. Speaker, has been the experience of that Arctic Fisheries Plant in South Dildo, now named North Atlantic Fisheries. Even though we all know of course that Nickersons own it, why the name was changed in the last year or so is questionable, because nothing else has changed in the plant. The fish plant workers there usually get about three or four weeks work and that, of course, is early in the Spring during the caplin fishery. No codfish brought in there and with the decline in the squid and so on, nothing else happens in this fish plant. So it lasts for only three or four weeks says the prayer of the petition. 'Raw material must be provided', say the petitioners, 'to enable the plant to remain open for a greater portion of the year. We want the plant open and providing employment.'

So, there it is, Mr. Speaker, there is the prayer of the petition. Now, Mr. Speaker, in the five minutes that I have in Presenting Petitions I cannot help saying I feel sympathy and perhaps sorrow for the people who trudged from door to door to door and from town to town distributing this petition and asking people would they mind signing their names in support of their efforts to try and get some employment at North Atlantic Fisheries in South Dildo - I have one minute left, five minutes really fly - because, Mr. Speaker, the experience in the past several years in this Legislature has been that whether a petition is presented for new roads or improved roads or whatever, it seems to fall on deaf ears. I hope, Mr. Speaker, that the same thing does not happen with this petition. I

MR. CALLAN: hope, and no doubt we will be hearing from the Minister of Fisheries (Mr. Morgan) in response to this petition, or perhaps the member for Trinity - Bay de Verde (Mr. Reid) may want to speak on it since it affects his constituents as well, but if we do not hear from the Minister of Fisheries today to any large degree, perhaps in the next day or so, when the fishery restructuring bill is introduced into this Legislature, we will hear a lot and not only about the plans that the federal government and the provincial government have for the fishery in this Province in general. As I said, Mr. Speaker, if we do not hear it today, hopefully we will hear it in the next several days.

MR. SPEAKER (Russell): Order, please! Order, please!  
The member's time has expired.

MR. CALLAN: Mr. Speaker, I ask that this petition be laid on the table of the House and referred to the department to which it relates and I hope the Minister of Fisheries speaks well of it.

MR. MORGAN: Mr. Speaker.

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

MR. MORGAN: I want to respond to the petition signed by so many residents in the Trinity South general area and to say, first of all, that it is important not to confuse this plant referred to in the petition with another fish plant operation called the Marpro Company Limited.

MR. CALLAN: It is in the same building.

MR. MORGAN: It is in the same building but a different operation completely.

MR. CALLAN: One primary and one secondary.

MR. MORGAN: North Atlantic Fisheries, Mr. Speaker, was formed by means of provincial government assistance

MR. MORGAN: and the Newfoundland Government becoming a shareholder in the company formerly known as the Nickerson operations in Newfoundland. Nickerson had bought out, in their early days, the Arctic Fisheries operations. They could not afford to carry on and we had to become shareholders with the company and also give them some government guarantee to enable the Nickerson operation to continue in Newfoundland. One of these plants was this plant at Dildo which was owned by the Nickerson Company, now owned by the Newfoundland Government with Nickerson in a company called North Atlantic Fisheries.

The plant was originally built, Mr. Speaker, and the gentleman who brought forward the petition I am sure is aware of that, to process pelagic species, the squid and the herring species and mackerel species in particular, and these species have not been in our waters in the last number of years. The squid, for example, was a total failure this past year. It was not constructed for the processing of groundfish.

MR. WARREN: It was down on the Labrador.

MR. MORGAN: Now, Mr. Speaker, the hon. gentleman for Fogo (Mr. Tulk) would he please keep quite because the petition is a rather serious one and I want to respond to it in a very serious light.

MR. TULK: On a point of order, Mr. Speaker.

MR. SPEAKER (Russell): Order, please!

The hon. member for Fogo.

MR. TULK: I would like for the Minister of Fisheries (Mr. Morgan), whatever he is responding to in this House, to refer to a member who is speaking and not to a member who is not speaking.

MR. SPEAKER: I would like to remind all hon. members that when a member is speaking he does have

MR. SPEAKER (Russell):

right to be heard in

silence.

MR. TULK:

I appreciate that.

MR. MORGAN:

Thank you, Mr. Speaker,

for the protection from the Chair.

Mr. Speaker, the situation

is that I fully support the petition and the people asking for -

SOME HON. MEMBERS:

Hear, hear!

MR. MORGAN:

— extra or additional

raw material for a plant which was built as an inshore plant, pelagic species, not for groundfish, but can be adapted to process groundfish. I fully support the petitioners and the petition. In fact, I am hoping, over the next few days, to be able to have a situation resolved whereby a resource-short plant programme can be put in place whereby fish from the offshore, from a quota allocated by the federal government, which is a good move indeed, a very positive step in the right direction, having a quota from the offshore allocated for the very sole purpose of having fish to into the inshore resource-short plants, like the one now referred to at Dildo, in the off season to the inshore season, like in the Fall of the year, like right now for example. Of course the Dildo plant would automatically qualify to have fish from that programme. And if we can get that programme in place, the two levels of government working with the industry, that is the objective now, the next few days in fact, Dildo would have some fish coming into it like many other resource-short plants along the Northeast Coast, have fish coming from the offshore, as I say, in the off season, to the inshore. And that will help substantially the employment situation in the Dildo area. But I want to say again in response to the petition, that the people in the area surely must recognize that that plant today would not even be open if it was not for the concern and the recognition of

MR. MORGAN:

the problem by this

government -

MR. WARREN:

By the people -

MR. MORGAN:

- by the Premier and this

government, in putting up the necessary millions of dollars to keep that plant and other plants that were formerly owned by Nickerson in operation in this Province. We did then show our concern, Mr. Speaker, and we will in the future, for all plants in the rural parts of our Province that the people depend on so much for their livelihood in rural Newfoundland. Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Russell):

The hon. Leader of the

Opposition.

MR. NEARY:

Mr. Speaker, one thing

about the Provincial Minister of Fisheries (Mr. Morgan) he will support anything, but when it comes to action, Mr. Speaker, therein lies the problem -

MR. TULK:

We get none.

MR. NEARY:

- we get none.

Now, Mr. Speaker, I

support the prayer of the petition so ably presented by my colleague, the member for Bellevue (Mr. Callan), on behalf of 2,290 people of voting age who live in his constituency.

They have a very valid point, Mr. Speaker -

MR. CALLAN:

And Trinity-Bay de Verde.

MR. NEARY:

They live in two districts.

These people who signed the petition represent voters in two electoral districts. So, Mr. Speaker, there is a big problem in the area; Marpro is closing, North Atlantic had already closed, the government forgot all about the people in the North Atlantic Fisheries Plant in that area, and would not have thought of it today except my colleague brought a petition in from the people



MR. NEARY:

in the area to ask the government to take steps to try to find a supply of fish for that plant. They used to truck fish in there at one time, they trucked it from as far away as Port au Choix, on the Great Northern Peninsula.

Now, Mr. Speaker, this raises the

MR. NEARY:

whole question of what happens to the inshore fishery, what happens to the inshore plants? Government has no policy concerning the inshore plants. What is more important, what happens to all the plants that are owned by Nickerson? The Nickerson Company has now become a part of this new super company. As hon. members know, three companies will make up this new super company - Penney, Lake and Fishery Products, Nickerson. Now, Mr. Speaker, what happens to the Nickerson plants? One would have thought that North Atlantic Fisheries, located in South Dildo, would automatically be a part, be included in the restructuring - would you not? - because it is owned by Nickerson, Nickerson is involved in restructuring. Perhaps the minister could tell us at some point in time why that plant is not included in restructuring. We have the same problem out in Port aux Basques.

MR. MORGAN:

It is included.

MR. NEARY:

It is included in restructuring.

MR. MORGAN:

Dildo is.

MR. NEARY:

Dildo is included.

MR. MORGAN:

Dildo, Charleston, Bridgeport and Black Tickle are included.

MR. NEARY:

Good! Well, Mr. Speaker, that is one thing that is cleared up. So all they need now is a supply of fish. The federal government saw to it that these plants would be included in restructuring. So what they need now, Mr. Speaker, is a supply of fish. The hon. gentleman told us that within a matter of a few days he would announce a programme for these resource-short plants. The hon. gentleman told us the other day that the bottom had fallen out of the negotiations, that it was virtually impossible to get an agreement.

MR. MORGAN:

The two industry parties.

MR. NEARY:

The two parties. Well, we look

MR. NEARY: forward to what the hon. gentleman has to say about a programme to supply these resource-short plants and we hope, Mr. Speaker, that this plant in South Dildo, owned by Nickerson, will be one of the plants included in the restructuring and will get some of this fish.

Mr. Speaker, we support the prayer of the petition and we look forward to hearing the minister make his statement in a few days, that they will have a supply of fish for that plant.

#### ORDERS OF THE DAY

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

MR. NEARY: Mr. Speaker, in keeping with our policy, our philosophy, on this side of the House, we think the housekeeping legislation should be brushed aside and we should discuss matters of higher priority. I would like to move, under Standing Order 23, that the regular order of business of this House be suspended today to discuss a matter of urgent public importance, namely, hardship, suffering and severe effects on Newfoundland and Labrador families, caused by the current crisis in the provincial economy.

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, I just draw to your attention it is not the matter that has to be urgent, it has to be the urgency of debate. I do not know what the hon. gentleman has in mind by that particular motion, but I do know that there are many matters on the Order Paper that would give him quite enough range to be able to meet the concerns that he puts forth in this particular motion. In particular Mr. Speaker, I can say that - well, I mean, I will not say particularly because I do not see that the economy is in the urgent state that the hon. gentleman would like to

MR. MARSHALL: address it. But the fact of the matter is, Mr. Speaker, it is not the urgency of the matter, it is a matter of urgency of debate, and this is not a matter of urgency of debate.

MR. HODDER: To the point of order, Mr. Speaker.

MR. SPEAKER (Russell): The hon. member for Port au Port.

MR. HODDER: It certainly is urgency of debate.

MR. WARREN: Look at Corner Brook and Labrador City.

MR. HODDER: The Standing Order is placed there to cover emergencies as they arise in the Province and to cover any situation that might arise in the Province which should be debated in this House. Now, if government feels that the economy, as the minister says, is not in terrible shape, then perhaps the government will be strong enough to stand up and defend themselves on this particular issue, because certainly more than half a million Newfoundlanders in this Province do not feel the way that the Premier feels, or the House Leader (Mr. Marshall) opposite. I contend, Mr. Speaker, that this is an urgent matter and it is also a matter which debate should be called on in this House, particularly at this time in our history.

SOME HON. MEMBERS: Hear, hear.

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: I am not going to enter into debate with the hon. gentleman,

MR. MARSHALL: I will just refer you to page 92 of Beauchesne, paragraph 287: "'Urgency' within this rule does not apply to the matter itself, but means 'urgency of debate', when the ordinary opportunities provided by the rules of the House do not permit the subject to be brought on early enough and public interest demands that discussion take place immediately." I think that answers it, Mr. Speaker.

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

MR. HODDER: If I may, I agree with the House Leader (Mr. Marshall) opposite that "urgency of debate" - this Standing Order would not be approved if there were other ways in which to debate this particular matter. But, Mr. Speaker, I would submit to you that it has been publicly noted that in this Session we will be dealing with legislation. And my understanding from the government opposite is that we will be dealing with the matters which the ministers brought up today, the variety of silly little bills which have nothing to do with the economy. There was only one bill, Mr. Speaker, that came up today which had something to do with the economy and that was the restructuring deal which is already done and which must be passed in both the House of Commons and in this House to ratify the deal. Now, Mr. Speaker, we have no opportunity to debate the problems of this Province in the bills that have been brought forward or are on this Order Paper.

MR. NEARY: Mr. Speaker.

MR. SPEAKER: Order, please! The hon. the Leader of the Opposition.

