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***VERBATIM REPORT***  
*(Hansard)*

Speaker: Honourable Patrick McNicholas

Thursday

27 June 1985

The House met at 3:00 p.m.

MR. SPEAKER (McNicholas):

Order, please!

I think this may be just as good a time as another to deal with the point of order that was raised by the hon. member for St. John's North (Mr. J. Carter) on Tuesday. It was in connection with remarks made by the hon. member for Fortune - Hermitage (Mr. Simmons) on Friday. I have had a chance to check Hansard and I refer you to Page 2009, the hon. member for St. John's North got up on a point of order. The hon. member for Fortune - Hermitage made the comment, "Mr. Speaker, do your job". Now later on the hon. member made a further comment, "A cohort, that is all he is". I am not quite sure who that comment was referring to, so I will ignore that one. But later on the hon. member made the comment, "Mr. Speaker, do your job this time". Now I do not consider any of these comments themselves terribly serious but the implication that the Chair should be questioned by any member, either sitting down or standing in his place, is not in order. I find it offensive and I would ask the hon. member if he would withdraw these remarks.

The hon. member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, I share your view completely. Apart from that I would need the guidance of the Chair because I am not sure what it is I am supposed to withdraw. Mr. Speaker, in all seriousness I am not sure what it is I am supposed to withdraw. If I am withdrawing any inference to the Chair, I withdraw that. But apart from that I quite agree with the

sentiments that you have expressed.

### Oral Questions

MR. SPEAKER (McNicholas):

The hon. member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, I have a question for the Minister of Transportation (Mr. Dawe). It is in reference to the Federal - Provincial Transportation Agreement recently signed and in particular the selections of roads with respect to secondary road upgrading. I wonder would the minister indicate to the House whether the Province, the provincial government, had full input into those particular decisions and, in particular, whether the provincial government concurred in the actual secondary roads that were selected for upgrading over the next seven years?

MR. SPEAKER:

The hon. Minister of Transportation.

MR. DAWE:

Mr. Speaker, since I have become Transportation Minister I have been involved in many negotiations with the federal government and others with regards to trying to secure for the Province adequate transportation agreements and cost-sharing programmes. There was one for the TCH, a three year agreement. There was an agreement that involved secondary roads under a programme called SRCPP at the time. Then a proposal was put forward to the federal government that had essentially three prongs to it: There was a portion that primarily dealt with the

Trans-Labrador Highway, a portion that primarily dealt with the Trans-Canada Highway, and a portion that primarily dealt with secondary roads.

In all of the process of negotiations there is a certain amount of give and take in all these programmes that we have been dealing with. What we try to do, Mr. Speaker, on all these occasions is solicit the best deal and acquire the best deal for the Province that we can. I think we have been able to accomplish this in the two previous agreements, and more particularly in this agreement where we have signed the largest single highways agreement in the Province's history.

MR. SIMMONS:  
Mr. Speaker.

MR. SPEAKER (McNicholas):  
The hon. the member for Fortune - Hermitage.

MR. SIMMONS:  
I thank the minister. But specifically to the question, did the Provincial Government concur in the selection of those particular secondary roads, the ones that have been designated for upgrading?

MR. DAWE:  
Mr. Speaker.

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

MR. DAWE:  
In our proposal for secondary roads we listed a great number of secondary roads in the Province for possible funding under a cost-shared agreement. And any funding that we can gather from the federal government that would

help this Province in developing our road network and our transportation network, we are more than willing to put in our share and co-operate fully.

MR. SIMMONS:  
Mr. Speaker.

MR. SPEAKER:  
The hon. the member for Fortune - Hermitage.

MR. SIMMONS:  
In the previous answer the minister talked about getting the best deal he could. Do we infer from that, Mr. Speaker, that putting the lion's share of the money for secondary roads into the Southern Avalon was the price that the Province paid, that it had to trade off the need for other road improvements in the interest of getting that money? Was that the kind of trade off that was involved? Did Mr. Crosbie have him across a barrel such that he had to agree with the upgrading of those particular roads or not get a deal, the deal he talked about earlier?

MR. DAWE:  
Mr. Speaker.

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

MR. DAWE:  
Mr. Speaker, you would think by the comments from the hon. member that we are forgetting the primary third prong of our proposal to the federal government over the past two and a half years, that is the major secondary road component, and indeed we have not, and we are pursuing that avenue.

It just so happens that this particular portion, I might point

out to the hon. member as well, is a very small part of the total agreement on secondary roads. A portion of a little over \$2 million is going into completion of the L'Anse au Meadows road on the Great Northern Peninsula, a road that leads to a very significant International Heritage site, whose opening ceremonies the hon. member and myself had the privilege of attending, and we had a large discussion at that time of the importance of upgrading and paving the road to that site. Part of this agreement sees that that particular work is being completed. Certainly the roads in the Southern Avalon, the Burgeo Road, roads on the Northern Peninsula, roads on the South Coast of the Province and roads everywhere require our attention and we will be doing them in due course. I would just like to point out that we will be continuing to pursue a cost-shared arrangement for other secondary roads in the Province but in light of the finances that were available at this point in time in the past couple of months we did secure the best deal possible for the Province.

MR. W. CARTER:  
Mr. Speaker.

MR. SPEAKER (McNicholas):  
The hon. the member for Twillingate.

MR. W. CARTER:  
Mr. Speaker, my question is to the same minister, the Minister of Transportation (Mr. Dawe). It concerns statements coming out of a meeting that was held in St. John's on Tuesday of the Canada Safety Council representatives dealing with school buses. It was implied at the meeting, Mr. Speaker, by a member of the

Newfoundland Constabulary that because a lot of these buses - I think there are about 1,200 altogether, 1,000 owned by private contractors - were being brought in from the Mainland, bought as used buses, that maybe their condition was not safe for transporting children. In fact, the Constabulary member did imply that these buses were not safe. I wonder can the Minister of Transportation tell the House what precautions are taken, what inspections if any are carried out by his department to ensure that these buses, that will transport in the run of a year about 85,000 children, are safe?

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

MR. DAWE:  
Mr. Speaker, my colleague, the Minister of Education (Mr. Hearn), the former Minister of Education, now Minister of Justice (Ms Verge) and I have been discussing this particular issue now for some time, have had numerous discussions relative to school bus safety. As a matter of fact, Mr. Speaker, as part of that conference that was held on the weekend, a report was made by Transport Canada, which has done a lot of work relative to school bus safety and the possible inclusion in school buses of seat belts and various testing procedures that have gone on and are continuing to go on, to see whether in fact school buses can be made safer than they are. I would just like to point out, though, Mr. Speaker, and it came out in that conference as well, that school buses are among the safest means of transportation in the country and they have a very, very low incidence of accident either for

mechanical reasons or for other violations that may or may not occur on the highway system. They are a very safe means of transportation. That is not to say we cannot make the system safer. We do have a regular system of inspection on school buses, a regular process that the school bus operators have to have their buses inspected and a very intense inspection it is as well, Mr. Speaker. This is ongoing. We will be attempting to improve that situation but, as I pointed out earlier, the operation and maintenance of the school buses in the Province is of a very high standard and we plan to continue with making sure that high standard is continued on into the future.

MR. W. CARTER:

A supplementary, Mr. Speaker.

MR. SPEAKER (McNicholas):

A supplementary, the hon. member for Twillingate.

MR. W. CARTER:

Mr. Speaker, I agree with the minister, I think these school buses are safe. But statements such as that made by an official of the Newfoundland Constabulary would certainly have doubts placed in the minds of parents whose children use these buses. Can the minister tell the House what method of inspections, how many per year, for example, take place? Is he satisfied as Minister of the Department of Transportation that these buses are inspected frequently enough, that even though they are brought in from the mainland and billed as used buses they are sufficiently inspected to ensure their safety?

MR. SPEAKER:

The hon. Minister of

Transportation.

MR. DAWE:

Mr. Speaker, I do not know as a blanket statement if I am 'satisfied.' As I indicated, I am certain there are other things you can do and improvements that you can make. We are looking at this continuously, both through the Department of Education and their School Bus Division and our own Department of Transportation which looks after taking care of the inspections.

I stand to be corrected and I will check, but my understanding is that it is a three times a year inspection. It may be four but I will check on that. But it is a thorough inspection where the buses have to be shut down essentially for about a ten hour inspection.

They are in garages and the whole mechanical system of the bus is gone through from top to bottom by certified mechanics. This occurs, depending on where you are in the Province, in local garages, in major facilities, garages that are authorized to carry out these kinds of inspections by my department. At the present time the inspections that are ongoing are as adequate as they can be given the circumstances and the geography of the Province. I am certain there are areas where the inspection programme can be improved and beefed up somewhat and those are areas that we are looking at and if we can do that we certainly will be doing it.

MR. W. CARTER:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary.

MR. W. CARTER:

In view of the fact that the statement made at the conference came from a member of the Newfoundland Constabulary, speaking I presume in behalf of that force, would the Minister of Justice (Ms Verge), then, Mr. Speaker, maybe cause an investigation to be undertaken to find out if in fact Constable Priddle, the representative, had any basis for the concerns expressed by him at that meeting, statements that would certainly cause a lot of alarm in minds of people? Would she undertake to maybe check with the Constabulary to find out if they maybe know something that the Minister of Transportation does not know?

MR. SPEAKER:

The hon. Minister of Justice.

MS VERGE:

Mr. Speaker, I assure all hon. members in this House that I will work towards maximizing school bus safety in this Province, that I will ensure that the personnel of the Justice Department and the members of our police forces continue to co-operate with officials of the Transportation Department, the Education Department and the school boards around the Province. There have been considerable strides made in improving school bus safety in recent years but, as the Minister of Transportation just said, undoubtedly there are more improvements that we can make and we will work to that end.

MR. SPEAKER (McNicholas):

The hon. member for Windsor-Buchans.

MR. FLIGHT:

Mr. Speaker, my question is to the minister responsible for the Petroleum Directorate. At last

night's meeting there appeared to be some confusion existing in the Mobil EIS hearings. People wanted information that Mobil officials side-stepped, or would not deal with, claiming that such questions or information was specific or related to the development plan and not the EIS. Somehow the impression was created, or things said that gave rise to the possibility that Mobil's development plan would not be made public. And my question, Mr. Speaker, through you to the minister is what is the government's position? Will the Mobil development plan be made public with allowance made for public hearings the same as the EIS is now subject to?

MR. SPEAKER:

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, first of all I want to say, as a general comment to the hon. gentleman's question, that I think it is advisable and in the best interests of the environmental impact process that as few statements be made by government with respect to it as possible because of the fact that the panel will report to both orders of government, and both orders of government will deal with it at that time. And in between time I think it would have an adverse effect on this process that we have set up, and set up very carefully, for government to be making comments even out of matters that arise from the hearings themselves. But with respect specifically to the hon. gentleman's question, quite obviously the development plan is to be made public, quite obviously there are going to be hearings on the development plan, and I think quite obviously, as the hon.

gentleman must understand and know, this is really part of the process that we are into at the present time.

MR. SPEAKER (McNicholas):

The hon. member for Windsor-Buchans.