MR. NEARY: Mr. Speaker, I would merely like to point out to the House that if this debate were not allowed today it would be contrary to the spirit of Standing Order 23. Because as Your Honour knows, and Your Honour probably

MR. NEARY: has observed from what has transpired here today, the government have no intention of giving the Opposition or the House or the people of this Province an opportunity to debate the horrible, the desperate state of the Newfoundland economy. In effect, Mr. Speaker, what the hon. gentleman was saying when he raised his point of order was that they intend to orchestrate what will be debated in the House. Even though there may be things on the Order Paper, there is no guarantee from the government that they are going to allow us to go back to the Throne Speech, that they are going to introduce measures whereby we can debate and discuss the economy. They have no intention of laying plans on the House to deal with the terrible state of the Newfoundland economy, Mr. Speaker, and so, therefore, we are effectively silenced on this matter and I would ask Your Honour to take that into account. The spirit of Standing Order 23 is to give members of the House an opportunity to debate emergency situations that the government try to suppress, and that is the point we should keep in mind, Mr. Speaker.

MR. OTTENHEIMER: Mr. Speaker.

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

MR. OTTENHEIMER: Mr. Speaker, a brief reply to the Leader of the Opposition (Mr. Neary).

Of course there will be fairly wide-ranging debate, or the opportunity for wide-ranging debate, especially with respect to the government's restructuring legislation which restructures the entire fishery and, of course, that is in a sense the backbone of the entire economy. So I think there will be ample opportunity but specifically, Mr. Speaker, on the point of order, this specific Standing Order, and it has been ruled in the House of Commons by former Mr. Speaker Jerome and it is a ruling which has been implemented in this House, this Standing Order, the

MR. OTTENHEIMER: intention behind it is for an emergency debate with respect to a specific occurrence, a specific happening, a specific event, not a general condition which prevails for some time. It is a specific occurrence or event rather than a general condition.

MR. SPEAKER (Russell): Order, please!

Having read the motion put forward by the hon. the Leader of the Opposition (Mr. Neary), I too must agree that the intent of Standing Order 23 is to deal with a very specific problem that is meant to be debated because of the urgency of it. This motion is certainly much more general than that and indeed the Standing Order 23 is not that the matter is not urgent but that the matter deserves debate at this time. I think that the motion as put forward by the hon. the Leader of the Opposition - is too vague, for one thing. There is also on the Order Paper, of course the Address in Reply and the Committee of Supply, so there will be an opportunity to discuss these matters sometime during this Session. So I will have to rule the hon. the Leader of the Opposition's motion out of order.

MR. MARSHALL: Mr. Speaker, before Orders of the Day are called, with leave of the House I would like to move the replacement of the former member for

MR. MARSHALL: Terra Nova (Mr. Lush) on the committees to which he was a member, the Public Accounts Committee, I move that the hon. the member for the district of Bellevue (Mr. Callan), replace the former member for Terra Nova on this committee; and on the Election Expenses Committee, that the hon. the member for Eagle River (Mr. Hiscock) replace the hon. the member for Terra Nova. Mr. Speaker, if in order - I feel sure the Opposition will concur - I would like that motion put now.

MR. SPEAKER (Russell): Is it agreed to put that motion?  
The hon. the Leader of the Opposition.

MR. NEARY: I second the motion.

MR. SPEAKER: It is moved and seconded that the hon. the member for Eagle River (Mr. Hiscock), replace the former member for Terra Nova on the Election Expenses Committee, and the hon. the member for Bellevue (Mr. Callan) replace the former member for Terra Nova on the Public Accounts Committee.

Those in favour of the motion,  
"Aye".

SOME HON. MEMBERS: Aye.

MR. SPEAKER: Those against, "Nay".  
The motion is carried.

MR. MARSHALL: Bill No. 26.  
Motion, second reading of a bill,  
"An Act To Revise The Law Respecting Dentistry And Dental Surgery In The Province." (Bill No. 26)

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

MR. HOUSE: Mr. Speaker, it is a pleasure to introduce this bill. It is of course dubbed as a new bill but it is An Act To Revise The Law Respecting Dentistry And Dental Surgery In The Province. Also, I might point out



MR. HOUSE: there was a number of amendments required as the old act is more than ten years old and we believe that revising it in a new act is a much more efficient way of handling this situation.

I think possibly we can make a few remarks. Perhaps every ten or eleven years we should be revising these professional acts to accommodate the social growth and the professional growth that has occurred over the years. And I would say at this time perhaps that growth cannot be better exemplified than in the dental profession and I would like to pay tribute to these people, the dental profession, today. We have now in that time, I think in a ten year period, doubled our output in the number of dental people in the Province and we have, of course, our programmes in just about every part of Newfoundland. I do not think there is a part that we do not have some modicum of service now.

I want to point out too that it is pretty appropriate now that we bring this bill in because the Dental Association just met in their annual meeting this week and they did discuss parts of this bill and, of course, some new programmes in public dental health. One thing I think I should acknowledge now at this time is the fact that they bestowed a life membership on one of the older members of the profession in the person of Reg Ball, who has been serving more than forty years and is still active. I just wanted that recognized.

SOME HON. MEMBERS:

Hear, hear!

MR. HOUSE:

Mr. Speaker, in going with this, I just want to point out, from a service point of view, I do not know of any profession that has been responsive to our needs as the dental profession has been. And perhaps people of my vintage would know this, perhaps would have

MR. HOUSE: experienced it more than most other people because when I compare the dental services today with what we had when I was growing up, for instance, I do not think there is any comparison. I think to look at the improvement has been nothing but a pleasure for me. And when I see my children coming now and looking forward to their dental visits and so on, you can see the great advancement both in corrective and preventive care. And I think that has been brought about by our good programmes and by the very positive attitude of the dental profession in the promotion of preventive health as it applies to dental care.

MR. HOUSE:

I was one of the persons who saw a part of the parody, I guess, in After Joey where they mentioned, of course, dental care. There was a little skit there on dental care where at one time at the first chance one was apt to get all one's teeth taken out and get dentures. That was not far from reality, that was very close to reality, and it was close because of the problems that you had getting dental services and when you got in that chair the thing to do was to get rid of these things.

MR. SIMMS:

Potential problems.

MR. HOUSE:

Yes, potential problems.

Teeth were recognized then as potential problems and not something that could be kept a lifetime. And from what I have seen in the dental profession, that has been turned around completely and our programmes today are very healthy programmes. Now this act today, of course, will have three basic things, I suppose, strengthening what has happened in the past and tidying up a lot of the programmes. It will continue the separation of the Dental Association and the Dental Board, that is the first one. This is a feature of the existing Act and a very progressive one. In larger professional organizations, there is a very great need to ensure that the regulatory aspects of the profession are separate from the private. That is very key and this new board will have more clout in the regulatory aspects of the profession. The Dental Association is strongly in agreement and committed to that separation of duties and responsibilities. Sometime ago, of course it is pertinent in the medical board, we established the principle of appointing representation from the public at large to professional boards. This is a positive move and allows the public to have its interest represented

MR. HOUSE: by people other than the people being regulated. Our experience with this in the case of other boards has been quite positive both in terms of the non-professional members themselves and the professions being governed. Indeed, some of the boards, and particularly the medical board, I might mention, have indicated to us that the public member often brings a new and interesting perspective to some of the issues which are brought before the board. Apart from the public being represented, another group will be represented on the board and that is for the two dental auxiliaries. They are currently regulated under the Dental Association, those being dental technicians and dental hygienists. Presently these auxiliaries are not represented on the Dental Board but, as I say, are regulated by the Association with no formal input into the regulatory process. This Act will see those come under the regulations of the Board and be regulated by them. This Act will also see the auxiliaries gain full representation on the Board so that they will have some say in the matters affecting their own groups. And this is, I think, a very progressive step which will see so many dentists, so many auxiliaries and a member from the public at large. The other important point we want to look at is licensing. On the subject of the Dental Board I want to say that government has had excellent co-operation with the Board over the years in terms of licensing recruited dentists to serve in the under-serviced areas of the Province. Something I would like to point out, Mr. Speaker, is the fact that we have a programme in the Province where we support dentists in what we call under-serviced areas. We support them in training, bursaries and

MR. HOUSE:

they come back and work for us in under-serviced areas. We support them also in providing a start-up grant to help them with it because dentistry has certain built-in costs that other professions do not. We support them also by guaranteeing a certain income; some of the areas are large areas to cover. And, of course, the other thing we do is we have encouraged people to go into these remote parts but have recruited them from outside of Canada sometimes when we are not able to get Canadians and that is where we are very grateful to the board for having allowed that kind of licencing.

So we have been able to recruit dentists and provide services through that programme which otherwise would not have been able to be provided. And this has been especially true in getting our children's dental programme spread throughout the Province. It is a programme that has been of great benefit and it is one I think we could all be proud of, and that is why I said at the beginning that it has changed the total outlook on dentistry in the Province.

Now, in the last decade, 1971 to now, the dental professional population has doubled. I believe we have about 125, from 60 up to 125 at this point in time or the last statistic we took. So to do that in that period of time, I think, has been no mean feat.

Under the existing act, one of the changes coming about here now is the fact that we are going to change from permits to a provisional licence. People brought in who did not have the Canadian licence, or originally the Newfoundland licence, we allowed them to upgrade but we also allowed them to stay in these communities without upgrading. A lot of them have given

MR. HOUSE: good service and we are still maintaining that. So for these people who came in there will be sort of a grandfather clause, I suppose, that will allow them to remain in these communities and they will be getting an automatic provisional licence. For those who will come after this goes into effect. they will get a provisional licence but there may be a time limit where they may have to upgrade. That will be left to the board, Mr. Speaker. One of the major responsibilities the board will have is to make that determination in conjunction, I suppose, with advice from our own division.

The provisional licence is a more appropriate term to describe licenced status of those dentists who do not measure up to, or meet the Canadian standards at this time. So in referring to the permit holders, again I want to reiterate our thanks to those people as a group, who are in more remote practices who have contributed much to our society and to the growth of our dental health services, I want to thank them, and in keeping with this contribution, and recognizing the importance of the contribution, the new act with the full agreement of government, of the department and the dental board will, as I said, convey automatic provisional licences on current permit holders and will protect those licences in terms of time. That is to say, while the board will and should have the right to vary the conditions under which any licence but a full licence is granted, the act will provide that no stipulation in terms of time be set for these people.

I have no hesitation in saying that it is our collective view that these people may remain in the communities they are serving and where they have

MR. HOUSE: built up considerable practice in many cases. They will be able to continue to serve the people under the new act.

The third thing I suppose that it does, apart from the major housekeeping, is that the act provides for a number of important matters, such as the discipline and regulatory

MR. HOUSE:

mechanisms to ensure that the practitioners who step beyond the bounds of what is ordinarily required may be dealt with by, of course, the profession itself.

So these are the three major points. There are a number of, as I say, housekeeping items. All in all, Mr. Speaker, this bill represents considerable progress in terms of continuing evolution and regulation of the dental profession in the Province, and I would ask everybody's support on it. Thank you very much.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (McNicholas):

The hon. member for

the Strait of Belle.

MR. ROBERTS:

Thank you, Mr. Speaker.

Let me at the outset say that we have been swayed by the minister's eloquent reading of the remarks which he prepared or the notes, I should say; I certainly am not accusing him of doing anything unparliamentary. We are swayed by it, we are convinced, we are overwhelmed and, as a result, we are more than prepared to support this bill when it comes to a vote, as I assume it will, at some point today or tomorrow in the House.

It is noteworthy, Mr.

Speaker, that in the four or five months since last we met in the House, given all that has happened in Newfoundland and Labrador for good or for ill, economic triumphs which are mainly those of the Government of Canada, economic disasters which are not the fault of the Government of Newfoundland in most cases but which they have done nothing to alleviate and little to improve, but, given all of that, when the House meets again, comes together after this five months holiday, the first legislation that we are called upon to deal with, the very first matter is a bill to update the legislation under which the profession of dentistry is carried on in this Province. That is not to say anything at all about the lack of importance



MR. ROBERTS:

of the dental profession;

I will deal with that in a second or two. It is obviously an important profession, it has a role to play in the affairs of this Province. We are blessed with a large and a very competent group of men and women practicing dentistry. Over the years, as the Minister of Health (Mr. House) quite correctly pointed out, there have been significant improvements in the dental care available to the people of this Province and that has been reflected in significant improvements in the dental health of the people of this Province.