MR. FLIGHT:

Mr. Speaker, we have some very recent examples of towns whose economy was based solely and totally on a single industry going through a boom and bust scenario. Now, will the government be giving Mobil instructions to develop a discontinuance plan so as to lessen the impact of the boom and bust syndrome that will surely follow the development and production stages of an offshore industry?

MR. SPEAKER:

The hon. President of the Council.

MR. MARSHALL:

All of that will be considered in the development plan and it will be considered by both orders of government. Obviously what the hon. gentleman is talking about is a programme which would be desirable in ideal circumstances, but unfortunately we do not live in an ideal world. But the hon. gentleman can take it for granted that both orders of government will do their best to protect to the optimum the interests of the people of the Province.

MR. FLIGHT:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. member for Windsor-Buchans.

MR. FLIGHT:

Mr. Speaker, the time frame and the timetable for these hearings

that we are undergoing now was set by the government and government policy questions were specifically left out of the panel's mandate. The longer the hearings go on the more the accusation is being spread around that the hearings are a charade, because people are not getting the information they want, specific information with regards to the economic and social impact of the development on their community or their area. So will the minister undertake to assure the House that when the development plan is presented to the public that ample time will be given for people to determine exactly what impact the development of the offshore will have on the communities affected in this Province? Will enough time frame be allowed for that because there is not now?

MR. SPEAKER (McNicholas):

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, because the hon. gentleman says it is a charade does not mean it is a fact endorsed by Holy Writ. A Flight from Windsor - Buchans saying it is a charade does not make it a charade. That it not true. What we have done is very, very carefully provided for an environmental hearing process. A statement was made and this Province has been very much involved in it. As the hon. gentleman knows, there was originally one statement that was provided to which this government took issue. As a result of the powers that we have obtained under the Atlantic Accord a new statement was prepared which is presently being considered and assessed and I hope it is going to be able to be considered and assessed, Mr. Speaker, in a

measured manner for the best interests of the people of this Province.

I do not think that the statements made by the hon. gentleman or the types of questions that he asks benefit that process at all. I mean, what we are into, I hope, is a very positive process. We have ordered an environmental impact statement to be filed. It was prepared, I believe, at a cost of approximately \$2 million. We appointed prominent Newfoundlanders to that particular panel. We are in the process of conducting hearings throughout the Province now to disseminate information to explain what is in the environmental impact statement. We have ordered and caused officials of Mobile to be there at those hearings so Newfoundlanders can examine them and get the information accordingly.

Eventually, as the Summer progresses, there is going to be a certain position taken by Mobile with respect to the proposed mode of development and then there will be hearings on it. So we have done everything we possibly can, and we will continue in the future to foster a positive exercise through the environmental impact process. As I say, the hon. gentleman is now asking me questions with respect to it. I know some of the gentlemen on the other side must cringe when they hear him ask the questions because they realize, if this is to be a positive exercise at all, the government should not be engaged in answering questions in the House with respect to matters that came up in the hearings and are under consideration by the panel. We will be considering the report of the panel, which is the reason

for the process, Mr. Speaker, and we will be making our position accordingly. In the meantime, we believe in democracy and we are going to give free rein to the people of this Province to come in, find out all the information and make their positions known. When we get the sum total of the opinion of the people of Newfoundland, then we will act accordingly in a measured, responsible way for the benefit of all of the people in the Province.

MR. TULK:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I have a question for the Minister of Fisheries (Mr. Rideout). It concerns a new political consulting firm called Government Consultants International, which is owned, I understand, by a former Newfoundland Premier, Frank Moores, who is, of course, a political buddy of Mr. Mulroney, and Mr. Gerald Doucette, who also, I understand, has close connections with the Prime Minister, at least through his brother, and I understand that this company has recently been going around to federal department officials directly, according to an article in today's Globe and Mail, and to the federal Minister of Fisheries (Mr. Fraser), to get regulations changed for their clients, in this case fishermen, for a price.

Mr. Speaker, this is obviously a form of influence peddling. Is the minister aware of the existence of this company? Would he confirm or deny whether this company has been carrying on any



of those types of actions in Newfoundland, using its influence to get favours, perhaps, for its own people? Has it been charging or gaining access to the federal minister for fishing companies, or, indeed, fishermen in this Province at a price?

MR. RIDEOUT:  
Mr. Speaker.

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

MR. RIDEOUT:  
Mr. Speaker, I cannot answer for what any particular consultant firm may or may not be doing, or trying to sell their business to the federal Minister of Fisheries or any other minister for that matter. I can only say to the hon. gentleman that as the Provincial Minister of Fisheries I know nothing about the firm and neither have I had any business to do with them.

MR. TULK:  
Mr. Speaker.

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

MR. TULK:  
Mr. Speaker, as I have pointed out to the minsiter, and I am sure he is aware of this, it is obviously a form of influence peddling, and while I do not know of any case where the minister has had anything to do with that kind of company, it is obviously a way of using your political connections to get access to a group of people, and charging people, perhaps, who are least able to pay. I would like to ask the minister if he condones this type of action and if, indeed, it comes up in Newfoundland, will we see -

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

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

MR. MARSHALL:  
I realize the hon. gentleman is reading from prepared notes as to his questions, but it does not follow the sequence of the answer. The hon. the Minister of Fisheries (Mr. Rideout) said he knew nothing about it, and now the member is asking whether he condones it. Now, how can the Minister of Fisheries condone anything if he knows nothing about it? He says he knows nothing about it, number one, and, number two, Mr. Speaker, he is asking a question relating to another jurisdiction, that is the federal Government of Canada.

He can ask a member of the Rat Pack to ask the question, if he wishes to, since it is in the Rat Pack's jurisdiction.

MR. TULK:  
Mr. Speaker.

MR. SPEAKER (McNicholas):  
To that point of order, the hon. the member for Fogo.

MR. TULK:  
I do not want to waste any more time in Question Period, as the hon. member is doing. It is obviously related to the Newfoundland fishery. That is complete and utter nonsense.

MR. SPEAKER:  
To that point of order, I do not think it was a point of order. Maybe the hon. member has another question.

MR. TULK:

Mr. Speaker, this question is for the Minister of Fisheries. Would he investigate to see if indeed any of this type of thing is going on in Newfoundland? Will he ask his federal counterpart in Ottawa to see that indeed it does not happen, as it happened in this case in Nova Scotia? It is a very simple question.

PREMIER PECKFORD:  
(Inaudible) representing Newfoundland.

MR. TULK:  
Representing Newfoundland! I know, 'Brian', you are touchy.

PREMIER PECKFORD:  
I am not touchy at all about it. It has nothing to do with me.

MR. TULK:  
That is what I am saying. That is why I am asking him to see.

MR. RIDEOUT:  
Mr. Speaker.

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

MR. RIDEOUT:  
Mr. Speaker, if they want an answer, I will try to give it to them. If not, we can go on to the next question.

MR. TULK:  
(Inaudible) give the Premier a chance.

MR. FLIGHT:  
(Inaudible) Premier involved.

PREMIER PECKFORD:  
You asked me for a job. You asked me for a job.

MR. FLIGHT:  
That is a lie.

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

MR. SPEAKER (McNicholas):  
Order, please!

A point of order, the hon. the member for Fogo.

MR. TULK:  
The Minister of Fisheries is obviously attempting to answer the question, as he should, and he is being interrupted by his own Premier. Could you call the Premier to order so that the minister can answer the question?

MR. SPEAKER (McNicholas):  
To that point of order, there seem to be interruptions from many quarters. I would ask the hon. minister if he would answer the questions, and I ask for silence.

The hon. the Minister of Fisheries.

MR. RIDEOUT:  
Mr. Speaker, I think I have already answered the question in essence, in that I said to the hon. gentleman I know nothing about this firm or any business they may be doing with other people. They are not doing any business with me, or the Department of Fisheries, provincially, that I am aware of. Do I condone one's selling one's expertise? That is something for individuals to make up their mind about. Whether they want to engage me or the hon. gentlemen or whatever, I mean, I cannot do much about that. There are consulting firms all over the place. So really I do not see the relevance of the question to me. I have had nothing to do with that particular company, I do not even know they exist, Mr. Speaker, from my own personal knowledge.

MR. TULK:  
Mr. Speaker.

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

MR. TULK:  
The federal Minister of Fisheries (Mr. Fraser) obviously does know that this company exists.

MR. FLIGHT:  
I cannot believe the Premier would tell a lie like that.

MR. TULK:  
I am asking the minister will he investigate to see if this company has done any of this in Newfoundland? And if indeed he finds out it has, will he ask the federal minister to ignore that company as it relates to the Newfoundland fishery?

SOME HON. MEMBERS:  
What for? What for?

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

MR. TULK:  
Are you going to let your political buddies peddle their influence?

MR. SPEAKER:  
Order, please!

MR. RIDEOUT:  
The fact of the matter is that that hon. gentleman is a member of the House just as I am or as any other member is. If he has a problem, if he has any concerns about how a particular business operates - is alleged to operate, by the way, I do not even know if they exist, nobody has made a complaint to me - if I have any complaints from any individual then I will act on them.

MR. TULK:  
Do you not read The Globe and Mail?

MR. RIDEOUT:  
Mr. Speaker, I have not even had time to look at The Globe and Mail yet today. So if the hon. gentleman has any information, any proof, anything of any substance, then I will be glad to have it. But if it is just political puffery in the House, then there is not much I can do about it.

MR. LUSH:  
Mr. Speaker.

MR. SPEAKER (McNicholas):  
The hon. the member for Bonavista North.

SOME HON. MEMBERS:  
Hear, hear!

MR. LUSH:  
Mr. Speaker, that is just another ploy to cut in on my time. It is getting near the end of the question period and I have a very important question. I want to ask the Minister of Mines and Energy and Housing (Mr. Dinn) a question related to RRRAP, the Rural Rehabilitation Assistance Programme, which is a misnomer, Mr. Speaker. I do not know how our Canadian people are expected to know what these initials stand for. It is a programme designed to help rural Newfoundlanders to repair, renovate, and to bring about general improvements to their homes, to make them safe to live in. That is what the programme is all about. It gives monies up to \$25,000 with amounts forgivable, it gives loans up to \$25,000 with as much as \$5,000 forgivable, which is a very important programme for rural Newfoundland.

I raised in the House the other day that the federal government had cut this programme nationally by 20 per cent and by 45 per cent to this Province. I wonder if the minister has looked into this, to verify these figures? Would he not admit that under previous levels of funding this programme did not come close to meeting the needs of rural Newfoundland and Labrador?

MR. DINN:  
Mr. Speaker.

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

MR. DINN:  
Mr. Speaker, the Rural RRAP programme, or RRRAP as it is called, the Residential Rehabilitation Assistance Programme, was cut to the Province's housing arm this year by about 25 per cent, which is what it was cut nationally, 25 per cent not 20 per cent. I have been trying to determine what the cuts are with respect to delivery agents other than the Newfoundland and Labrador Housing Corporation, some major municipalities and some other non-profit groups, but I have not had that compiled yet. I am in the process of getting that done and, when I do, I will inform the hon. member of what the actual figure is.

MR. SPEAKER (McNicholas):  
The hon. the member for Bonavista North.