But you know, it is noteworthy, Mr. Speaker, that, given the news from Bowater in Corner Brook, given the news from Western Labrador, given the situation in the fishery, given the Minister of Finance's (Dr. Collins) repeated admission that his budget is about as reliable as a weather forecast, adding all of these things together, it is significant, Sir, that the government's first legislative matter, its first debatable matter in this House is

MR. ROBERTS: a bill, "An Act To Revise The Law Respecting Dentistry And Dental Surgery In The Province." You know, there is a very old and trite saying that Nero fiddled while Rome burned. It seem here we are biting while the Province sinks. This priority which the government have assigned the time of the House is a pretty telling indication either of the importance they attach to the House, maybe they do not think it is important that matters be debated here, or, alternately, it is a telling admission of the fact they have nothing to debate. We see the Premier playing his childish little games at Question Period. He will probably now go home tonight and have littlefrissons of joy at the thought that he won the Question Period today. I have never heard of any parliamentary leader in this House or in any other who really measured his standard, his performance, by the standard which the Premier has adopted as his own, and we have heard it many times said, 'I have won the Question Period'. I do not know what he thinks it is, a game of darts in a corner club or something, you know.

MR. NEARY: We like to let him think that.

MR. ROBERTS: Does he think this is a beer garden or a bear garden that he wins the Question Period. But, Mr. Speaker, you know, let me leave the point by simply saying that if anybody wants to know why this Province is in parlous state in which we find ourselves today -

MR. CARTER: Rubbish.

MR. ROBERTS: - it is the fact that the member for St. John's North (Mr. Carter) is not the Premier. If he were the Premier, Sir - since he interrupted me I am forced to confess it - if he were the Premier, Sir, we would not be in the state we are in today. God alone knows what state we would be in but we certainly would not be in the one we are in today.

Mr. Speaker, the fact that this bill is the first measure brought forward by the ministry

MR. ROBERTS: in this resumption of a session of the House tells for itself. And if anybody wonders why Newfoundland and Labrador is in the state she is in and what our government are doing about it, all they have to do is sit here today or find out what is happening here today and they will have a large part of the answer.

Now, Mr. Speaker, the bill itself, as the minister has quite rightly and very ably said, is a very inconsequential piece of legislation. It does not achieve very much, it does not make anything any better and, I think it is only right and proper of me to say in all fairness, it does not make anything any worse. There will be little change in any home in Newfoundland and Labrador tonight if this bill gets second reading, as I hope it will. Why do I hope it will get second reading if it is of such relevant unimportance? The reason is that the quicker we get it out of the way the quicker we can get on to something more important, the economic situation in the Province and the government's programme or lack of programme in dealing with it.

Mr. Speaker, the bill itself does not have very much in it that is new. If my friends opposite, I know it has been months since they have seen each other and had a chance to chat and bring themselves up to date, but if they could keep it down to a relatively dull roar I should appreciate it very much. You know, over the vacation, or whatever you want to call it, Mr. Speaker, I had cause to be in London and for the first time in my experience I had an opportunity to see the House of Commons in London and I happened to have had the good fortune to be there on a day when Mr. Kinnock, the new Leader of the Labour Party, made his first major speech. He moved a motion of non-confidence in Mrs. Thatcher's ministry and he made a speech. And two or three things struck me. If I

MR. ROBERTS:

may, Mr. Speaker, I confess it is not thoroughly relevant but it may be of interest to hon. gentlemen, perhaps even of some value to them. One of the things that struck me about the House of Commons, aside the fact the whole Chamber is not much bigger than this one and it is a facility for 635 members, was the fact that during the entire course of the afternoon, and I was there from - my friend from Grand Falls (Mr. Simms) would know when the House meets, he has been over many times, I am sure - 2:30 p.m., I believe, the House sat, The Speaker's procession came in just the same as here. If ever the trapping of an elephant were on the back of the mouse, we do it here so it looked just the same, exactly the same type of format, carrying on a tradition. But I do not think a voice was raised, I sat there from 2:30 neigh on to 6:30 p.m. and it was the Prime Minister's question day, a number of quite effective questions asked and quite effective answers given by Mrs. Thatcher, and then they went on and,

MR. ROBERTS: as I said, had this debate on Mr. Kinnock's motion which had to do with the National Health Service. Nobody opposite will be surprised to learn the government carried the day on that. But it is like the House here, the government on the issue is far out of touch with the people of the United Kingdom.

In any event, what stuck me is that no voice was raised and I think it made the debating so much more effective, and I could not help but think of this House where we end up -

MR. SIMMS: You mean all throughout the afternoon?

MR. ROBERTS: All throughout. There were sharp remarks, I say to my friend from Grand Falls (Mr. Simms), the debate was not all sweetness and light, but there was none of the bawling and screaming and shouting to which we are prone in the House.

MR. SIMMS: That was unusual.

MR. ROBERTS: The hon. gentleman may have seen it. I have no doubt my friend from Grand Falls has seen many things that I cannot even dream of -

MR. SIMMS: Of course, I have not seen it while you were there.

MR. ROBERTS: - but I can only report what I saw and heard. I have no doubt, Sir, that he has been in many places and heard many things that I can only but read about in the sorts of books that the NDP are going to have taken off the shelves.

MR. SIMMS: I read Clapp's Rock.

MR. ROBERTS: The hon. gentleman has read Clapp's Rock? He has done more than I have done. I was in Clapp's Rock but I don not think Clapp's Rock appears as a work of fiction. It is called - what is it called? - a roman à clef. For the benefit of my friend from Harbour Grace (Mr. Young) that is romance of the keyhole.

MR. YOUNG: You must have been a college student.

MR. ROBERTS: I think it is fine to see such two fine gentlemen as the member for Exploits (Dr. Twomey) and the member for Harbour Grace (Mr. Young) together no doubt they have much to compare since last they met and had a chat and in a moment they can have a cup of tea outside the Chamber.

Mr. Speaker, let me come back, if I may though, to the dental bill.

MR. CARTER: Get on with it.

MR. ROBERTS: I do not think my friend from St. John's North (Mr. Carter) should say, 'Get on with it'. He and I appeared together at a Tory meeting recently.

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: We did indeed. It was a grand occasion. I knew what I was doing there, I was not sure what my friend from St. John's North was.

MR. MARSHALL: Where was that?

MR. ROBERTS: It was here in St. John's, I say to my friend from St. John's east (Mr. Marshall). My friend from St. John's East was the butt of considerable mirth there, not from me, I hasten to say, but from the P.C.s who were there. It was a roast of the member for Mount Scio (Mr. Barry). I have no doubt that the gentleman from St. John's East would much like to have roasted the gentleman from Mount Scio but he was not given the choice. It was a fund raising effort.

PREMIER PECKFORD: Did the hon. gentleman get burned?

MR. STAGG: What is this about mirth?

MR. ROBERTS: The hon. gentleman from St. John's East is mirthless. I take the point of my friend from Stephenville (Mr. Stagg) and endorse it.

Mr. Speaker, let me say that my friend from St. John's North was the hit of the evening, the absolute star of the night, and added considerable luster.

MR. ROBERTS: I might as well let it all come out. Mr. friend from St. Mary's - The Capes (Mr. Hearn), who is cowering there on the backbenches for fear that the word will get out, he too was there and, Sir, his contribution was excelled only by that of the gentleman from St. John's North (Mr. Carter). I think that should be recorded.

MR. CARTER: Is that relevant to the dental act?

MR. ROBERTS: Yes, it is relevant to the dental act, Sir, because if ever there was somebody who should have a bite taken out of his posterior is the gentleman of whom I spoke.

Mr. Speaker, the bill itself has nothing of any great significance in it. It is house-keeping legislation of the first order. The dental act has been in force since 1968. As with many of these professional acts it needs updating from time to time, and I take the point of my friend, the Minister of Health (Mr. House), that every so many years these acts should be updated. I do not know if I would agree with them they should be done every ten or eleven years. All that does is make work for lawyers and the legislative draft people and both of them have enough to do without make-work programmes of this sort. The hon. gentleman in introducing the bill, Mr. Speaker, if I read him and heard him correctly, said that there were three major changes and one of these was the separation of the association and the board.

DR. COLLINS: He did not say (inaudible).

MR. ROBERTS: Sorry. Did I not hear him correctly?

MR. DINN: (Inaudible) composition of the board.

MR. ROBERTS: One of them - I thank the hon. member - was the reformation,

MR. ROBERTS:

the broadening of the dental board to include lay representation. And the second, as I understood it, was the question of broadening the representation on the board to include so-called dental auxiliaries. And I confess the third escaped me entirely, unless the minister could help me out.

MR. HOUSE:

The change of licencing.

MR. ROBERTS:

The change of licencing procedure.

Well, Mr. Speaker, let me deal with the last first because it is certainly the least important of three relatively unimportant changes. All that has happened is Schedule "C" to the act has been dropped, Schedule "C" as it appeared in the revised statutes, and it has now been replaced with a broader power which allows the licencing board to licence anybody who, in its opinion, ought to be licenced. And that I believe was set forth in Section 19.

(1) (b) (i) "The Board shall issue a licence to every person who pays the prescribed fee who has completed the entire course of studies required by and holds a degree or diploma in dentistry or dental surgery from a univeristy, college or school of dentistry or dental surgery recognized and approved by the Board."

Well that is hardly going to set the heather ablaze on the hills, Mr. Speaker.

The other two changes have some merit, and let me say it and let me record it, I am glad to see the discipline process opened up by including lay representation. It has been done now with the Law Society and I believe the minister said it has been done with the Medical Association, the Medical Board, but if he did not say it let it be recorded, it has been done.

The only problem that there is, Mr. Speaker, is that we have not gone far enough. Let me say to the minister, because he has the responsiblity for supervision



MR. ROBERTS: of more of these professional groups, I venture to say, than any particular minister, individual minister; what we need in this Province is a professional discipline's act, Ontario has one, I think it is called the Health Disciplines' Act. It should be broadened to include all the professional disciplines, the lawyers, the architects, the hairdressers, the morticians, the whatever's who are incorporated under the authority of acts of this House. And let me say to the minister that in those cases, those disciplinary boards or panels ought to be composed entirely of lay people. It is time, in my submission, that we take discipline out of the hands of the closed trade union -- and I do not say trade union in the sense of the Trade Union Act, or the Labour Relations Act we now call it -- but entirely out of the hands of the so-called self-governing professions. There is ample opportunity and there are adequate methods to ensure that professional input comes in.

Let us take, for example, the Hairdressers' Association, which I assume has disciplinary power. I have not bothered looking it up. My friend from Kilbride (Mr. Aylward) indicates that he is intimately acquainted with the Hairdressers' Association. In his case, Mr. Speaker, I would venture to say he pays full price for a hair cut but half of it is a searching fee and half is the cutting fee. But let me say that supposing a hairdresser steps out of line and does whatever she or he ought not to do and is brought up before the board; in my submission the lay board would receive evidence as to professional misconduct from people qualified to speak, but would decide without having in its midst any professional people itself. And I suggest that is a principle that we should look at very seriously in this Province. I regret the fact that this act does not go that far but still it is an improvement.