MR. LUSH:  
Mr. Speaker, I think the minister realizes that he is probably playing around with the figures that indeed the actual cut to Newfoundland will be 45 per cent.

Now, in addition to these cuts, can the minister clarify whether there will be any layoffs of people working with RRAP throughout Newfoundland, whether these cutbacks will result in layoffs of employees?

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

MR. DINN:  
Mr. Speaker, in the delivery of RRAP specifically in this Province, there may be a transfer of personnel. In other words, where there is a RRAP programme, for example, on the West Coast, and there are not enough applications in that area to justify several RRAP officers, or one RRAP officer, he might be transferred now or a position might be made available in the Fortune-Hermitage area, which is a new RRAP area being brought in this year. So we are attempting to do a rationalization of the numbers of people we will require in the Province to deliver the housing programmes that are operated or administered by Newfoundland and Labrador Housing Corporation; and I understand that since some of these things will be transferred to the Province in the new global agreement that we hope to sign within the next week or two, that CMHC is going through the same process.

MR. LUSH:  
A supplementary, Mr. Speaker.

MR. SPEAKER (McNicholas):  
A final supplementary, the hon. the member for Bonavista North.

MR. LUSH:  
Mr. Speaker, the minister knows very well that these cutbacks for RRAP are going to have a negative

impact on rural Newfoundland in three areas: One, in terms of improvement to the homes of people who live in rural Newfoundland, we are not going to be able to take care of that; secondly, we are not going to have the infusion of funds in these areas that would be generated as a result of construction, and we are now going to lose the funds for the repairs to these homes; and we are going to have layoffs. These three areas are going to have a very negative effect on rural Newfoundland. Would the minister now stand in his place and admit the negative effect of the cutbacks to this programme? And will he inform the House what representation he has made to Ottawa to ensure that this programme is maintained? Mr. Speaker, certainly we do not expect any extra funding. We can do with it, as the minister realizes, because under previous levels of funding we have not met the needs of rural Newfoundland. But has he made any representation in terms of maintaining the status quo, of maintaining the same levels of funding that we had last year, instead of this vicious cutback?

SOME HON. MEMBERS:  
Hear, hear!

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

MR. DINN:  
Mr. Speaker, I thank the hon. member for his question. With respect to funding by the federal government under the next global agreement, the hon. member can be assured that I will not put up with cuts in the overall context. Because we have priorities in this Province, for example, with

respect to chronic care and senior citizens, so we have priorities that are set out, and I can assure the hon. member that in the next global agreement that we intend to sign, we will get more money from the federal government in that new global agreement than we got from the previous administration. Not only that, we will have a little more control over where those housing dollars will be spent, because they believe that the provinces should have input into these programmes. So I give this commitment to the hon. gentleman, that I will not sign a global agreement with the federal government unless we get more money than we got in the last global agreement.

MR. SPEAKER (McNicholas):  
Order, please!

The time for Oral Questions has now elapsed.

Presenting Reports by  
Standing and Special Committees

MR. CALLAN:  
Mr. Speaker.

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

MR. CALLAN:  
Mr. Speaker, as Chairman of the Public Accounts Committee it is my duty and pleasure to Table the report of the Public Accounts Committee for the financial year ended March 31, 1983.

SOME HON. MEMBERS:  
Hear, hear!

Answers to Questions  
for which Notice has been Given

MR. SIMMS:  
Mr. Speaker.

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

MR. SIMMS:  
Mr. Speaker, members will recall yesterday I gave an obligation to the member for Gander (Mr. Baker) to table various responses to questions related to the spray programme, some technical questions and all of that, and I wish to Table that information.

Also, if I might take the opportunity to advise members that the weather apparently is not looking all that good so it may be tomorrow morning now before we begin the budworm spray programme. At that time we will be spraying two blocks which are the environmental blocks, Weir's Pond area North of Gander off Carmanville road, close to the hon. member for Fogo (Mr. Tulk).

I would also like to advise members, for their information, that the telephone line we made available and publicized yesterday, 256-7451, for the media's purpose, will be manned from 5:00 a.m. to 10:00 p.m., day in and day out, until the programme is over. If we get perfect weather, the spruce budworm spray programme will be completed in three to four days. If the weather is not good, then it might take eight to ten days and if members opposite continue to interfere it might take even longer than that, who knows.

Mr. Speaker, I would like to Table a lot of detailed information here about the wind speed for spraying, precautions to be taken when mixing insecticides, how many

loaders are required, how many hours an experienced pilot should have in the small aircraft and no insecticides can be used in areas where salmon enhancement programmes are going on, i.e, the Noel Pond area.

Anyway, Mr. Speaker, there is all kinds of information here. More specifically, I hope the media go through it and will get a better chance to understand it. I will have copies made available to the media immediately.

MR. FLIGHT:  
What about the Grand Falls water supply?

MR. SIMMS:  
Every precaution will be taken to protect the Grand Falls water supply. There is nothing to worry about.

### Petitions

MR. TOBIN:  
Mr. Speaker.

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

MR. TOBIN:  
Mr. Speaker, I rise to present a petition on behalf of my constituents. The petition states: "We, the undersigned, strongly oppose the allowing of any Morgentaler-style abortion clinics to be established and operated in the Province of Newfoundland and Labrador."

Mr. Speaker, I believe the Minister of Health (Dr. Twomey) has dealt with this some time ago. He has certainly put forth the position of the Newfoundland

government as it relates to the operation of such clinics in this Province. His position and the position of the Newfoundland government I think quite clearly states that they are opposed to any type of Morgentaler clinics in this Province. I am sure that that will please the people who signed this petition.

Mr. Speaker, I lay this petition on the Table of the House and add my support to it.

MR. W. CARTER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, I support the prayer of that petition. I think most thinking Newfoundlanders will agree that the Morgentaler-type operation should not be allowed in this Province. I would hope that the Minister of Health (Dr. Twomey) and his colleague, the Minister of Justice (Ms Verge) would take whatever steps are necessary to ensure that Dr. Morgentaler will never rear his head in this Province. I think it is a disgrace what is happening and I think to allow that sort of an operation in our Province is beneath most Newfoundlanders. I would certainly ask the Minister of Health to take whatever steps are necessary because I understand these people have an insidious way of worming their way in through one means or another. And I would certainly be against any such move in that respect.

DR. TWOMEY:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Minister of Health.

DR. TWOMEY

I too, as Minister of Health, stand and support this petition. As this hon. House is aware, Dr. Morgentaler did request earlier this year that I, and the department, and the government, give permission for the opening of a free-standing abortion clinic anywhere in this Province.

After careful deliberation, this request was rejected. We told him in very plain language that we were adhering to the recommendations of 251 and 252 of the Criminal Code. We do not have the right and privilege to do anything more than, first ask for permission, ask for documentation of the decision of an Abortion Committee, or ask for a report from the doctor who performs it. The whole responsibility rests for therapeutic abortions under the Criminal Code with the Therapeutic Abortion Board of the hospital that performs it. That request was obviously rejected and I do not think I can add any more to it.

#### Orders of the Day

MR. MARSHALL:

Order 5, Bill No. 15.

Motion, second reading of a bill, "An Act To Amend The Public Service (Collective Bargaining) Act, 1973". (Bill No. 15)

MR. LUSH:

Mr. Speaker.

MR. SPEAKER:

The hon. member for Bonavista North.

MR. LUSH:

Thank you, Mr. Speaker. Just by the way of recapitulating and summarizing the remarks that I was making yesterday with respect Bill 15, I had said, Mr. Speaker, that this bill represents no substantive or, indeed, substantial concessions to public service employees or to their bargaining units. It represents no major reforms.

It is simply an attempt to soften and ameliorate some of the harsh and offensive measures which were contained in that most offensive bill, Bill 59. I am sure all government members must be ashamed to utter these words in Bill 59.

Mr. Speaker, this bill does nothing to improve the collective bargaining process with respect to public service employees. It does nothing to improve that system. Bill 59 put the collective bargaining process of this Province clearly under the control of government and that is where it sits today. Government have the controlling hand in respect of negotiating and bargaining with their employees and this bill does nothing at all to correct that grave injustice with respect to collective bargaining in the Province. So it does nothing to change the collective bargaining process. Clearly, government still has the upper hand.

In essence, Mr. Speaker, the bill addressed two issues. It was to determine those bargaining units in which their employees could not be classified to be performing essential services. It just identified those employees and their bargaining units who could not be classified to be performing essential services or bargaining units whose workers could not be

classified as essential employees. That is what this bill did. The bill listed those bargaining units where workers could not be classified to be performing essential services.

I was saying yesterday, Mr. Speaker, the significance of the bill or the insignificance of the bill is demonstrated and reflected in the units that were listed. These bargaining units, Mr. Speaker, never presented a problem with respect to essential services. Essential services never came up with these units. So what we have is the government plucking out units that never came into question with respect to essential services. They were never listed. They were never called upon to list essential services or to be essential employees in these units. Really, we are not solving any problem because there was never a problem. I think the minister will agree, there was never a problem with these bargaining units that the minister lists here today. To demonstrate how weak this measure is, I identified some of the bargaining units that we talked about that the minister has listed here, public libraries for example. You know, I am sure that most people realize that that is not an essential service, though we all like to go to libraries and we all like to read. But if we do not get in today, or we do not get in next week, none of us are going to die because of it. By the listing of these bargaining units, the bill shows how far we have sunk in terms of labour relations in the Province over the past couple of years.

Again, I reiterate, it is a feeble, a very weak attempt by government to try and soften and



try to ameliorate the harsh measures of Bill 59. It is a small step, Mr. Speaker, in the right direction but I have said that government still have the controlling hand because out of 12,000 public service employees, the government still have the right to declare 10,000 as performing essential services, 10,000 out of 12,000 workers may still be declared as essential employees.

Mr. Speaker, we know that there are areas where essential employees have to be declared and we are certainly not disagreeing with that aspect of the bill, with respect to health service institutions, nursing care homes and that kind of thing. But they do not make up the 10,000 workers in this Province who may be declared as essential employees.

And once, Mr. Speaker, a person is declared as an essential employee, that person has no more protection. There is no protection under the law for a person who is declared to be an essential employee. There is no protection under the law for that person. That clearly puts the government in the driver's seat. That clearly puts them in control of the collective bargaining process.

With respect to the other part of the bill - I said that it dealt with two issues, one was the designation of essential employees - the second part of the bill just firms up and strengthens the government's hand with respect to strikes in those areas, in health service institutions. It just firms up the procedure for strike. It does not make it very easy. Maybe we can go along with that, maybe strikes should not be

easy in these kinds of institutions. But just in case, Mr. Speaker, the government is giving the impression that it is making the strike easy, it is not making it easy. Indeed, it is firming the procedure up, making it a little more rigid, making it a little more stringent so that we just cannot call a strike at any time in these institutions. What we have is thirty-seven days, I think - and the minister can correct me if I am wrong - it means that no institution can call a strike under thirty-seven days. There is seven days notice, and then it is my understanding that the strike takes effect after the seven days notice. Now maybe it does take effect when the date is named within the seven days, but, I believe, a lot of the union people understand that they cannot declare the strike until after that seven days and thirty days after that, so it becomes thirty-seven days, that is their understanding. If the seven days is included in the thirty then the minister can clarify that. Then, of course, if for whatever reason in that seven day notice the strike cannot be declared, they have to wait another month. And do they not have again to give another seven days notice? So it seems to be a cycle of thirty-seven days, but the minister could clarify that, that need not be so. It could be a misinterpretation.