MR. ROBERTS:

The separation of the association and the board of course is not terribly new. The act we are repealing, or the act which will be replaced by this one - it is subject to legislation - provided for a disciplinary process under the terms of the dental board. It also provided

an association. You know, insofar as it goes it is good. There are, however, two points that with respect I take issue with the minister on; maybe he will address them in his closing remarks. First of all, I notice that, as I read the act, membership in the association, by which I mean the economic union, the trade union as opposed to the boards, membership in the

MR. ROBERTS: association appears to be compulsory, that if I want to practice dentistry in this Province I must belong to the economic unit, the union. I am not so sure that is correct. We do the same thing with the doctors. I have equal doubts about it there. This, of course, as the minister would agree is separate from the board; the board is a disciplinary body. It is a closed shop. We are legislating a closed shop. And I can just imagine the words and the reaction of the ministers if any trade union, a labour union in this Province, dared suggest, dared request the Legislature to legislate a closed shop. And at least in a labour union you have a representation vote or a representation process supervised by an independent board. Here you have nothing. You just have a self-constituted association which is continuing being blessed by the Legislature of the Province. And so, I simply say to the minister, I see no valid reason why a dentist or a doctor should be forced to belong to the association as differentiated from the medical board, or the dental board in this case. In my own trade, where we have a pretty tight union, we do not have to belong to the Canadian Bar Association. The Law Society seems to be a never-never land, half trade union and half disciplinary body. Sooner or later, presumably it will get its act together and come forward and become just a disciplinary body, leaving the economic functions to another body. We did that with the nurses ten or fifteen years ago and I do not think membership in the Newfoundland Nurses' Union is compulsory.

MR. HOUSE: Not the union by the association.

MR. ROBERTS: The Association. But the ARNN is, as the minister would concur, equivalent to the dental board in this legislation we have here. The minister is

MR. ROBERTS: is looking quizzical. It is the licencing and professional discipline body, and what I am saying is that everybody practicing a profession must be subject to the licencing and regulatory authority. I do not care what we call it, the ARNN, the Medical Board, the Law Society, the Dental Board, it does not matter, but, and this is an important 'but', I suggest that the Legislature ought not to require as a conditon of practice of that trade in Newfoundland that one must belong to the economic group, the trade union group, if you wish. And the point of comparison I make is just imagine the howls that would come if this Legislature ever did what it has refused to do and that is legislate mandatory membership in a trade union, maybe any trade union, for anybody working in a job within the ambit of trade unions.

MR. HOUSE: Teachers (inaudible).

MR. ROBERTS: Teachers belong to the NTA.

I make the some point there again. You know, what is sauce for the goose is sauce for the gander. There should be no distinction. So that is two points; number one, we should have a separate professional disciplines board functioning under special, specific legislation and, secondly, I suggest that the membership in the association ought not to be made mandatory. The bill unfortunately continues that. It is not unique, we have talked of others in the Province.

MR. ROBERTS: Finally, Mr. Speaker, I want to touch upon, to me, the gravest deficiency in the bill. The minister has left us. Maybe I should adjourn the House until the minister can get back. I trust the minister can hear what I am saying. Whether or not he agrees with me, I am sure he will want the opportunity to - he did not go out for a cigarette, did he? I mean, the Minister of Health (Mr. House) does not smoke. There ought to be a law.

MR. HODDER: He probably cannot understand you.

MR. ROBERTS: Well, my friend from Port au Port (Mr. Hodder) says the minister may not be able to understand me. I take his point and I concur, but all you can do is lay it out in simple language and hope for the best. And the Minister of Health at least tries, unlike some other hon. gentlemen opposite who do not even try.

MR. CARTER: Say it in Latin.

MR. ROBERTS: I am sorry?

MR. CARTER: Say it in Latin.

MR. ROBERTS: I would say it in Latin except then only the gentleman from St. John's North (Mr. Carter) and myself would understand it, and the Speaker would probably rule it unparliamentary. In fact, if I said what I really think about the gentleman from St. John's North it would most certainly be unparliamentary, whether I said it in Latin or in English or in French or Spanish. He speaks Russian. I believe he is the only

MR. ROBERTS:

member of the House

who speaks Russian. I do not know whether he knows more than the rest of us or whether he knows less than the rest of us, but he knows Russian.

In any event, let me deal with what is the major deficiency in this bill and that is the denturists' situation. A number of years ago this House set up a Select Committee and the Select Committee - if I am not mistaken Your Honour was a member of it. Your Honour shakes his head; you begged out on that one.

MR. SPEAKER (Aylward):

The former member for

Kilbride (Mr. Wells) was.

MR. ROBERTS:

"I bows to your

reverence accordingly." Your Honour will learn, if he has not already, that members come and members go, but constituents and constituencies go on.

But there was a Select Committee with Mr. Wells - Mr. Robert Wells was the member for Kilbride at that stage. A distinguished member, he set the pattern that has been carried on by the present member. Mr. Wells chaired the Committee; they had widely attended hearings, anybody who was interested came, representations were made, a report was made, and, as I recall it, a commitment was made by the government that there would be legislation brought into force to legalize the practice of denturism in this Province. That legislation has not seen the Statute Books, it has not been put into effect. It is in print but it has not seen the Statute Books in the sense it is not the law.

MR. CARTER:

Would the member permit

a question?

MR. ROBERTS:

Yes, of course.

MR. SPEAKER:

A question from the hon.

member for St. John's North.

MR. CARTER:

The member for the Strait of Belle Isle (Mr. Roberts) has kindly yield for me to ask him a question. It is a perfectly straightforward question and I say this to him, Would the hon. member himself go to a dentist or have any member of his family go to a dentist?

MR. SPEAKER (Aylward):

The hon. member for the Strait of Belle Isle.

MR. ROBERTS:

The answer, Mr. Speaker, of course, is yes, without any hesitation. Just as while I have my eyes dealt with by an ophthalmologist because I have an eye condition. That has nothing to do with the fact, my vision is bad as well, but I have a pathological condition of the eye which requires treatment from time to time.

AN HON. MEMBER:

That is right.

MR. ROBERTS:

No, no. I am doing the hon. gentleman the honour of trying to answer his question seriously, if he does not want to respond in kind let him just say nothing if he might, Sir.

But the point is that while only an ophthalmologist can deal with the pathological situation, the diseases that the eye can be subject to or the conditions to which it can be subject from time to time, an optometrist, sometimes called an oculist, is more than capable of giving vision tests and refractions and that kind of procedure. To me the analogy is dead on, it is dead on and

I have no hesitation in saying the dentist is qualified to do certain specific types of work and procedures. In fact, in many cases the practice in this Province has been that the dentist was employed by the dentist to do the work and the only thing the dentist did was add an amount on on the way through. Now I do not know if that still is the case, but that was historically the case and I believe that came out quite clearly in the evidence given before the Select Committee under the chairmanship of Mr. Robert Wells.

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MR. CARTER:

But they worked

under the dentists.



MR. ROBERTS:

You know, they say they work under the dentists. The supervision was the same as the hon. gentleman's supervision of his savory farm, a distant and, in many cases, you know, absent. Mr. Speaker, I take the hon. gentleman's point as being a serious one but my answer is equally serious, I have no hesitation in saying that, given certain types of situations, a denturist is just as capable or more capable. And I can expand that; if we were on a general health bill, I would talk about the fact that nurse practitioners can do many of the things which doctors do in this Province and can do them far better and far more cheaply and far more effectively. And I do not think there is a member who can, with knowledge and with accuracy and with truth, dispute that proposition. The same is true in my own profession, you know, the scandal of lawyers charging for handling conveyancing transactions when in almost every case the work is done not even by paralegals who at least have some training, but is being done by a stenographer. That is one of the scandals of the law in this Province. It is getting much better because of competition and now things have to be done a little better because the competition is a little stronger and that makes people measure up to the mark.

Mr. Speaker, to follow on on the hon. gentleman's point, because it deals directly with the denturist situation, what I suggest and urge we do is regulate the denturists, licence them and set standards.

The problem with the denturists in the Province, one which they themselves acknowledge, is that there are no standards. They are the very first people very responsibly to come forward and ask for a board to govern them and ask to be regulated by defined and precise standards, and that is the weakness now.

MR. CARTER:

That is rubbish!

MR. ROBERTS:

The hon. gentleman may think it is rubbish. I mean, the hon. gentleman may think whatever he wants but the facts are there. He may disagree with the denturists. I could not care less whether he agrees or disagrees, let him state his position here in the House and so be it. What I am saying is that the denturists are the very people who have come forward and said, 'We want standards.' Now, some may say, Oh, they want a grandfather clause, but that is another point. Whether there should be a grandfather clause automatically, extending to everybody who today calls himself or herself, as the case may be, a denturist, or whether there ought to be an initial entrance, I do not know, although we have used the grandfather clause principle in just about every kind of situation in this Province, Mr. Speaker.

But I am not taking a definitive position today on that. What I am saying is that this bill does not address the denturist situation in a way in which I suggest it should. What it does do though - and again, the very wide words - it gives the dental board a power to make regulations. The power is found in Section 21 - I am sorry, Section 22 is the one I want; there are two sections giving the board power - gives the board the power to define a dental auxiliary and to classify dental auxiliaries. Then, if you refer back to the definition section of the bill, Mr. Speaker, which is Section 2 and you look up the definition of dental auxiliary, you find in subsection (c) of Section 2 it says, 'means a dental auxiliary as defined in the regulations.' It is purely circular. So what we have now in this bill is a situation whereby the dental board, five of whose eight members are dentists, can define what they regard as being a dental auxiliary,

MR. ROBERTS: and that, of course, extends beyond any doubt to the work being done by denturists. The minister shakes his head, I hear him to shake his head, if that is not mixing the metaphor, but I would simply say that is the way the bill now reads. I am not saying it is what is in his mind, I am saying it is what the bill now provides, if he but looks at section 22, subsection (1). And this bill would allow the Dental Board in my view, as it now stands, to govern the practice of denturism in this Province once it becomes law. And I am saying that is wrong. I am saying -

MR. CARTER: No way.

MR. ROBERTS: I am sorry. My friend from St. John's North (Mr. Carter), am I wrong in principle or am I wrong in my reading of the bill?

MR. CARTER: I think you are wrong in principle.

MR. ROBERTS: Well, I will deal with the principle in a moment but let me deal with my reading of the bill. I am right in both as it will turn out. But the bill gives the Dental Board, five of whose eight members must be dentists, gives the Dental Board the power to define what is a dental auxiliary and I see nothing in here which would in any way inhibit that power and which would in any way prevent it extending to and embracing the entire type of work known as denturism.

MR. CARTER: Sobeit.

MR. ROBERTS: And my friend from St. John's North says sobeit. We will now join issue on the principle. The principle is that the denturists have been recognized by this House. The government have not, the government have not proclaimed the act. The House has recognized the denturists, acting upon the recommendation of the Wells Committee, made after hearings and consideration, pondering the issues, as a self-separate profession, and this bill simply destroys that.

MR. CARTER: Good.

MR. ROBERTS: My friend from St. John's North (Mr. Carter) says "Good" and I say to him if that be the policy of the ministry which he so slavishly supports, if that be the policy of the ministry then well and good, let the Minister of Health say that and I will take issue with the Minister of Health. But he has not said that. What I take issue with now is that this bill perhaps unbeknownst to the minister - I am not saying the minister sat up nights and plotted this, and I am certainly not saying his officials sat up nights and plotted it, what I am saying is that this is what the bill before the House would do and I suggest to the minister that is wrong. I suggest that the denturist profession ought to be regulated. It is a continuing scandal and a festering sore in the body politic of the health professions in this Province, including the denturists themselves, that they are not regulated. They ought to be regulated by definite stated standards and they ought to be given the opportunity to be measured by professionally qualified people in the same way as are the dentists or the doctors or any others. And that does not mean that the denturists should be regulated by the dentists any more than the dentists should be regulated by the doctors or the doctors by the lawyers or the lawyers by the hairdressers or anybody by anybody else. We accept the principle of self-regulating professions. I have already said, Mr. Speaker, that I think there should be a separate health profession, or professions in fact, discipline board extending to all of the professions incorporated by virtue of acts of this Legislature as a means of enforcing the public trust. And that is all we should be concerned with. We should be concerned with the fact that if there is a breach of professional discipline, if there is professional misconduct there must be a method and the means to bring these people to book and to bring them up before an impartial group which can hear the evidence, can hear argument and then can render a decision. That is our concern, that and making sure there

MR. ROBERTS:                   are adequate standards in place,  
that if a person calls himself a doctor he or she in fact is  
qualified as a doctor and so forth on down the line.

Mr. Speaker, there are one or two  
other very minor points which have some relevance to the  
principle of the bill. The minister mentioned the new discipline  
process and I looked it through; it is fairly standard  
in form but may I suggest to the minister one point: The  
appeal which is provided, and in my view rightly so, from the  
decision of the discipline board, and I am down now in Sections  
27 and 28, the appeal is to a judge of the Trial Division  
of the

MR. ROBERTS:

Supreme Court. Perhaps the Minister of Justice (Mr. Ottenheimer) and his colleague, the gentleman from St. John's East (Mr. Marshall), could take the point, an appeal ought perhaps to lie to the District Court as well as to the Judge of the Supreme Court. We have a number of judges, I believe we have seven in the Trial Division now throughout Newfoundland, but they are all stationed here in St. John's. The District Court, of course, has nine or ten judges who are stationed at various points throughout the Province. In Section 28, I believe, I think there is another reference to the Trial Division of the Supreme Court, but it is a fairly simple matter in principle but I believe would facilitate a situation, particularly given the fact that there are quite a number of dentists who live and practice outside of St. John's and who might not have access quite as readily to the Judges of the Trial Division as they would to a Judge of the District Court. But to sum it up, Mr. Speaker, the bill is not a terribly exciting one. It is not offensive in any way, we have no difficulty in supporting it. It does, however, fail to deal with the denturist situation and, in my opinion, for the reasons I have stated, opens up a possibility that the dentists who dislike the denturists - whether they should or should not is beside the point, the fact of the matter is they detest and dislike the denturists, they made that clear publicly and privately time and time again. That is fine, this House has heard that and has decided against the down-putting or the putting down of the denturists and has indeed enacted legislation - the House has not the government - the House has enacted legislation constituting a profession of denturism whatever the correct term is. I am not sure if they are called that or they are called something else

MR. ROBERTS: in the bill but there is a bill on the Statute Book, it is just that it never became law, it is simply there at a fiat of the Lieutenant-Governor in Council.

Let me close by saying two things number one, I would like to associate us on this side with the tribute brief but eloquent paid by the Minister to the dentists of this Province. There is no doubt in my mind they have done a first-class job, and that includes Dr. Ball, a prominent member of his profession and a prominent citizen of Central Newfoundland. My friend from Grand Falls made a partisan reference, I cannot help the fact if the good doctor has partisan foibles, but in a professional sense he is an ornament to the profession and an ornament to the Province. Let me say as well that it is a matter of regret for those of us on this side, that all of the vast improvements which have come about, admittedly, in dental practice in this Province have come about in the distant past, there has been no significant change. There are more dentists true, but the Minister of Health (Mr. House) has no more to do with that than he has to do with the fact that snow will fall between now and June month in this Province on at least one occasion. I tell him that and I tell him there will also be more dentists next year. That is not why we have more dentists, we have more dentists because more are being produced, because there are more young people going into dental college and so forth. The hon. gentleman talks of support programmes. Our support programmes are not particularly generous and they have not been improved very much. I think the only change in the last ten years has been the introduction of a practice subsidy and I think if the Minister really checks back with the records he will find that that was always

MR. ROBERTS:

another. But the point I am making is there has been no expansion of the dental programmes, in fact, if anything, there have been restrictions of them over the last three or four years and that is not good. Dental health has been in many ways the stepchild of public health in Newfoundland and Labrador over the years. It began to get its place in the sun when the Children's Dental Programme came along. It still has not got to the point it ought to get to and I simply say to the minister that I know he has many difficulties, I know that he has no money, I know that his colleagues have no sympathy for the whole point of providing of health services or any concern for these feelings, but I say to him, Mr. Speaker, that there is one area in particular that needs a great deal of attention from the minister and that is the question of the dental programmes being provided to the people of this Province, including in particular, children's dental programmes. I gather there was a lot of discussion about it at the Dental Association meeting over the weekend in St. John's and I say to the minister, I think the dentists there, if I understood correctly what was reported, and if what was reported was, in fact, correct, the dentists had some good suggestions for them.

Mr. Speaker, with those few brief remarks, more extensive than I had planned, but goaded, as always, beyond forebearance by my friend from St. John's North (Mr. Carter) - I do not know what we would do without him, Sir, a real burr under the saddle of the horse of progress - but goaded, as always, beyond forebearance by his intemperate and incessant attacks, I was forced to defend myself as best I could against him, so I had to use another two or three minutes.



MR. ROBERTS: Mr. Speaker, I suggest to the minister the points I have made are ones which he ought to take unto his heart and ponder and then we will see what, if anything, comes of it. But the bill, itself, Sir, for whatever it is worth, we do support it.

DR. COLLINS: Mr. Speaker.

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

DR. COLLINS: Mr. Speaker, I did not mean to speak in this debate originally because the bill, as the hon. the Minister of Health (Mr. House) brought in, and as he explained it, it shows that it is an extremely important bill and it is a very useful bill. But I felt that I had to respond to a few of the remarks made by the hon. member opposite because, as is so often the case, if you listen to his remarks somewhat uncritically, you are inclined to accept them. He makes what are plausible statements, plausible arguments, but in actual fact if you look at them in some detail they fall to the ground, they are just argumentative points, they are sort of debating points rather than anything else.

The one that particularly caught my attention was where he said - and I cannot quote his exact words now but he said something along the lines that, as everyone knows, that many of the things done by doctors can be done by nurse practitioners or whatever. As I say, I cannot quote his exact words but that was the sense, the thought that he was trying to get at. Now, if you just examine what he said in some detail you can see that this was just a debating ploy on his part that has no validity, he has no basis for making such a statement. If you look at the content of medical practice, one aspect, carrying out surgical operations, now, you know, in contradiction with what he says, I do not think that any

DR. COLLINS:                      reasonable person will accept  
that someone who is not trained particularly in surgery  
can carry out surgical operations, certainly not a nurse  
practitioner. A nurse practitioner can do many things  
and is trained for many things but is certainly not

DR. COLLINS:                      trained to carry surgical procedures. Secondly, if you look at the care of patients in hospitals, be it surgeon or be it physician or whatever other type of doctor, a doctor gives care to patients in hospital by supervising their care there. He very seldom does any care himself. He very, very seldom gives injections or what have you. He is there to supervise and set the complexion of care that is given and, of course, the reason why he is supposed to be able to do this, and I think most can really, is that he has got training in that particular sphere, he has got specific training there. Now, as I say, nurse practitioners have their own training and their own expertise but it is not in giving medical care. They are not qualified for that in their training. Certainly they are not qualified under our legislation, but even quite apart from that they are not, and they would be the first ones to admit it and to support the statement, they are not qualified to give medical care.

Another aspect of medical practise is seeing people in the office or in out-patients or whatever when they come in with a variety of complaints and again the doctor does not very often give care there. He might give some care, moreso than, say, in hospital practise, but it is not a major part of it. His major part is giving medical opinion. Now, some of the conditions that he is asked to give opinions about are fairly minor conditions. They are not minor in the patient's mind. Quite often what is a very minor condition, in the patient's mind is a very, very worrisome thing and the patient wants his fears and his concerns allayed and allayed in a way that he can accept and be happy about and forget and he goes for that reason. Now, again, a nurse is not trained to do this. Her job is not to carry out medical diagnosis, give medical reassurance and so on and so forth. So if you look at many of the things that the hon.

DR. COLLINS:

member opposite said about physicians and this remark he made, this generalization he made, you can see that if it covers anything at all it covers a very small part of medical practise. Now, I cannot speak in regard to the law in the same way I can speak in regard to medical practise, but I suspect that what he has even said about the law is much the same.

I think he said something like secretaries can do what lawyers do in terms of conveyances. Well, now, if I buy a piece of property and I want it conveyed to me so that it is done in a proper fashion and is not open to challenge any time in the future, which may be for decades or whatever I go to a lawyer and I pay the lawyer on the basis of his expertise and his training and his legal care and attention, I want him to make sure that this conveyance is done properly to me and I recompense him for that, I do not recompense him for the fact that someone is typing up a document or whatever. And I am surprised that the member opposite, who himself is a practising legal professional, would take that attitude. I would have thought that a man in the position that he is in would have had more insight into what his profession is all about and I was amazed and that is what made me get to my feet to make a comment on the outrageous statements that the member opposite made. So many of his remarks are along these lines and I think that over the coming weeks we will, I am sure, all make an effort to listen to the points he makes in debate and not just accept the plausible words that he says, we will look at the contents of his remarks and I am afraid that

DR. COLLINS: we will find them very deficient and very minor and very miniscule. So with those remarks, Mr. Speaker, I certainly support this bill.

SOME HON. MEMBERS: Hear, hear.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, the only compliment I want to make is this, that after listening to the hon. gentleman, the Minister of Finance (Dr. Collins), Mr. Speaker, now I know why the finances of this Province are in such an incredible mess as they are, after just listening to what the hon. gentleman had to say in support of this bill.

MR. CARTER: Mr. Speaker.

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

MR. CARTER: Mr. Speaker, I did not mean to get involved in this debate but the member for the Strait of Belle Isle (Mr. Roberts) has provoked me beyond endurance.

First of all, I would like to start off by praising him because he has a very, very good background in medicine; he was the Minister of Health, his brother is a doctor, his father is a doctor, he comes from a medical family and he certainly ought to know better. He loves to argue by analogy. He seems to think that because a person may have some superficial knowledge in teeth that he is qualified to go all the way. Well, I would say to him obviously he cleans his teeth every morning and probably every night and he probably does a very good job. But that does not mean that he can hang out his shingle and call himself a dentist or a practitioner of any kind of dentistry although he may very well be able to supervise the cleaning of other people's teeth very well. To suggest that the

MR. CARTER: denturists should have an honoured place in the pecking order of the dental profession of this Province I think is wrongheaded, mistaken and mischievous in the extreme. The denturists do not have the training that the dentists have. They have never done any anatomy, a lot of them do not even have proper schooling, and yet they think because they have a certain ability to form teeth, false teeth, that they should be able to provide all and sundry with full plates, upper or lower or both. I think that they do have a place in the dental picture, the dental mosaic, but it should be under the dentists. And I am glad, in my reading of this act, to see that this will empower the Dental Society to regulate such people. And I think working in conjunction with and under the power of the dentists I think that they can be a very useful adjunct to the dental profession.

The Minister of Finance (Dr. Collins) who is himself a medical man pointed out by implication, if he did not spell it out, that the advantage of a profession is that they are able to take the responsibility for their work. A denturist obviously cannot take responsibility for any medical complications arising out of his work because he has no medical background, whereas a doctor or a dentist is medically qualified. A dentist is certainly medically qualified to deal with teeth and all to do with the jaw and, therefore, he should have the final say in the treatment of a patient.

And I cannot sit down without taking this opportunity to praise the dentists of this Province who, in my few years experience, have made tremendous strides in the level of professional care and technique that they are able to offer. And it is true to say that if a young family were to put their children in the hands of a dentist from a very early age, that it is quite conceivable

MR. CARTER:

that that child would never have to have anything more done with his teeth than periodic inspections. I have spoken to dentists whose own children have received the best of care and one dentist said,

MR. CARTER: in one case that I can quote, that his children had never had any cavities whatsoever and the only dental care that they required, apart from inspection and examination, was one of them had a broken tooth that required some repairs. And this, I think, is a tribute to the level of dental care in this Province. I think when one looks back at the last twenty years and sees the strides that have been made, one can only hope that in the future all of us will have all of our teeth, and good ones at that, and be able to get our teeth into any matter whatsoever.