Mr. Speaker, having said that, we support he bill because we do believe it is a step in the right direction.

At least 2,000 workers out of 12,000 still have collective bargaining rights. They cannot be declared to be essential employees. So we thank God for

that small measure, that 2,000 out of 12,000, one-sixth of the public service employees have the full rights to collective bargaining and will not be designated as essential employees. We would like to see the figure larger, we think, to be rational, Mr. Speaker, and so that we are understood, we think that with respect to our health service institutions there certainly have to be some steps taken in this direction so that are people are given proper care in the nursing homes and that kind of thing. As I have said before, they certainly do not represent 10,000 employees that still can be declared to be essential employees. We think it is a small step, ever so small, and any improvements we see made within the labour force in Newfoundland, any situation that improves labour relations, then we have to go along with it. We think it is a small measure, we think it is a very, very minute measure, but, even with that, we support the bill and hope that it does go some distance in terms of helping labour relations in this Province. As I have indicated before, I do not expect the bargaining units to be out beating their chests and marching up and down the streets in St. John's and Grand Falls and Corner Brook over this measure today. At least some of them will see it as an improvement and we hope that we will move on from there. Whereas we have one small step today, maybe a year from now the minister will be bold enough, Mr. Speaker, and have courage enough to make a giant step.

Thank you, very much, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. FLIGHT:

Mr. Speaker.

MR. SPEAKER (Greening):

The hon. member for Windsor - Buchans.

MR. FLIGHT:

Mr. Speaker, I want to speak just for a moment on this amendment and the reason I do is because I want to support totally the comments made by the member for Bonavista North (Mr. Lush).

I do not know if there is such a thing as de-legislating but it looks like the minister is bringing in bills to de-legislate legislation that he authored as the deputy minister for ten or twelve years, legislation that over the years reduced the labour movement in this Province to tears, demoralized the labour movement, and set up the deplorable labour relations we have in this Province today. So, Mr. Speaker, if that is the case, there is more legislation needed. We need legislation that takes away the retroactivity from Bill 37.

Mr. Speaker, the member for Bonavista North (Mr. Lush) on several occasions talked about 10,000. This legislation will mean that 10,000 of the 12,000 members of NAPE will still be considered essential employees. The minister keeps shaking his head that that is not true.

MR. BLANCHARD:

I am not given to unmannerly interruptions like you.

MR. FLIGHT:

Would the minister care to repeat what he just said?

SOME HON. MEMBERS:

Oh, oh!

MR. FLIGHT:

The minister was not getting up or getting down, he was shaking his head one way or the other every time the member alluded to the fact that 10,000 would still be in bonds.

The member for Carbonear (Mr. Peach) will tell us about the pediatric war in Carbonear when he stands up shortly, how he ignored the wishes and the needs of his people, and how he tried to wiggle out of it on Provincial Affairs. Maybe the minister should go back to this seat and make a speech on behalf of his constituents in Carbonear.

MR. PEACH:

A point of order, Mr. Speaker.

MR. SPEAKER (Greening):

The hon. member for Carbonear.

MR. PEACH:

The hon. member for Windsor - Buchans (Mr. Flight), Mr. Speaker, is misleading the House when making reference to my comments and involvement with regard to the proposed closure, and it is the proposed closure of the pediatric ward in the Carbonear hospital. I have been working on that matter with two other MHAs on this side of the House and, as a matter of fact, I met with his own colleague from Port de Grave (Mr. Efford) several weeks ago and the matter is being worked on. To say that I hid away from it is not a correct statement, Sir, and I will continue to work on it during the next few days to see that the matter is resolved.

MR. SIMMONS:

Mr. Speaker, to that point of order.

MR. SPEAKER (Greening):

To that point of order, the hon. the member for Fortune - Hermitage.

MR. SIMMONS:

To that point of order, Mr. Speaker, I know the gentleman from Carbonear (Mr. Peach) is quite sensitive on this issue, but there is no point of order whatsoever. It is not our fault if his constituents call us looking for instructions on how to make effigies that look like the member for Carbonear, so they can hang them. It is not my fault, or our fault, at all. There is no point of order before the Chair, Mr. Speaker.

MR. SPEAKER:

To that point of order, there is no point of order.

The hon. the member for Windsor - Buchans.

MR. FLIGHT:

Mr. Speaker, the minister talks about me being unmannerly simply because, I guess, I take part in cut and thrust across this House. Mr. Speaker, if it is unmannerly for me to indicate how I feel about something that is said in this House, in keeping with his position, and in keeping with his dream and the way he wants to impress the people of Newfoundland that he is going to improve labour relations in this Province, it surely must have seemed unmannerly when he took it upon himself to publicly call the employers' representative in this Province a Johnny-come-lately, and suggest that he is irrelevant to the process, because he made a statement on legislation. To me, that appears to be just as unmannerly as a member in this House taking part in debate across the House. The minister could

have arisen if he wanted to, and he will have a chance in a few minutes, to back up the shaking of his head every time the member for Bonavista North (Mr. Lush) indicated that only 2,000 employees of NAPE will be affected by this legislation.

Mr. Speaker, there is another point I wanted to make. The minister referred on four or five occasions to the employees of the Newfoundland Liquor Corporation, and he indicated that they were not considered essential services. In light of the fact that in as far as the general public can determine from statement made that we may be looking at a strike by the Newfoundland Liquor Corporation employees, I wonder was the minister floating a balloon? Was there a message going out there to the employees of the Newfoundland Liquor Corporation that they are not essential? They are ready to go on strike. They are not essential. Maybe that is the message going out to those employees. And maybe the minister will enlighten us as to exactly what the status of that situation is when he stands up. And what happens, Mr. Speaker, to, as we understand it, all the beer -

MR. BLANCHARD:

That question would be better asked in Question Period.

MR. SIMMONS:

A point of order, Mr. Speaker.

MR. SPEAKER (Greening):

A point of order, the hon. the member for Fortune - Hermitage.

MR. SIMMONS:

My colleague is making some very pertinent comments on the bill. The minister, I understand, may be

a little upset because of the kinds of comments being made, and that is fair, but he should know the rules of the House. He tells my colleague now, in an undertone, that he should ask the question during Question Period. I say to the minister that the House rules prevent my colleague from asking questions which relate to this bill. This is the proper time to ask the questions.

The minister might not like the fact that he is asking questions, but we are going to ask the questions and, when we get some answers, then we can let this legislation go through.

DR. COLLINS:

To that point of order, Mr. Speaker.

MR. SPEAKER:

To the point of order, the hon. the Minister of Finance.

DR. COLLINS:

I suppose it is pointless, once again, to point out that that sort of thing is not a point of order, it is just an unwarranted interruption into the rather garbled speech that the hon. member opposite was making.

MR. SPEAKER:

To that point of order, there is not point of order.

The hon. the member for Windsor - Buchans.

MR. FLIGHT:

I know members opposite want to be out of here this evening, but since my speech is garbled, Mr. Speaker, I think I will take the time to ungarble it and that will be in a half hour, and twenty minutes every time I want to stand in Committee. So either the

minister will listen to the garbled version, or he will give me the time to ungarble it, which will take me a half hour.

DR. COLLINS:

I did not interrupt your garbled speech, it was your own colleague.

MR. FLIGHT:

Mr. Speaker, when the minister stands up I also want him to deal specifically, and, I suppose, he could again say, Question Period, however, I want to know where the minister stands, and this question has been asked before with regard to labour legislation in this Province, on the right of the workers on the oil rigs to unionize. It is our position that the right is there. It is up to them whether or not they want to unionize, but certainly they have the same rights as any other working group in this Province.

The organizers, or the people who wish to offer union services to them, should have access to the work place, and should be able to have access to the workers, and the workers in the work place should have access to the organizers, or representatives of labour movements. He knows that is not so on oil rigs and he knows why it is not so. So I want to ask the minister, not that I am asking him whether he is for or against unionization of the oil rig workers, that is not the issue, whether or not he is for the right of the workers on those rigs to have the same rights and the same access as people who work in other industries in Newfoundland? That is the issue, Mr. Speaker, not whether they should or should not. That is their decision whether they should or should not be unionized or organized. But surely access

should be made so they can make that decision. And to this point access has not been made, as a matter of fact, it has been denied.

So, Mr. Speaker, in wanting to be very co-operative with here with the Minister of Finance (Dr. Collins) and help him get this place shutdown, as I know he wants to do, I will forego a lot of the other points I wanted to make. I do want the minister to take a minute to address himself to the labour situation with the Newfoundland and Labrador liquor employees and to the organization of workers on the rigs.

The member for Bonavista North (Mr. Lush) is right. This legislation is simply a case of government making sure that they carry the big stick. This government still intends to keep, Mr. Speaker, NAPE and 10,000 employees under their thumb. They will bring in nice wishy-washy, lukewarm, milky legislation, but that legislation still guarantees that the minister totally controls 10,000 of the NAPE workers in as far as having the power to declare them essential or inessential. And that very act, and that very ability renders the union useless.

So, Mr. Speaker, with that I want to associate myself with the comments made by the member for Bonavista North (Mr. Lush) and to add, yes, we will support the legislation. There is nothing here, Mr. Speaker, not to support it. And we are looking forward to the minister bringing in the enlightened legislation that will really help the labour movement in this Province, as opposed to what we are looking at here now, Mr. Speaker.

DR. COLLINS:

Mr. Speaker.

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

DR. COLLINS:  
Mr. Speaker, just a very brief word on this bill. I would like to bring up a point that I am surprised the members opposite had not brought up and, that is, the public servants in this Province, the public servants who serve this government and serve the people of this Province have performed manfully during the recent years of the recession. They had to withstand restraint measures, which I am sure none of them liked, certainly government did not like putting them on, but they were absolutely necessary. And I think it tells a great deal for the public service of this Province that the vast, vast majority accepted them, not with happiness I reiterate, but without a murmur. They continued to do their duties fully, no working to rule or any of that sort of thing. They performed tremendously on behalf of the people of this Province and, I think, a great vote of thanks is due to the vast, vast bulk of workers in this Province for withstanding the vicissitudes of a recession and performing in the manner they did. As I say, I am terribly surprised that hon. members opposite, who say they champion the labour movement so much, did not even turn their minds to complimenting the large number of workers in this Province and the large number of Newfoundlanders who perform so well on behalf of their fellow Newfoundlanders, especially during times of restraint and financial problems.

MR. BLANCHARD:

Mr. Speaker.

MR. SPEAKER (Greening):  
The hon. the Minister of Labour.  
If the minister speaks now he closes the debate.

MR. BLANCHARD:  
Thank you, Mr. Speaker.