I would just like to close by saying that the member of the Strait of Belle Isle (Mr. Roberts) has revealed himself in all his colours once again. He does not bother to hide any of his treacherous approach to legislation, he sees devils in every act that is brought into this House. I think the Minister of Health (Mr. House) deserves to be commended for introducing such a sensible piece of legislation, and I am sure that once it is passed it will do a great deal of good.

MR. SPEAKER (Russell):

The hon. member for Kilbride.

MR. AYLWARD:

Thank you very much.

I have only a few brief comments to make on the dentistry bill so I will not delay the House very long. As some hon. members in this House know, I am concerned and have been concerned for sometime about the Denturist Act, which I know is not being discussed here today, but I just wanted to ask the hon. minister a couple of questions. I have spoken with him privately on this matter, but I would like to make it public just for the record. I have the minister's assurance that this act is not designed to hinder in any way the Denturist Act which was passed in this House and has yet to be proclaimed, but there are a couple of sections in this bill that, I just want to make clear, will not have a detrimental effect on the denturists or the Denturist Act that was passed.



MR. AYLWARD:

One of them is section 1, subsection (d) (ii). It defines dentistry as 'the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering, or repairing of or prescribing or advising the use of any prosthetic denture.' Now, I am not sure if this act has the intention of giving the exclusive right to the dentists to produce what I would call dentures, what the denturists of this Province are producing now.

In another part of this bill, Section 2 is the definition of the practice of dentistry or the practice of dental surgery, which includes any single act referred to in paragraph (d), which I have just mentioned.

So I just want, for the record, the minister to state that it is not the intention of this bill to interfere with or negate in any way the Denturists Act which has been dealt with in this House sometime ago.

MR. SPEAKER (Russell):

now he closes the debate.

If the hon. minister speaks

MR. HOUSE:

Thank you, Mr. Speaker.

First of all I want to thank all those who have spoken on this bill so far. I just want to point out that when we get up and bring a bill before the House, you know, it is not always earth-shattering. All professional acts are just basically evolutions

MR. HOUSE: or come about by virtue of improvements in the professions, and usually they come as a result of the people practising in the field. So I would not want it to be seen to be a minor piece of legislation. It is a very important piece of legislation to the people who provide and the people who receive the service. We can knock just about anything that comes before the House and that is the way it seems to be over there. I think it is important and significant. What we have said today, the tributes paid to dentistry in the Province, I am sure everybody agrees with. When we talk about nothing new happening, I do not know exactly what has got to happen. If nothing happens you get knocked for it and if something happens you get knocked for that too. The progress in dentistry in this Province has been as a result of policies and a result of programmes and a result of the Dental Association's dedicated work in the Province and all of that has come about by a joint working together. So, you know, we need not be ashamed of our effort or anybody else's effort, including the Dental Association. We have worked together and worked together well on this.

MR. NEARY: The original act dates back to 1968.

MR. HOUSE: The original act here is 1971, I believe. It is 1970 on the Bill anyway so I do not know.

MR. NEARY: You need a good Liberal reform.

MR. HOUSE: We have changed it and modified it tremendously.

The reference to the association being a 'closed shop', I do not think it is a 'closed shop' in the sense trade unions use the term. There is nobody trying to prevent dentists from becoming members of the association. It merely says that if you become a member recognized by the board, then you are automatically a member of the association. And that association is the association that acts on behalf of the dental profession for their wages and benefits and, of course, it is not unlike the medical association or the teachers or any other group..

MR. HOUSE: The health disciplines - and I guess I can tie in the denturists thing here - referred to, whether it is outlined clear enough or not I do not know, are those disciplines that work directly with dentists, and these are the technicians and hygienists who work directly with dentists, these are two groups. This has nothing to do with the Denturist Act that will be proclaimed before the Dental Act.

MR. HOUSE: There were a few problems in getting that particular piece of legislation put into practice but we are dedicated to getting that one proclaimed before this particular act. So it does not have any impact, it is a separate act and what the intent was will still be.

One more thing that was mentioned, Mr. Speaker, was a disciplines board for all professions, Reference was made to that. Ontario does have one but they still have their own individual boards that have some responsibility for discipline, and that may be an evolution down the road, but right now we believe the boards that we are putting in place and the procedures for discipline are improvements and the very fact that we have the public involved is a significant improvement.

Mr. Speaker, there are a couple of things, I think, where the terminology has to be changed and that will be dealt with in third reading.

I move second reading.

On motion, a bill, "An Act To Revise The Law Respecting Dentistry And Dental Surgery In The Province," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 26).

MR. OTTENHEIMER: Order 14.

Motion, second reading of a bill, "An Act To Amend The Accident And Sickness Insurance Act, 1971," (Bill No. 14).

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

SOME HON. MEMBERS: Hear, hear!

MR. OTTENHEIMER: Mr. Speaker, this is a quite straightforward piece of legislation. I do not think it will cause any great controversy and, indeed, it has also to do with teeth.

MR. OTTENHEIMER:

Hon. members might recall that in 1978, the Accident and Sickness Insurance Act was amended at that time to provide that there would be continuing liability of an insurance company to pay certain benefits under group insurance contracts, even after the termination of that contract if the injury occurred before the contract was terminated. And those benefits included loss of income because of disability, death and dismemberment. A couple of years or so after that amendment, the Association of Superintendents of Insurance met and recommended to the various provinces an additional amendment to the legislation. I should point out that every province has a person, usually called a Superintendent of Insurance, and these people meet once a year, keep in quite close touch, work very co-operatively together and essentially their responsibility is to protect the interests of the insurance using public.

So it was recommended by the Association of Superintendents that the provinces should include, among those benefits which an insurance company would be required to pay, any injury to natural teeth, any injury to teeth. So essentially what this amendment is is to give legal effect to that recommendation whereby an injury to teeth will now also come under those category of injuries that an insurance company will be required to pay to an injured party even if the contract of insurance is terminated, as long as the injury occurred prior to termination of the contract. That is

MR. OTTENHEIMER: pretty straightforward, I think and a worth while amendment to the legislation.

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

MR. NEARY: Mr. Speaker, I think it is most appropriate that the administration should be worried about teeth today because we are all aware of what is likely to happen if they stay on the course they are on now.

MR. SIMMS: Oh, yes. Our days are numbered.

MR. NEARY: Their days are numbered, there is no doubt about that, at least the Premier's days are numbered.

MR. SIMMS: You said all of us. You said all our days are numbered.

MR. NEARY: I named the trio - the Premier, the Government House Leader (Mr. Marshall) and the Minister of Finance (Dr. Collins), the infamous trio. Well, Mr. Speaker, they have been kicking people now in the teeth for the last several years, so I think it is most appropriate that we should spend some time this afternoon talking about teeth.

Mr. Speaker, again I have to reiterate what my colleague, the member for the Strait of Belle Isle (Mr. Roberts), said when he talked about the previous bill. Although I am not trying to belittle the importance of this kind of legislation, but I believe we have matters of higher priority in this Province at the present time. We have the terrible state of the economy, we have an incredible mess created by the Minister of Finance, a financial mess in this Province, that could be disastrous. So, Mr. Speaker, we are going to support the legislation and we hope that the next bill that we have before us will be a bill or a proposal or a plan that will have to do with the crisis in the fishery, or the crisis in Corner Brook or the terrible state of the economy in Labrador City. Mr. Speaker, let us hope that the next bill that the Government

MR. NEARY: House Leader (Mr. Marshall) will call will have some relation to the real problems that are facing the people of this Province, the real problems, Mr. Speaker, the crisis in the fishery, in the pulp and paper industry, in the mining industry and the large number of Newfoundlanders who, for the first time since Confederation, do not have enough stamps to qualify for unemployment insurance this Winter. That is the kind of stuff we want -

MR. CARTER: That is not relevant.

MR. NEARY: Yes it is relevant, Mr. speaker, it is relevant. I would gladly take my seat if the Premier would tell me he is going to introduce measures to help those who do not have enough stamps to qualify for unemployment insurance this Winter. Is the hon. gentleman just waiting for something to happen in Ottawa?

MR. WARREN: Definitely, those bad boys up in Ottawa.

MR. MARSHALL: You are going to have to do a better job in the Senate than you are doing here.

MR. NEARY: Mr. Speaker, there is wishful thinking if I ever heard it. Mr. Speaker, hon. gentlemen opposite would love to see me gone.

PREMIER PECKFORD: Your own people say you are going.

MR. NEARY: We also heard the hon. gentleman was going. The hon. gentleman might have escaped, might have suppressed it, kept it down this weekend, but the knives are out for the hon. gentleman.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: And he can quote all the poetry from Robert Frost that he likes -

MR. SPEAKER (Aylward): Order, please!

MR. NEARY: - Mr. Speaker, it may boost his own ego and his own morale, but the knives are out, Mr. Speaker.

Anyway, Mr. Speaker, I know I am just getting off the track here a little bit. We are going to support the bill but we only wish we had something worth debating in this House.

DR. COLLINS: Is it true about the Senate?

MR. NEARY: No, it is not true, Mr. Speaker. It is awfully flattering, but here I am just beginning a young, new career, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!



MR. NEARY: Mr. Speaker, let me say to the Minister of Finance (Dr. Collins) that I have occupied just about every seat in this House except one. There is one seat I have not occupied -

MR. SIMMS: That is not true. You have not been Speaker.

MR. NEARY: I said just about every one. One of the ones that I have not occupied is the one directly opposite.

MR. SIMMS: And you never will.

MR. NEARY: And, Mr. Speaker, if the hon. gentleman does not pull up his socks he may get the shock of his life. I think the hon. gentleman's days are numbered, Mr. Speaker. Who knows but in the very near future the hon. gentleman will either be out altogether or he will be sitting over here where I am now.

PREMIER PECKFORD: I have heard that before.

MR. SPEAKER (AYLWARD): Order, please!

MR. NEARY: It will take more than the hon. gentleman trying to imitate General MacArthur the time that he got fired out of his job when he was brought back from the Far East. Mr. Speaker, we are going to support the bill.

DR. COLLINS: We heard the Prime Minister is going to send you to the Senate.

MR. NEARY: Mr. Speaker, there is wishful thinking if you ever heard it. The hon. gentlemen there opposite would give their right arm to be able to get rid of me, Mr. Speaker. A few years ago they used smear tactics -

MR. SPEAKER (AYLWARD): Order, please!

I wish to remind the hon. Leader of the Opposition (Mr. Neary) that the bill we are discussing is Bill No. 14. Although what he is saying is very interesting, I would ask him to restrict his remarks to the bill "An Act to Amend The Accident And Sickness Insurance Act, 1971."

MR. NEARY:

Well, Mr. Speaker, they can start all the rumors they like, but the fact of the matter is that the people of this Province would rather see the administration put some teeth into doing something about the Newfoundland and Labrador economy then bringing in this kind of legislation that we have before us today.

On motion, a bill, "An Act To Amend The Accident And Sickness Insurance Act, 1971," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 14).

Motion, second reading of a bill, "An Act To Amend The Fire Prevention Act." (Bill No. 12).

MR. SPEAKER (AYLWARD):

The hon. Minister of Justice.

MR. OTTENHEIMER:

Mr. Speaker, this bill will amend the Fire Prevention Act. As hon. members are aware, the Fire Prevention Act is within the jurisdiction of the Fire Commissioner. I will go through the various changes which will be effected by enactment of this Legislation. They are all beneficial and they all give, if one will pardon the metaphor-teeth seem to be coming into it a lot today - additional teeth to the act and will all provide an additional measure of public protection. Essentially, of course, the Fire Prevention Act and the office of the Fire Commissioner is within the area of public protection and enactment of this legislation will change certain anomalies but essentially will improve the aspect of public protection which is within the jurisdiction of the Fire Commissioner's office.

The first thing is to correct what appears to be, and certainly in my opinion is an anomaly in the Act. At present the Fire Commissioner is empowered to both investigate fires, obviously, and hold enquiries into the circumstances of fires. Now, whenever there have been enquiries into fires it has always been done under the Summary Proceedings Act, that is by a Provincial Court Judge.