Mr. Speaker, I am sorry the hon. member for Bonavista North (Mr. Lush) is not in his seat to hear my remarks because I am led to think that he was so kind to me and so flowery about my Labour Relations Bill, Bill 14, he was very kind and complimentary about that. He told me how good it was, what a nice piece of legislation it was, and I am firmly led to believe that his leader must have rapped him on the knuckles because yesterday he was very uncomplimentary about this good bill, this Bill 15, an act to amend and to straighten out some of the difficulties in the public service collective bargaining act.

Mr. Speaker, the hon. member for Bonavista North had stated yesterday that, I think to use his expression, great oaks from little acorns grow. And I think he ought to remember that Rome was not made in a day. It is going to take a little time to straighten out some of the things and a good attempt is being made here, a recognition by the government that there have been difficulties despite what the hon. member may think, there has been a great deal of difficulties with the designation of essential employees. There has been long drawn out court cases, Mr. Speaker, and the bill that I have before the House today is going to correct that.

We have already said, Mr. Speaker, that there will be an ongoing

process of review. There will be consultation with employer and union groups, Mr. Speaker. We intend to do this regularly, look at the legislation. Maybe the hon. members opposite wanted us to do nothing. Let the thing go on and not do anything.

AN HON. MEMBER:

More.

MR. BLANCHARD:

We will do more when the time is right. I just told you we were going to review it from time to time. It is too bad the hon. member for Windsor - Buchans (Mr. Flight) is not there because he talks about de-legislation. I know he is not happy about seeing the bill amended. They want to leave the bad legislation around if there are bad aspects to it so that he will have something to talk about. Do not wonder about it. He asked me all kinds of questions during the estimates. I am going to give him a seminar when the time is right, when the House settles down, I am going to take him over in the quietness of my office and give him a little seminar on labour legislation. He asked me a question about the oil rigs and if he looked at Section 5 of the Labour Relations Act he would see that every employee has the right to be a member of a trade union and to participate in the activities of it.

MR. TULK:

Where is the province's organization then?

MR. BLANCHARD:

Mr. Speaker, I do not want to waste the time of the House. We want to get on with other business. We have other good legislation. I just want to say that the bill that we have here

today is an excellent beginning. It is going to correct many of the difficulties, despite what the hon. member for Bonavista North (Mr. Lush) may think of it. They may not beat their chest but they will be happy with this bill and it will allow them to get on with their business and allow the Labour Relations Board to get on with its business.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

On motion, a bill, "An Act To Amend The Public Service (Collective Bargaining) Act, 1973", (Bill No. 15), read a second time, ordered referred to a Committee of the Whole House presently by leave.

MR. MARSHALL:

Order 6, Bill No. 2.

Motion, second reading of a bill, "An Act To Amend The Judicature Act". (No. 2)

MR. SPEAKER (Greening):

The hon. Minister of Justice.

MS. VERGE:

Mr. Speaker, I am pleased to speak to this bill on second reading. It is an amendment to the Judicature Act to increase the number of judges in the Trial Division of the Supreme Court of the Province from seven to eight which would provide for the Chief Justice of the Trial Division and in addition seven trial judges.

Mr. Speaker, it just came to my attention that this bill omits the usual provision that the amendment is to come into effect upon proclamation and I will be moving that kind of amendment in

Committee.

Thank you, Mr. Speaker.

MR. SPEAKER:

The hon. member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, I rise to say just a few words in support of the amendment. I do so particularly in behalf of my colleague who is the spokesman on this matter for the Opposition. He had to be absent temporarily from the House.

We have had some discussions with the legal community in this Province on this issue and it appears that the minister is on the right track in addressing the work load of the court. We understand that the work load is quite excessive. This is a step in the direction of addressing that issue. I hope that, and we hope that, this measure will serve to expedite the cause of justice in the Province. So we, on this side, are very much for it. It is not our intention to hold up this bill, Mr. Speaker, but if the minister in closing the debate might - if I can get her attention - if she would be so kind as to address a couple of questions I want to put to her. One, when does she expect to see the appointment made, in broad time frame? Is it something that the government would urge the federal government to move on right away? And, secondly, the issue of the workload of the District Court, that workload seems to be quite heavy and I was wondering if you are looking at the possibility of appointing an additional judge to the District Court? The message we keep getting is that the workload there is quite onerous

and that the scheduling of cases is quite heavy and it takes many months down the road to get a court date. So those two particular questions are: When does she making the appointment that implicit in this amendment, and, secondly, will she just speak briefly to the issue of the need for another judge at the District Court level?

MS VERGE:

Mr. Speaker.

MR. SPEAKER (Greening):

The hon. the Minister of Justice.

MS VERGE:

Thank you, Mr. Speaker.

I have discussed the matter of the amendment to the Judicature Act to enlarge the Supreme Court Trial Division with the increase of another judge with the federal Minister of Justice (Mr. Crosbie), who, of course, is also the Member of Parliament for St. John's West and our Province's representative in the federal Cabinet. I understand that he fully appreciates the need for an additional Trial Division judge. He understands the pressures of work in that court and will be recommending to his colleagues in the federal Cabinet that somebody be appointed to fill this position as soon as possible.

In the case of the District Court, I remind hon. members that within the past year the District Courts Act was amended to provide for an additional District Court judge in Corner Brook and just last month the federal government appointed His Honour, Judge Fred Woolridge, who was sworn in in Corner Brook within the past two or three weeks, so that now there are two resident judges of the District



Court in Corner Brook.

Mr. Speaker, I am aware that there are great pressures of work in the District Court in St. John's now. Here in St. John's, there are three resident District Court judges including the Chief Judge of the District Court, His Honour, Judge Adams.

Mr. Speaker, I am pleased to inform the House that the government has approved introducing to this Legislature a bill to further amend the District Courts Act to provide for the further enlargement of the District Court of the Province with the addition of another District Court judge in St. John's, which will bring to four the total number of District Court judges resident in St. John's.

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

Motion, second reading of a bill, "An Act To Provide For Arbitrations". (Bill No. 3)

MR. SPEAKER (Greening):

The hon. Minister of Justice.

MS VERGE:

Thank you, Mr. Speaker. I am pleased to move second reading of this bill, "An Act To Provide For Arbitrations". Mr. Speaker, currently legislation dealing with the procedure for arbitrations is contained in one part of the Judicature Act. Now just last Fall this Legislature passed a new Judicature Act which is to come into force on a date to be set by Cabinet. The new Judicature Act is minus the part on arbitrations, so this bill is put forward to

round out the matters which are now dealt with in the old Judicature Act.

MR. OTTENHEIMER:

Tulk for judge.

MS VERGE:

Mr. Speaker, that was the Minister of Intergovernmental Affairs making yet another pitch for the appointment to the bench of the good member for Fogo (Mr. Tulk). I will certainly be passing that on to the federal Minister of Justice.

Mr. Speaker, this Arbitrations Bill sets out quite a complete procedure to be followed for arbitrating matters in dispute and provides for references of matters to arbitration through various means, through agreements, through directions in legislation and also through orders by courts.

Mr. Speaker, the final provision of the bill indicates that this act is to come into force on the same day that is set for the coming into force of the new Judicature Act since the two pieces of legislation are tied together and their coming into force should be synchronized. So, Mr. Speaker, I am pleased to introduce this bill and would urge its speedy passage through this Legislature.

MR. SPEAKER (Greening):

The hon. member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, again in the absence of my colleague, the member for St. Barbe (Mr. Furey) who is the spokesman on these matters for the Opposition, I have pleasure in rising and just saying a few words in response to what the minister

has just said in introducing the bill. This bill, as we understand it, would provide for a separate legislative mechanism to allow the courts to appoint arbitrators to look after particular areas of expertise such as insurance matters and engineering matters, areas of a highly technical nature, areas in particular where the court needs expert advise.

MR. TULK:

You are going to make that recommendation, are you not?

MS. VERGE:

Of course.

MR. TULK:

Then I may as well go on the bench.

MR. SIMMONS:

You are finished, are you? I would not want to interrupt you or anything like that.

MR. TULK:

No, I am finished.

MR. SIMMONS:

All right. Or areas where the court perhaps needs some expert advise or input. I say to the minister that we have no particular problem with this legislation. I guess if we were to raise small concerns it would be that the bill needs to be amended so soon after it was legislated and indeed before it even comes into effect.

MS VERGE:

No, no. It is not amended, it is being added to it.

MR. SIMMONS:

It is being added to it, I understand that. It is an item that obviously was not addressed when the 1984 legislation was put before the House.

MS VERGE:

It was all planned and announced at the time.

MR. SIMMONS:

Sorry?

MS VERGE:

Mr. Speaker.

MR. SPEAKER (Greening):

The hon. Minister of Justice.

MS VERGE:

The government intended, and stated this intention at the time, that arbitrations be dealt with in a separate Statute from the main body of the Judicature Act. So this bill is consistent with what was put to the Legislature last Fall.

MR. SPEAKER:

The hon. member for Fortune - Hermitage.

MR. SIMMONS:

I thank the minister. She corrects my assumption or, as it happened, wrong assumption. My assumption had been that this was an oversight. She says notice was given for it at the time that it would be done this way. Perhaps in closing debate on the bill she would be good enough to tell us just why it had to be done this way, why it could not have been incorporated at the time the 1984 Judicature Act was put through the Chamber.

MR. SPEAKER (Greening):

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, this well could have been included in the new Judicature Act, but I think it was generally agreed by members of the Law Society, lawyers practicing in the Province, and others who have

had to deal with arbitration matters, that it would be preferable to separate out from the main body of the Judicature Act, which is quite a large, bulky statute, the part dealing with arbitration, and set it out in a separate act. That, indeed, is what we have done.

The new Judicature Act which was passed by this House of Assembly last Fall, just before Christmas, has not yet been proclaimed in force, and it is intended that that new Judicature Act, this new Arbitrations Act and, possibly, the new rules of court, although that could be dealt with separately, be proclaimed to take effect sometime later this year. More time has been allowed for members of the Law Society and others who have to deal with this legislation on a regular basis to thoroughly familiarize themselves with the new provisions.

MR. SIMMONS:

I realized that you had two acts but I did not quite understand why it was thought important to have the arbitration issue in a separate act.

MS VERGE:

Mr. Speaker, to repeat myself, it is really just a matter of administrative convenience to have the provisions parallel to those in the old Judicature Act dealing with arbitrations, in a separate statute. This bill on arbitrations is slim, it is compact. It contains, in the one small document, legislative provisions setting out an arbitrations procedure which is thought to be preferable to putting it in the large, bulky, cumbersome Judicature Act.

MR. SIMMONS:

Yes.

MS VERGE:

Whenever arbitrations are initiated and carried out, it is just that part of the Judicature Act dealing with arbitrations that has to be referred to, and it is a little bit inconvenient for people to have to drag around the whole large Judicature Act. It is preferable for them to be able to deal with just a compact act which isolates out the legislative provisions on arbitrations.

So, Mr. Speaker, I am pleased to conclude the debate on second reading of this Arbitrations Bill. Thank you.

On motion, a bill, "An Act To Provide For Arbitrations," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 3).