MR. OTTENHEIMER:

The authority for the Fire Commissioner to hold an enquiry has never been used, it has been done under the Summary Proceedings Act and is conducted by a Judge. It seems inappropriate that the same person or same office should be responsible for two quite different functions, one investigative and the other, if you wish, judicial, because an enquiry is essentially

MR. OTTENHEIMER: a judicial matter. So this will leave, obviously, the Fire Commissioner with the full investigative authority but it will see that the enquiries are carried out by a provincial court judge, which has always been the practice.

MR. NEARY: Is that the way it is done now?

MR. OTTENHEIMER: That is the practice as it is now, but the actual Fire Prevention Act permits the Fire Commissioner to do two things: To investigate and hold an enquiry. The government or the Department of Justice have never required him to hold an enquiry, we always go to the provincial court for that, because it seems inappropriate the same office should do the two different things. This will clarify it by taking away that anomaly whereby the Fire Commissioner, in theory at last, both investigates and conducts an enquiry, leaving the investigative function whereby the enquiry would be by the provincial court, which is the way it has always happened, it is just that the legislation was not consistent, if you wish, with the practice.

The second matter is at present the act requires the Fire Commissioner to review building plans to insure that proper fire prevention measures are taken. Now the amendment would also require the Fire Commissioner to examine plans for outdoor storage areas such as dump sites, oil storage areas, etc. The reason for the amendment is that it could be argued that if the Fire Commissioner now were to look into matters of that nature, since the statute did not specifically provide for it he may not be entitled to do it. So that is the second matter.

The next matter, at present the Fire Commission is enabled to insure that building plans include adequate fire prevention measures and escape facilities. The amendment will go further and will enable the Fire

MR. OTTENHEIMER: Commissioner to insure that building plans provide for adequate fire detection and life safety equipment. So really, as I said at the beginning, what it is is an expansion of the authority of the Fire Commissioner in the area of fire prevention and much of it, of course, relates to new national codes which have evolved within the past year or so.

Next, as hon. members are probably aware, the act at present enables personnel, such as police officers and staff of local fire departments, to investigate fires under the Fire Commissioner's direction to determine the cause of the fire. This amendment will extend the scope of such investigations to determine whether any deaths or injuries caused by a fire were the result of negligence, carelessness, accident or design.

The next area of amendment in this legislation, I should remind hon. members that at present the act permits fire investigators to enter and examine premises as part of their investigations, but it does not explicitly authorize them to collect evidence for analysis or to remove it from the premises. The amendment gives investigators the authority to collect evidence and remove it.

MR. NEARY: They have been removing evidence, have they not?

MR. OTTENHEIMER: I think there are instances where they have removed evidence, and that probably has not been challenged, but this makes the Act very specific. I do not think anybody has ever challenged the right of the investigator from the Fire Commissioner's office to remove the evidence, but this provides that a person could not challenge his authority to so do.

At present the act states that the Fire Prevention Advisory Council must consist of the Fire Commissioner, three representatives of government

MR. OTTENHEIMER: departments and one other person. That is five. The amendment will permit the Advisory Council to include up to eleven members and will remove the requirement that the council include representatives of three government departments. This is largely as a result of a request made by the Newfoundland Association of Fire Chiefs and our Newfoundland Association of Firefighters.

MR. WARREN: Who is on that Advisory Council?

MR. OTTENHEIMER: At present it is the Fire Commissioner, representatives of three departments and one other person, but I could not name that other person.

This will enlarge the Advisory Council to eleven, obviously the Fire Commissioner will be on it, and there will no longer be a requirement that there be representatives of three government departments, but obviously there could be representatives of three government departments. I guess it will make them much more inclusive and people from more areas of the Province could be called on to serve.

MR. NEARY:

Well, how will they be selected?

MR. OTTENHEIMER:

In consultation with the Fire Commissioner, and usually in consultation with the Newfoundland Association of Firefighters and the Newfoundland Association of fire chiefs, which meets once a year and keeps in quite close liaison with both the Department of Justice and the Department of Municipal Affairs as well.

The next matter; currently if an investigator determines that a building presents a fire hazard he may order the owner or the occupant to install various types of detection, extinguishing equipment, escape equipment, and to remove hazardous materials from the premises or to evacuate and close the building. This amendment will expand the list of equipment that the investigator may order to be installed, and will permit the investigator to order the closure of a part of the building.

There are a couple of other matters.

At present the act that enables the Fire Commissioner -

MR. NEARY:

Does that refer to Holy Heart?

MR. OTTENHEIMER:

I do not think this is specifically related to any one situation or building, but rather as a result of experience largely based on modernization of national codes, because we endeavour obviously to keep the legislation current with national codes which are amended and changed from time to time.

Currently the act enables the Fire Commissioner to require a property to be altered or repaired in conformity with a number of national codes, and this amendment will add what is called the National Fire Code of Canada to the list of codes included in the act.

There are only a couple of other matters, I think. At present the act enables the Fire Commissioner to limit the number of persons admitted to a property if inadequate exits or the presence of flammable materials creates a danger to safety. The amendment will also now permit, if passed, the Fire Commissioner to limit admittance to a building if he believes overcrowding will result in unsafe conditions.

MR. NEARY:

Is he going to stand on the door?

What would be the difference with the way things are done now?

MR. OTTENHEIMER:

Obviously he would have an

investigator there and I suppose he would be in a position to make a judgment as to how many people to let in. if, hypothetically, he feels that a certain building is safe for fifty and he sees 150 lined up outside the door, I suppose he would come to the conclusion that it looks like when the door is opened 150 will go in, and then he will be able to take measures to prevent it, again in the interest of public safety.

MR. NEARY:

Where are you going to get the staff to stand at all these doors?

MR. OTTENHEIMER:

Well, Mr. Speaker, I am quite sure these matters can be handled by the professional people concerned. They are in areas of public safety, and it seems to be a very worthwhile requirement.

Only two other matters are covered by the legislation. At present the act establishes a fourteen day appeal period against an order of the Fire Commissioner. In other words, the Fire Commissioner makes an order and there is an appeal which has to be determined and made within fourteen days. The amendment will extend the appeal period to thirty days. Fourteen I think was found to be somewhat short for some people.

Finally, there is an amendment which will make it an offence to tamper with or wilfully damage any installed fire protection or detection equipment. The offence will be punishable by a fine not exceeding \$1,000 or in default imprisonment not exceeding twelve months. That is for the offence of tampering with or wilfully damaging any installed fire protection or detection equipment. Those basically are the amendments to the Fire Prevention Act which will become effective upon passage of this legislation.



November 7, 1983

Tape 2842

PK - 3

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (AYLWARD):

The hon. member for the Strait of Belle Isle.

MR. ROBERTS:

Mr. Speaker, once again we are faced with a piece of legislation of overwhelming magnitude, so we will have to deal with it, but that does not take away in any sense from the import of the legislation itself. We have very few comments on it. My friend from Torngat Mountains (Mr. Warren) may have some comments if he wish to follow, but my own comments are fairly straightforward,

MR. ROBERTS: one just growing out of the minister's concluding remarks where he spoke of the adding of another offence, which is fair enough. Tampering with fire protection equipment is obviously something that we should discourage and if somebody does that, then he should be liable to be punished upon being convicted.

I am just wondering if the minister, when we get to the Committee stage, could explain to us why - and I am reading now from 11(c), which is on page ten of the bill before the House, Sir, adding immediately after paragraph (c) that is in subsection 1 of section 23 of the act we are amending, the following: "(d) interferes or tampers with or wilfully damages" and then it goes on: "fire protection or detection equipment" - why is the word 'wilful', which is an important word in law as the minister would acknowledge, only necessary in respect of the word 'damages'? I mean, I can think of some reasons but why is it not 'wilfully interferes' or 'wilfully tampers'? He may say to interfere is wilful and I would say equally that to damage is wilful, so I will let him ponder on that. There no doubt is an explanation, it may be something as simple as that nobody has thought of the point or it may be that it has been considered.

MR. NEARY: If the kids in a home were to haul down a fire hose that would not be wilful.

MR. ROBERTS: My friend from LaPoile says if children in a home were to haul down a fire hose that is, of course, not wilful, but may well import responsibilities upon the parents who are responsible for those children. But the fact remains, we have only used the word 'wilfully' once and I just wonder why. And the word 'wilful', of course, can be of all importance in dealing with these subjects.

MR. ROBERTS: Sooner or later somebody is going to be up before a court, I fear, charged with an offence under paragraph (d), subsection 1 of section 23 of the act and somebody is going to ask that question. Maybe the minister can have a look at it.

Let me now go to really the more important point. We have a very good Fire Commissioner Office set-up in this Province. The men who have held it are men of some stature, men of skill and expertise, and the present holder, Mr. Cardoulis, certainly gives way not an inch to any of his predecessors. He says exactly what he believes in and he uses the powers conferred upon him and his knowledge and his expertise speak for themselves.

MR. CARTER: Sit down now. It is time to sit down.

MR. ROBERTS: Mr. Speaker, what can you say about the gentleman from St. John's North (Mr. Carter) that I have not said?

MR. CARTER: You have said it all.

MR. ROBERTS: I have literally said it all and, you know, you cannot insult him, he is beyond insulting. The crowd on his own side have insulted him more than we have and he still puts up with it. Anybody who has been treated the way he has by his party and still keeps on coming - I mean, what do you say to a masochist except 'Join the Tory Party'?

Mr. Speaker, let me come back to the bill which, although my friend from St. John's North may not realize it, does have some merit and, although he may not realize it, does have some importance as well. But let me make the point, Mr. Speaker, that the Fire Commissioner we have, Mr. Cardoulis, like his predecessors, uses his powers. The concern that I have is

MR. ROBERTS:                      that there is so little check upon these powers. We have placed in an official, and by delegation in his assistants and associates, a very great deal of power indeed. So the concern I would raise with the minister is with the appeal process. I am not arguing against the fact that the Fire Commissioner, by definition, must have almost arbitrary powers. If he makes an inspection of a building

MR. ROBERTS:

and it turns out the building is dangerously overcrowded, if there are 300 people in a nightclub where 200 could gather with safety, he must have the power immediately to take action. It is not the sort of thing you can wait for two or three months while it works its way up through a court system or through an administrative appeals system. You know, I concur on that, but the fact remains there is no satisfactory check upon the powers. And granted they have not been abused to my knowledge, I have not heard of any abuses, but that does not mean they could not be, it does not mean they will not be. I have not heard of anybody willfully tampering with fire detection equipment. Or, as the minister said, we are going to make it permissible for the Commissioner to take away evidence from a fire scene, but he has not heard of anybody who has ever been refused or anyone ever tried to stop somebody from taking away evidence. So the mere fact something has not happened does not mean that we ought not to guard against it in legislation. So I would say to the minister that in my view some consideration ought to be given to the question of an appeal. The present appeal, as I understand it, lies to the minister. Now with all respect to the present minister, and I have no hesitation in saying that is a great deal of respect indeed - I have a great deal of time for him, a great deal of faith in him - but he would be the first to agree that that is not the function of a minister of the Crown, who is, after all, by nature a political figure; that is why he is there, that is how he is there and that is what he is suppose to do while he is there. I simply say to the minister - I know he takes the point so I do not need to belabour it - can we devise a better system? I suggest we can. It would seem to me that perhaps the best way might be to look to the provincial court judges since we have a raft of them

MR. ROBERTS: around the Province. They are all impressively trained, many of them now have legal training. It is quite a revolution in the last ten or fifteen years.

MR. OTTENHEIMER: About 90 per cent.

MR. ROBERTS: How much?

MR. OTTENHEIMER: About 90 per cent.