DR. COLLINS:

Order 19, Bill No. 16.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER (Greening):

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, if the hon. the minister would permit, because the member for Windsor - Buchans (Mr. Flight), who wishes to comment on that bill, is not here, perhaps we could defer it and call the next order, which is Order 22, Bill No. 22.

MR. SPEAKER (Greening):

Order 22, Bill 22.

MR. MARSHALL:

The member for Windsor - Buchans is up in the television room

commenting on statements that I made, so obviously he will only be up there for a very short period of time.

Mr. Speaker, I introduce this bill on behalf of my colleague, the Minister of Education (Mr. Hearn), who is not in his seat today because he had to be out on government business.

The purpose of this amendment is very simple. It is to serve two purposes. It is to exclude from school taxation residential property other than a person's principal residence, and this means that cottages and Summer cabins would be exempted. Secondly, it excludes from taxation all buildings, other than residential, located on farm land. This will bring, Mr. Speaker, our school tax legislation in line with other municipal tax legislation and we wish to have this legislation passed as quickly as possible because it involves a question of double taxation. The taxing of Summer cabins, which has caused some controversy over the last two or three years, was not really intended within the principles of the School Tax Act and that is the reason why we lead this particular amendment to that act.

MR. SIMMONS:  
Mr. Speaker.

MR. SPEAKER (McNicholas):  
The hon. member for Fortune-Hermitage.

MR. SIMMONS:  
I would like to speak to this particular bill. I am glad the subject is the School Tax Act, and I wish it were an act not to amend but to do away with it altogether. That would be in line

with long-standing Liberal policy on the issue and it would address a need in the Province. It would remove a lot of frustration, particularly among older people, but among many others who are not really able to pay and do not understand, do not see the wisdom or the justice of the present system of taxation as it relates to schools. We live under a system which believes in drawing money from the Public Treasury for almost every purpose. We do not have a health tax, a road tax, we do not have taxes that are targeted in terms of their ultimate use, we do not have a targeted use tax except in one instance, the School Tax. We do not tax health, we do not tax roads as such. We have various conventions of doing it indirectly by licencing of vehicles and issuing drivers licences and so on, but with those caveats we really do not have any targeted use tax other than the School Tax. And it raises all kinds of questions about fairness. Who should be paying? Should it only be persons who have students in school, or those who will have them in school at a certain point in time who should pay? And I have long subscribed to the view that education, like transportation services, like health services, is just another service, an important one, mind you, but it is just another service which is provided out of public largess and, therefore, there ought not to be a particular school tax. We believe on this side of the House that it is wrong in principle, we believe that it is very unjust in the way it is implemented. That is not to criticize the drafters of the legislation, or indeed this Legislature for the manner or the wording it adopted in the original

School Tax Act. The issue is one of implicit unfairness in the whole business of trying to assess and collect a school tax.

And so, Mr. Speaker, the real solution to the problem before us is not to make small amendments - and I will speak directly to the amendments in a moment - because if something is blatantly, implicitly, inherently unfair, no number of amendments can really change that. If the whole system of taxation here is wrong and unjust, idiotic, then the only way to get rid of that idiocy, that unfairness is to do away with the system of school taxation itself.

So, Mr. Speaker, I say that we on this side would be much more comfortable today if we were speaking to a bill which proposed doing away altogether with that very unfair tax, that absolutely unjust tax. It is wrong in principle, it is wrong in terms of the system that we use for the collection of revenues to pay for public expenditures. If we want to pay for the construction of a hospital as taxpayers in this Province, we take it out of general revenue. Those who administer the affairs of the Province obviously make the appropriate budgetary decisions, having in mind that they are going to find certain dollars for hospital construction in a particular year. But, Mr. Speaker, I repeat, the point is that the money for that hospital construction is taken from general revenue. It is not generated from any health tax, any particular tax targeted for health purposes.

I could use other examples in other areas where government, on behalf of the people of a province or jurisdiction, provides certain

facilities, certain services. In all cases but one the money comes out of general revenue, and so it should, but in this particular case, for some reason, we insist on having a particular tax addressed to a particular purpose, targeted for use in school education matters at the local level.

So, Mr. Speaker, because of the principle involved, I think we ought to be making a move much more decisive than is suggested in these amendments. We ought to be taking the position that was articulated by the Liberal party during the election before the last provincial election. We ought to take the position in principle that we should do away with school taxes and allow these monies to come from general revenue. Let there be no doubt about it, Mr. Speaker, for the record, let us recognize that if we were to wipe out the school tax mechanism across this Province money would have to come from general revenue.

MR. J. CARTER:

The sales tax would have to go up.

MR. SIMMONS:

Mr. Speaker, I say to the gentleman from St. John's North (Mr. J. Carter) you cannot replace one unfairness with another unfairness. Even with the support of the gentleman from St. John's North you cannot put the sales tax any higher. No. I say to him the solution is to do a bit of redistributing. This bill, and I will speak to it in a moment, talks about not taxing cottages. My question to the gentleman from St. John's North and the government generally is does this mean they will now be completely consistent and if they are not

going to tax cottages will they also agree not to pave roads to cottages? If he wants to know where to save a few bucks, I can take him to the Codroy Valley and I can show him where the government has been paving roads to cottages, always two or three weeks before an election, mind you.

MR. J. CARTER:

I can show him how to save money. Get rid of the Liberals on the other side of the House.

MR. SIMMONS:

Now, Mr. Speaker, it is really, truly, absolutely amazing. It has to be the eighth wonder of the world that a mouth could move so long with nothing atop of the forehead moving it.

MR. WARREN:

You are down in the gutter again.

MR. TULK:

That should go down as the profound statement of this Session.

MR. WARREN:

Yes.

MR. SIMMONS:

Some people go up in the mountains and come down with tablets of stone, others just come down stoned and walk across the floor.

MR. TOBIN:

Do not be talking about your leader like that.

MR. SIMMONS:

Mr. Speaker, let it be understood that if we were to abolish the school tax mechanism the money would have to come out of general revenue. We believe that is where it should come from. We point out also that the same people are paying the piper anyway, whether they pay him out of the left

pocket or the right pocket. The people, the taxpayers, whether they happen to be wearing hats as parents on one day and general taxpayers another day are paying the aggregate price for the services they get whether in education or health or road services or facilities or whatever.

MR. DECKER:

It has created another bureaucracy.

MR. SIMMONS:

In addition to all of that, as my good friend from the Strait of Belle Isle (Mr. Decker) reminds us, they are also paying for another bureaucracy, another collection mechanism. I remember some years ago, when I was involved directly in education administration, looking at the figures that it cost to collect taxes through a local tax authority. The percentage of revenue that had to be apportioned to the actual collection of those revenues - I forget the figures now, Mr. Speaker, I would not want to talk off the top of my head in terms of the actual figures - was astronomically high. If you take various funds such as Canadian Red Cross and other charitable funds, if you took the School Tax Authority, if you took the ratio that exists between the cost of collecting general taxation and the revenues generated, and we did all of this, we found that one of the most astronomically high figures was in respect to school taxation. To put it differently, Mr. Speaker, apart from providing a job for the school tax administrator and his immediate staff, a secretary or so and apart from putting a few bucks in the local coffer, in terms of cost benefit, there was no real justification for doing it that way. You could put the same

amount of money into the school board coffer, indeed, a larger sum of money, at less cost if we centralized it and collect it the same as you collect taxes by which we build hospitals, taxes through which we build roads.

So, Mr. Speaker, because it is inefficient, because it is unfair, because it is wrong in principle, we submit that the wrong bill is before us today. It ought not to be a bill to amend, it ought to be a bill to wipe out the school tax authority altogether. Wipe it out completely. Wipe it out.

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMONS:

Now, Mr. Speaker, I doubt that my admittedly persuasive argument will get every government member to fall into the line. I am sure they are committed, I am sure they got their instructions already from their leader, the gentleman for St. John's East (Mr. Marshall). I am talking about their real leader now, the man who cracks the whip on that side, the gentleman for St. John's East.

MR. DINN:

He loves it when you say that.

MR. SIMMONS:

They have their instructions, Mr. Speaker, to brazen it out on this piece of legislation. We on this side of the House, Mr. Speaker, have to operate within the realities, and the reality is that this piece of legislation is probably going to pass the House - surprise, surprise! - so let us have a word on what it is they are doing.

Mr. Speaker, they are taking the time of this House and the

drafters of the legislation to propose a couple of amendments. Fairly small but fairly significant amendments, they will remove a certain unfairness and for that reason we have no difficulty supporting the amendments, always with the caveat, always with the understanding that what we would much rather be doing today is wiping this thing, this disgraceful piece of legislation out of existence. But if it is going to stay, let us at least try and doctor it a bit to make it a little less unfair, however miniscule that lessening of the unfairness might be. Let us do whatever we can to lessen the unfairness of this particular piece of legislation. The bill, the minister has indicated would exempt from taxation buildings that are not primary residences. Primary residences I think is the appropriate term.

Now, Mr. Speaker, it is difficult to speak to this kind of bill, this kind of an amendment without alluding to waste in the name of patronage, in the name of keeping the troops in line, the kind of waste that goes on. Because, you see, Mr. Speaker, we would not need a school tax mechanism if there were better administration of the funds which are collected centrally to the Provincial government. We would not need to be nickling and dimeing the older people of this Province to death. We would not need to be nickling and dimeing the poor people of this Province to death over a few bucks here and there, in relative terms, a few bucks through school tax authority. We would not need to nickel and dime them to death if there was a proper and fair administration of the funds that are collected centrally. And I

made a reference just now to that scandalous business out in the Codroy Valley and in other parts of this Province where you go up to Lomond and you go down the road and you count two houses, I believe, and eight or ten cabins, and you drive over six miles of paved road. That is absolutely shameful. That is pork barrelling at its worse. But it is worse than pork barrelling because 'de facto it is putting the cost of education on those older people and those poorer people. The school boards out there have less money because the hon. crowd over there are too busy doing their pork barrelling act every hour of the day.

We heard recently about the salaries of the guys up in Goose Bay, Buchans and other parts of the country. Let them do what everybody else has to do in this country who cannot get themselves elected, let them go out and look for a job like hundreds of my constituents are doing. Why should they have an institutionalized committee called Cabinet look after their applications? Why should the rules be different for them? They took their chance. They put their name on a ballot and the people made a decision. Now then, Mr. Speaker, let them do what everybody else in this country has to do, let them look for work. The gall, the absolute gall to come in here and preach to us about fairness and all that kind of nonsense! Where is the fairness in the way this crowd administers the affairs of this Province, where, if you live in Fortune Bay, in Pool's Cove, you eat dust to get to a druggist in Harbour Breton or to get over the road to get your groceries, and not only eat dust but be assaulted

by promises on the airwaves about how the road is going to be done.

Oh, you should have seen the Tory candidate last time. Was he busy! In English Harbour West on a Sunday afternoon promising that he had it on paper this time, the road was going to be done, all going to be paved. Well, you saw what Mr. Crosbie signed on Monday. It is going to be paved all right but down in St. Shotts not in Pool's Cove. They have been misled and lied to so many times! So if you live in Pool's Cove year 'round, twelve months, you drive over a gravel path, not a road. But if you live in Lomond, if you are in the district of the Minister of Transportation (Mr. Dawe), you can drive on a paved road to your cabin.

AN HON. MEMBER:

What did Don Jamieson do when he was minister?

MR. SIMMONS:

Don Jamieson never paved any roads to cabins when he was minister. Don Jamieson put the Harbour Arterial Road in St. John's and even with your sense of geography that is not in Burin - St. George's.

SOME HON. MEMBERS:

Oh, oh!

MR. TOBIN:

The Minister of Transportation also put a bridge in the Codroy Valley.

MR. SPEAKER (McNicholas):

Order, please! Order, please!

MR. SIMMONS:

Mr. Speaker, the Minister of Transportation did nothing of the sort. The federal government, under the emergency assistance



programme, put the bridge in the Codroy Valley. Now the gentleman for Burin - Placentia West (Mr. Tobin) maybe engaging in newsspeak and he might be spitting out the line he has been taught to say, but it is not the truth. The truth is that the federal government paid, I forget the figure, 75 to 80 per cent of the cost of that particular structure under the emergency funding provisions.

MR. TOBIN:

I know all about it.

MR. SIMMONS:

I doubt that the hon. gentleman knows all about it if he alleges that the gentleman from Codroy Valley, from St. George's found the money for the bridge. He did nothing of the sort. Indeed, Mr. Speaker, I tell him that the whole process initiated, got underway in a discussion with myself and a civil servant. The Province had neglected to even make application for it. They did not even realize they could do it, they were so busy rowing with Ottawa like they were leaving money on the table in every other direction, they left the money there on the table until a federal bureaucrat tipped them off as to what they should be doing, if you want to know how it happened.

Now, Mr. Speaker, I know this is a sensitive area for the, not the pork barrellers - notice the money did not go in their ridings, the road money - they are not even pork barrellers, they are not even beneficiaries of pork barrelling, they silently acquiesce. They have to go along with it, swallow and go along with it because if you cross the floor you can hardly come back again even if you want to, even if you were wanted. You

can hardly come back again. So you silently acquiesce. Now you swallow hard no matter what they do. So they put all their road money up in Crosbie's riding and you silently acquiesce. You maintain a front, you pretend that everything is okay, and inside you have having four kinds of ulcers because you know what you did was dastardly and wrong.

MR. MARSHALL:

(Inaudible) school tax.

MR. SIMMONS:

The gentleman for St. John's East (Mr. Marshall) wants me to talk about the school tax.

SOME HON. MEMBERS:

Oh, oh!

MR. SIMMONS:

I am trying to get a word in about school taxes.

MR. MARSHALL:

You sit down and I will agree with you.

SOME HON. MEMBERS:

Will you abolish the school tax?

MR. SIMMONS:

I know the member for St. John's East has his humble moments. They are few and they are far between, but he has his genuine humble moments, his truthful moments, and in his heart of hearts he knows that this school tax is wrong. But what was getting me -

MR. W. CARTER:

He agreed to the abolition.

MR. SIMMONS:

Who has the floor, Mr. Speaker? Would you tell me who has the floor so I can get on with this? I would like to yield to the eloquence of the gentleman for

Torngat Mountains, actually.

MR. WARREN:

No, you carry on.

MR. SIMMONS:

Mr. Speaker, one cannot help but get a bit excited about this whole school tax business, because when you see the almost cosmetic nature of what we are being asked to do, significant in the sense that it will remove one little bit of unfairness, but in terms of the overall unfairness of this act, it is nothing more than cosmetic, and when you see that, when you put that in contrast to the pork barrelling, the looking after political hacks who have been rejected, Tory rejects, people who have been rejected by the population out there, and, yet, that same population have to pay their salary bill ad nauseam. It is a shame! It is a crime! It is a disgrace! Then on top of that, when you have all this newspeak from the gentleman for Burin - Placentia West (Mr. Tobin), apart from all the other things he knows, he also knows how the bridge went over in Codroy. Yes, sure! What a walking encyclopedia! What did the people of Burin Placentia West do to deserve this great paragon of knowledge and virtue? The bridge he knows about now! He knows as much about the bridge as he knows about most matters down in his district.

MR. TOBIN:

I got elected in my district twice.

MR. WARREN:

That is right.

MR. SIMMONS:

Mr. Speaker, I think we are aware that he got elected. He is sitting in the House and that must

mean something. We respect the voters who sent him here, we respect his right to be here. We are not like the crowd over there who talk out of both sides of their faces; if their guys get elected they thank the electorate, and, if they do not get elected, they mock the electorate and go and appoint them anyway. We respect the voters of Burin - Placentia West, we respect his right to be here, but that does not mean to say that he can unload his bile and his misinformation on this House and get away with it.

MR. WARREN:

How about the voters in Torngat Mountains?

AN HON. MEMBER:

Motor mouth is going again.

SOME HON. MEMBERS:

Motor mouth.

MR. SPEAKER (McNicholas):

Order, please! Order, please!

MR. SIMMONS:

The voters in Torngat Mountains made a wise decision, 45 per cent of them did.

MR. WARREN:

Thank you.

MR. SIMMONS:

45 per cent of them made a wise decision.

MR. WARREN:

46 per cent.

MR. SIMMONS:

46 per cent. Is that your percentage or the other fellow's?

MR. WARREN:

That is my percentage.

MR. SIMMONS:

That is what I am saying, that these made a wise decision.

Mr. Speaker, we would like to have had the gentleman who ran for the Liberal Party, Mr. Woodward, here, but second to that, we are glad that we have here sitting in front of us all the time, this particular example, an example of what not to do in politics. And he serves us a purpose, he does us favours just by coming into the House every particular day with his little interjections, these intellectually loaded barbs that he gives us from time to time with great eloquence.

MR. WARREN:  
(Inaudible) book.

MR. SIMMONS:  
What was the book, though.

MR. WARREN:  
(Inaudible)

MR. SIMMONS:  
He is using it well. I knew I recognized that great wit, that great intellect from somewhere. So every time he comes here, Mr. Speaker, he does all of us a favour because he reminds us of what not to do in politics, what not to be in politics.

In summary, Mr. Speaker, just let me say that the solution to the school tax issue is to do away with it altogether. In the absence of that, let us get on with those amendments so that we can get on to some more legislation.

SOME HON. MEMBERS:  
Hear, hear!

MR. MARSHALL:  
Mr. Speaker.

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

MR. MARSHALL:

Mr. Speaker, just a few words in closing the debate. I agree entirely with what the hon. member has said. The purpose is not just to abolish school tax as far as this government is concerned but to abolish all taxes, all taxes completely, forever and a day. If we are in power long enough, Mr. Speaker, as I expect we will, we will do that and it will even get the most dyed-in-the-wool, the most interred, vilest, Liberal that exists, like the hon. gentleman, even the hon. gentleman as a dyed-in-the-wool Liberal will get up and sing our praises at that point in time. But in the meantime, we are left to the resources we have and because of our tender financial position, of merely removing the double taxation which occurs which we have done in this bill.

In closing, there is just one other little comment I would like put on the record. Unfortunately, he is not here, but I would like to comment on something about this bill with respect to the member for Menihek (Mr Fenwick) because there have been representations made with respect to the passage of this bill by various people who have an interest. Sometimes they write letters to the Government House Leader with respect to the passage of it. So this lady wrote to me and asked, with respect to the passage of the bill, and I replied to her. She also wrote to the hon. member for Menihek (Mr. Fenwick) and I was amused with the answer that the hon. member for Menihek wrote. He wrote her a very nice polite letter and he courteously gave me a copy of it in which he talked about the fact

that this bill was not far enough and what have you. But the big objection he has, and get this, Mr. Speaker, was that it was not retroactive. That is the truth. I have the letter and when we resume in the Fall I will table it. His big complaint to the lady was the fact that this bill was not retroactive three or four years ago. When I saw it, I thought I would fall off my chair when I remembered the fuss he kicked up about another bill that was retroactive. So I want to put that on the record of the House and I move second reading of the bill, Mr. Speaker.

On motion, a bill, "An Act To Amend The Local School Tax Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 22).

MR. MARSHALL:

Order 19 Bill No. 16

Motion, second reading of a bill, "An Act To Amend The Newfoundland and Labrador Corporation Act, 1951." (Bill No. 16).

MR. SPEAKER (McNicholas):

Before recognizing the hon. Minister of Mines and Energy (Mr. Dinn), I would like to mention that there is one question to be raised at the adjournment and it is a question to the Premier from the hon. member for Twillingate (Mr. W. Carter) about the promised senior citizens home in Twillingate.

The hon. Minister of Mines and Energy.

MR. DINN:

Mr. Speaker, Bill No. 16 is a relatively minor piece of legislation. Basically, the

Newfoundland and Labrador Corporation Limited Act was passed in 1951 and in 1978 we passed the Mineral Impost Act, which basically took back most of the lands that were given to NALCO at the time. All of the lands have returned to the Crown now except for three square miles. These three square miles is land that has been explored by NORANDA, under concession from NALCO and they have spent a lot of money on this land. Basically, what we are doing here relates to two options that NORANDA had. One option was to take out a mining lease, which would give them several years to explore some more, but we have agreed with them that we would make an amendment to the NALCO bill or act so the concessions that they have near Point Leamington they can work there and explore there for the next few years. The original concessions in the NALCO Act were something like 21,900 square miles of the Province. It is down now to three which we are providing for under this act to NORANDA so that they can continue their exploration. And that is basically it, Mr. Speaker.

MR. FLIGHT:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. member for Windsor - Buchans.

MR. FLIGHT:

Thank you, Mr. Speaker. I concur with the minister that it is a very minor piece of legislature, a very minor amendment. It takes care of a very major problem though. Mr. Speaker, there are a few things I want the minister to address himself to when he stands to close the debate. He indicated we passed the Mineral Impost Act

on December 1978 and, subsequently, all the concessions held by NALCO reverted back to the Crown, I would presume, but it took until 1985. Why would it have taken until 1985? There was land surrendered in December 1978, December 1979, December, '80, December '81, '82, '83, '84, the area expired in March of 1985, the legislation or the agreement, the NALCO agreement, and this I suppose in a sense is retroactive legislation. I understand what the minister has set out to accomplish here. We have no problem with that, we will support this piece of legislation. NORANDA has been a good corporate citizen in this Province, Mr. Speaker. The area I represent has great hopes pinned on NORANDA because of the Tally Pond deposit and other deposits that NORANDA has been exploring over the years and all have great potential given the right market conditions and given the right support by government and other agencies. So we have no problem with supporting this legislation.

The deposit referred to that NORANDA is working in the Point Leamington area and, of course, based on what I read here, market conditions and what have you will play a great role in determining whether or not that ever becomes a mine as such.