MR. ROBERTS: About 90 per cent the minister

says. And the ones who do not are older and in many cases wiser than many of us who do have so-called legal training. But the fact remains we have a very competent provincial bench stationed throughout the Province, quickly available, readily available. Ought not there to be some way that we can provide a quick and an immediate appeal? If the Fire Commissioner, for argument's sake, goes into a club and he orders it closed down-and if in his opinion that club is a danger to life and safety he should order it closed down, of course - but that is a significant economic penalty and in effect he has put the club out of business. If you cannot open your doors and let one and all come in and drink their beer and wine and liquor, or whatever they are drinking, and listen to the music and play darts, then that is significant economic penalty. You cannot be fined \$25 for breach of the Retail Sales Tax Act without being prosecuted in a court and given a chance to defend yourself, answer to the charge and, if you are convicted, fine; if you are not, you get off. And yet here we have a case of an official, who, by the nature of his job must have these arbitrary and draconian powers, and yet we have no satisfactory appeal. Can the minister tell me whether he has ever had an appeal? Has he had many?

MR. OTTENHEIMER: I have had two to the best of my knowledge.

MR. ROBERTS: As a matter of interest, and I do not mean to cross examine the minister, how does the minister handle an appeal? Is he sitting in a

MR. ROBERTS:

quasi-judicial nature? I mean, of all the things the minister is fitted for, and they are many, Mr. Speaker, many indeed and glorious, he is not, I think he would be the first to concede, fitted to deal in a judicial way with an appeal from an order of the Fire Commissioner. So that is the sort of thing we might be able to clean up even at committee. Now this bill will not come on to committee stage I assume for a few days. If the minister feels my point has some merit he might very well take that up with the draftsman. The minister is the minister concerned so he does not need to go any further. He might speak to the Commissioner but I am not even sure that is necessary; we are not hampering the Commissioner's powers to do his job, we are simply providing a means whereby some person who is aggrieved by an order of the commissioner may appeal against it. And that would extend over the whole gamut,

MR. ROBERTS: in my view, from the life safety thing immediately to, for example, the power to tear down a building. This man now can order a building torn down. That is a significant power to give to an official and, with all respect to the minister, the power is near enough to untrammelled, given the fact the only appeal is to the minister. We might look at an appeal to the court. If it is not felt that this is the sort of matter that ought to be dealt with by the provincial court then, as I said earlier, we have got nine or ten district court judges throughout the Province and, while I know they carry a heavy workload, I do not think that this would drive them under. This would not be, in the old phrase, the straw that breaks the camel's back. But, Mr. Speaker, other than that the amendments are extremely straightforward; they are minor, they are changing bits of legislation, they are simply implementing a policy that all of us in this House have endorsed many times.

May I raise one other issue with the minister and that is the question of the information which the Fire Commissioner gets? Now he may not be aware of a problem which has arisen recently and I have run across in the course of legal practise. The Fire Commissioner has traditionally, after he completes his investigation, allowed insurers access to the information, and I think that is reasonable. After all, insurers are in private business, they are in it to make a profit presumably, but they are serving a public purpose in that if there was no fire insurance we would have to create it, would we not? Somebody would have to, you got to have it. I am not sure this is the Fire Commissioner's directive, I have not gone into it at any length, but I am told, and I believe it is correct, that the source of information has dried up, if that is not mixing the metaphor in a fire situation-- gone up in flames,



MR. ROBERTS: perhaps. Now it is particularly important in a fire context because if the investigation is not done quickly you often do not get an accurate investigation. The evidence by its very nature is transitory and disappears; that is why we are giving the Fire Commissioner the power to take evidence immediately instead of requiring him to go to a court and get an order, which would be the case in almost any other piece of evidence, documentary or something else. It must be necessary to preserve it. Can the minister have a word with his officials - I suspect it is simply an overzealous official protecting what he believes to be the public interest - but could he have a word with his officials to see, if this policy has been brought in, it can be changed and, once the information has been dealt with by the officials, once they have decided whatever they need to decide and taken whatever they need to take from it, could it be released? I would not hesitate to say that it should go to both sides; I am not suggesting it goes simply to an insurer who is faced with a claim that may or may not be payable in respect to the fire; no problem in sending it as well to the owner of the building or whoever is being investigated, the tenant or what have you, as the case may be. I am not suggesting that the Fire Commissioner should become an agent for insurance companies but, none the less, the fact remains the information is there, the Fire Commissioner is often the first on the scene, he has powers that properly no private person should have, he has a duty to carry out investigations, and he is always looking for arson, he is always looking for evidence of cause and in many cases his evidence is the best evidence. It seems to me that once the purposes of the Fire Commissioner have been met, the public purposes have been met, there is a great deal to be said for making that information available, at cost, you know, whatever is involved, to insurers. The insurers are serving a public purpose. Sure they want it for

MR. ROBERTS:                    their own interest to decide whether they should pay a policy or not, whether they should honour a claim or whether they should deny it, in which case the person can go to court.     I am not suggesting that the Commissioner should take a stand on one side or the other. What I am suggesting is that the information once it has been gathered and used should be made available to any who wish it.

MR. NEARY:                    What about the investigators who are paid by the insurance companies?

MR. ROBERTS:                    How do you mean?

MR. NEARY:                    What about the investigator who bills the Fire Commissioner's office and is also paid by the insurance company?

MR. ROBERTS:                    Well, I would simply say to my hon. friend that that should not happen. As far as I know the Fire Commissioner pays whomever he hires,

MR. NEARY:                    That is not usual.

MR. ROBERTS:                    I know not. It may well happen. Heavens knows all sorts of things happen all the time. I mean, you are not supposed to people with their murder charges all of the time.

MR. OTTENHEIMER: There is nothing you can do about these, but an insurance investigator might send along anything he has come across to the Fire Commissioner, but the Fire Commissioner has the responsibility of doing it himself, or the police or the fire departments.

MR. NEARY: No, I am not talking about that, I am talking about the Fire Commissioner's office hiring people to investigate who are also paid by the insurance company.

MR. ROBERTS: Mr. Speaker, I do not know if this is the place to go into it, but let us take just a second, because the point is a valid one, if all concur. The Fire Commissioner hires experts and sometimes these experts are hired by insurance companies. The same experts should not be hired for the same issue or the same fire.

MR. NEARY: That is right.

MR. ROBERTS: And he should only have one brief, be getting one fee from one person. And if that is not the case, then, surely there is something wrong and disciplinary action should be taken.

MR. OTTENHEIMER: I doubt very much if it is that.

MR. ROBERTS: The problem in Newfoundland is we have very few trained fire investigators. And one of the reasons that I raise this concern about releasing the information which the Fire Commissioner gathers is that if insurers are denied access, particularly to the information gathered outside of St. John's, by the police forces, which are usually the first on the scene, then there is no other way to get that information. And I think it is relevant and I think that it can be done without prejudice to either side. Obviously if criminal charges are laid that is a separate issue. But there are many cases, as the minister knows, where criminal charges are not laid and yet the insurance may or may not be payable and it is useful for both sides to have the information to it.

MR. ROBERTS: In any event, Mr. Speaker, the bill itself speaks for itself. The minister spoke, as always, with conviction, compassion, courage, comprehensive knowledge, encyclopedic knowledge, in fact, of this and because of that we have been won over and we are prepared to support the bill, Sir.

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

MR. WARREN: Mr. Speaker, I would like to make a few remarks. In particular on section (f), Clause 6 'Evacuate and close the structure or property'. I am quite concerned. Just to go back to several months, there was an apartment building in Happy Valley-Goose Bay where the Fire Commissioner went, did a report and orders that the building had to be closed. But at the same time he put a stipulation to it, that the building be closed after the people who lived there get some other place to stay. I do not think there is very much safety attached to that. I believe if people living are in an apartment building that should be closed that the minister would see fit that evacuation take place immediately and not to wait until other accommodations are found for these people - in other words, move them out and put them in hotels, put them somewhere. But there is not very much consideration of safety in the Fire Commissioner ordering a building to be closed and at the same time says that that will not be done until we get accommodations for the people who are living there.

I would just like for the minister to confirm to the House that an evacuation means an evacuation, and does not mean a partial evacuation or evacuation when there are other accommodations supplied. Otherwise anything that this government can bring in pertaining to the safety of individuals in this Province, we by all means support it.

MR. ROBERTS: May I say one word -

MR. OTTENHEIMER: Yes.

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

MR. ROBERTS: by leave? I have looked at the act and when the minister looks at the appeal thing there is an appeal provided now to a judge of the Supreme Court, but not to a readily available court. That is section 19. I thank the House.

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

MR. NEARY: Mr. Speaker, I do not

MR. NEARY: wish to speak at any length on this bill. My colleague, the member for the Strait of Belle Isle (Mr. Roberts), pretty well covered the waterfront and made some valid points, Mr. Speaker, on the bill. But I would like to have a few words about fire investigations generally. Mr. Speaker, I would like to raise a point in question of a fire that took place in Newfoundland - not in St. John's, by the way; outside of the overpass - where a gentleman, who is notorious in this Province, came over from Halifax, let the word out that he was going to crucify the individual on whose premises the fire took place and, Mr. Speaker, went into the area where the fire occurred with the full authority of the Fire Commissioner's office, took the law enforcement officers -

MR. OTTENHEIMER: Could you tell me when this happened? I am not familiar with it.

MR. NEARY: Several years ago, four or five years ago. He asked all kinds of questions about the people who were the victims of the fire, Mr. Speaker, all kinds of questions. 'Does he drink?' 'Does he flirt on his wife?' This is an absolute fact, Mr. Speaker, and there is one hon. gentleman sitting there opposite who knows what I am talking about.

MR. STAGG: (Inaudible) creates sparks. Is that what the hon. member is getting at?

MR. NEARY: I did not get that. Come again.

MR. MARSHALL: He wants to know what relevance all of this has.

MR. NEARY: Well, I am leading up to that, Mr. Speaker, I am leading up to that.

AN HON. MEMBER: A subtle hint.

MR. NEARY: No, it is not a very subtle hint. In the process of conducting the investigation, this family

MR. NEARY: was smeared, Mr. Speaker. The hon. gentleman was never the victim of that kind of a smear tactic, so he can sit there and smirk all he wants. But it ruined that family, Mr. Speaker, forever and ever in that area.

MR. CARTER: Who is smearing now?

MR. HODDER: This is unreal.

MR. NEARY: Mr. Speaker, it is unreal. I am merely talking about the investigative process. It is unreal. There is one gentleman over there who knows what I am talking about. It smeared the family, ruined them in the area in which they were born and raised probably for the rest of their days, ruined them forever. They had nothing to gain, but the way, by that particular fire, but the investigative process is what caused all the embarrassment and caused this family to be smeared. And not only that, Mr. Speaker, but it delayed the insurance for several years. I believe it was four years before the insurance was paid out by the authorities throwing obstructions in the way, by using all kinds of smear tactics and other tactics to ruin this family.

Mr. Speaker, I still have a few minutes so I would like to move the adjournment of the debate.

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

The hon. President of the Council.

MR. MARSHALL: Mr. Speaker, before moving the adjournment of the House, I would like, from the point of view of information, to give the gentlemen in the Opposition an indication of what will be discussed tomorrow. It is our intention, with leave of the Opposition, to go into the bill to authorize the restructuring agreement. In order to do that, of course, because notice was given today, we would have to give it a first reading tomorrow and then proceed

MR. MARSHALL: into second reading. I presume for the purpose of planning the House that we have concurrence on that.

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, let me say to the hon. gentleman we are not like the Tories in Ottawa, we would like to see restructuring go ahead as quickly as possible. So in order to accommodate the administration we will agree to allow the restructuring bill to be debated tomorrow and get on with the job as quickly as possible.

MR. MARSHALL: Mr. Speaker.

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

MR. MARSHALL: Mr. Speaker, how marvelous that is. What co-operation, real co-operation! That is great. Anyway, Mr. Speaker, the Opposition now know what we will be discussing tomorrow.

I move that the House at its rising do adjourn until tomorrow, Tuesday, at 3:00 p.m. and that this House do now adjourn.

On motion, the House at its rising adjourned until tomorrow, Tuesday, November 8, 1983, at 3:00 p.m.