Mr. Speaker, there are a couple of things I want to allude to. I hope that if NORANDA brings a mine in as a result of this legislation, that NORANDA is informed that we are not going to have any more Buchanses, Baie Vertes, St. Lawrences, Tilt Coves, and Little Harbours in Newfoundland. While the Premier is in his seat I wonder, Mr. Speaker, because it is in keeping

with the subject, why it is and how it is that the Government of Newfoundland chose to ignore, to actually insult all the people who represent single industry towns in this Province by not having the decency to have one minister at that conference. The Minister of Fisheries had people attending that seminar in Buchans. That seminar was not held for Buchans. It was topical that it was held in Buchans because it focused attention on the Buchans situation right now. But members over there, members over here, had delegations into that seminar to talk about what would happen when the Baie Verte mine closed. Yet the Government of Newfoundland chose not to have one representative. The Minister of Labour (Mr. Blanchard) was scheduled to speak, cancelled out, the present Minister of Mines and Energy (Mr. Dinn) was scheduled to speak, cancelled out. The Premier did not see fit, Mr. Speaker, to have one member of his government represented. So, Mr. Speaker, it fell to a deputy minister. Thank God for Mr. McKillop who came in and tried to save the day and deflect the questions. Mr. Speaker, members from all over the riding, the hon. member for Baie Verte - White Bay (Mr. Rideout) will get a chance when he goes back to Baie Verte to tell some of his people why it was that his government chose to ignore the concerns and the fears.

MR. TULK:

And he headed up a select committee on one industry towns, did he not?

MR. FLIGHT:

Sure, the member headed up on a select committee.

MR. RIDEOUT:

Not on one industry towns.

MR. TULK:

No, on mining towns.

MR. FLIGHT:

So, Mr. Speaker, maybe the minister speaking on behalf of the Premier will tell us why he chose to insult the people who were in Buchans that weekend making their case for one industry towns.

MR. SIMMS:

(Inaudible).

MR. FLIGHT:

This may be the bill, Mr. Speaker. If the member for Grand Falls (Mr. Simms) is not prepared to let me make my few comments then, this may be the bill that we hang her down on.

Mr. Speaker, I would want to say to the minister an issue of very great concern coming out of that seminar was that when mining companies, such as NORANDA, goes into an area of Newfoundland and starts a mine - and we have the Sing Cerf thing coming up, we have the Sing Cerf deposit that hopefully will deposit into a mine - that they accept responsibility for what will happen to that community based on an industry that was really meant, as far as they are concerned, to make profit. Their only motivation, Mr. Speaker, will be the profit their shareholders make. There will be some wages paid over the years to the people who work there but, suddenly, the mine is gone, their holes are in the ground, and suddenly there is 100 per cent unemployment, a town with no basis of economy, no provisions made to soften the impact when that industry goes down.

Mr. Speaker, I would hope the

minister when he stands now will tell us that it is his policy and that he will be talking to the NORANDAS of the world, that henceforth in Newfoundland there will be no one industry towns set up unless the companies concerned take some responsibility for the diversification of the economy of that area and make some plans so that the people in the mining towns are not left with nothing except holes in the ground and the mining company is long gone and they are sitting there with no economy, looking at a welfare situation from there on in. Mr. Speaker, it has been a great problem, it has been a legacy in Newfoundland, mine after mine after mine have closed in this Province and when the mine closed there was nothing. The company had never given any thought to what would happen when they were ready to pull out. Obviously, the companies will do what they can get away with. It is up to the minister to lay down the conditions that mining companies establish in this town.. It may not be too late for the minister to have some talks with IOC and with Pickands Mather and with the companies responsible for mining in Labrador West because, Mr. Speaker, I listened to people from those communities this weekend, talking about putting time limits - and they were people from the area with responsibilities for Labrador West and Wabush - putting time limits and recognizing the problems they are going to be faced with if and when those mines close.

So maybe the minister has already accepted that responsibility and is providing leadership. Maybe those companies are funding a depletion allowance so that there will be some monies around when

the mining company operation winds down, to provide an infrastructure, Mr. Speaker, to help establish an economy that allows the community to continue on and be a viable community. So, Mr. Speaker, I would hope the minister would spend a word or two on that.

I wonder about the Abitibi-Price situation in the mining industry in this Province. We all know that Abitibi-Price has got their concessions on the block for sale. For anyone who wants to buy all the mining concessions in Newfoundland, they are on the block. Abitibi-Price no longer wants to mine in Newfoundland.

MR. TULK:

Even the Tulk's deposit?

MR. FLIGHT:

Everything is up. The Tulk's deposit, the Tally Pond deposit. All the lands held by Abitibi-Price is available on the auction block today including the Buchans property, including the Tally Pond property, including the Tulk's Pond property, including Halfway Mountain, all designated ore bodies. What is the situation, Mr. Minister, with the Abitibi-Price deal? Does this mean Abitibi-Price will continue to operate their logging operation in Newfoundland and their paper mills and make a lot of money in the process, but they have already made a lot of money. Abitibi-Price, the old A and D Company, owned 51 per cent of the Buchans operation. They took millions and millions and millions of dollars out of that operation. They took more money than ASARCO took out. The old Anglo Newfoundland Company, and later Price Newfoundland, and presently Abitibi-Price, for the last fifty

years took millions and millions of dollars out of that mine and maybe out of other mining operations in Newfoundland, but specifically that one. I am wondering, Mr. Speaker, if in the sale of this property now Abitibi-Price believes that they are washing their hands of any responsibility to the community and to the people who made fortunes for them over the years in Buchans? I wonder will Abitibi-Price be prepared to accept their corporate responsibility and their moral responsibility to the people in Buchans? As they continue to make millions off our forestry resources, will they put some of that money into Buchans and will they continue to meet their responsibility to the people in Buchans, the people who, over the years, they made millions and millions off or is there a possibility that the reason Abitibi-Price is now willing to sell their mineral concessions in Newfoundland is maybe to avoid, as we get down the road and try to determine who is responsible for what, they know there is no more money to be made in Buchans, it is all over, so they sell off their mineral concessions and thereby relinquish any responsibility they would have to the people of Buchans.

Mr. Speaker, I see the Minister of Municipal Affairs (Mr. Doyle) waving his hand.

MR. TULK:

What does he want to get out of here?

MR. FLIGHT:

This could be the bill that keeps us here until Wednesday, Mr. Speaker.

MR. TULK:  
Wednesday? July 15.

AN HON. MEMBER:  
By leave, by leave.

MR. TULK:  
By leave? He does not need leave. He got an hour.

MR. PATTERSON:  
Wonderful speech.

MR. TULK:  
No, no. He is not finished.

MR. FLIGHT:  
I have some very copious notes here, Mr. Speaker.

There is a point or two I do wish to make, Mr. Speaker, and I will have to be forgiven while I find my briefing notes.

Anyway, Mr. Speaker, I remember what I am looking for. During the years from 1978 to 1985 NALCO turned back to the Province the bulk, actually all, of the lands they had under concession, except for the three square miles that now applies to this concession. This bill is being brought in to accommodate NORANDA, as it should be, there is no question about that. I am wondering what happened. Was there joint ventures involved in the other concessions, in the lands that NALCO turned back to the Province from 1975 to 1984? Would there have been joint ventures where other companies such as NORANDA involved with NALCO in the explorations and if so why did we not do the same thing we are doing here? Was there any request made by NALCO or by a joint venture or is this request specific as a result of the Point Leamington deposit? So the minister might want to answer that.

So, Mr. Speaker, there are a few things I want the minister to address himself to. The Premier has left. I want him to tell us why that he chose not to be present himself. He was due there. He was supposed to be there, the boom or bust seminar in Buchans. I can tell the minister that His Excellency, Bishop MacDonald expressed his concern that no government representation was there. All the labour leaders from all over the Province expressed their concern that no government officials were there. They were totally ignored, representatives of fifteen communities in Newfoundland, people representing every single industry town in Newfoundland there, totally and completely ignored, callously ignored by this government. You talk about shirking responsibility!

MR. TULK:  
If you keep on the answer is going to be too long to send to your constituents.

MR. FLIGHT:  
So I would want the minister to address himself and maybe he will give us an acceptable explanation as to why none of the ministry chose to be there and maybe he would go further and make a statement and apologize to the people of Buchans and to the sponsors of that seminar and hold out some hope that he has concern for towns whose economy is based on a single industry, specifically mining. I am sure if he would people would feel better about it and maybe forgive him for the callousness and the total disregard he showed for their feelings, Mr. Speaker.

So having made those few points, Mr. Speaker, I again concur with



the minister that it is a very simple bill. It serves a good purpose and we will support the bill.

MR. SPEAKER (McNicholas):

If the hon. minister speaks now he closes the debate.

The hon. Minister of Mines and Energy.

MR. DINN:

Mr. Speaker, I do not know if I will deal with every question the hon. member asked, but if I do not, we can possibly do it in committee.

Basically he says here, "Why has it taken so long for all the lands that NALCO had to come back to the Crown?". Well, under the Mineral Impost Act the hon. member will know that if a company, whether it is joint ventured or not, and in this case it was, the NORANDA - NALCO joint venture in the Point Leamington area, if they spend a certain amount of money in exploration on a per year basis, then they own that concession. So they could have hung on to the concession for basically as long as they wanted to. And in this case, as this was expiring on March 31st., then NORANDA had two choices: Number one, they could have taken out a mining lease and that would have given them two years to do their thing. They indicated to us that they required more time than that and they would like to have it done this way. So we indicated to them, 'no problem, you have been a good corporate citizen, you have done the work that you said you were going to do and you are going to continue your exploration programme so there is no problem. We will do what you request.' That is number one. So I hope that answers the hon.

member's question.

With respect to the meeting in Buchans on one industry towns, the member may or may not know, but the department was requested to send officials. We did send the Deputy Minister of Mines and several officials to that conference. I was never asked to the conference. There was never a request came to me, even though I did read somewhere, in the papers or somewhere, that I was supposed to be there and did not show up. I was never officially asked. What happened was a couple of days prior to the conference, I believe one of the ministers who were supposed to attend, could not attend and asked me to attend and I just said that I could not because it just did not fit my schedule. I can assure the hon. member that if I had been asked and given some lead time, then I would have gone to Buchans. There is no question about that. I do not know why other ministers did not attend or whether they were asked or not, but I am giving the member my side of the story. But I did send my Deputy Minister and several officials out there and they have put a report together for me and they indicate to me that their report will be on my desk when I get back from the Housing Ministers Conference in Calgary.

MR. RIDEOUT:

I was not invited. I just checked.

MR. DINN:

You were not invited?

MR. RIDEOUT:

No.

MR. DINN:

The hon. member for Baie Verte was

not invited. So I do not really know what happened here. There might have been a breakdown in communications. The hon. member may have gotten misinformed, but the fact of the matter, is I was not invited.

So, Mr. Speaker, the hon. member said that he hopes that if SELCO or NORANDA move in and actually develop a mine that it will not be another Buchans. Well, these are very difficult things, but we can assure the hon. member that we will do anything that we can do, everything within our power to do, to make sure that we do not have another situation as occurred in Buchans. But I do not give up on Buchans as quickly as the hon. member said. The hon. member said in his few remarks that Buchans is no more, there is no more money to be made in Buchans.

MR. FLIGHT:

A point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

Order, please!

A point of order, the hon. member for Windsor - Buchans.

MR. FLIGHT:

Mr. Speaker, I just want to set the record straight for the minister. I have toiled ceaselessly for the past twenty, twenty-five years for Buchans. I have not given up on Buchans. I still maintain my home there and I will live there again and I will continue for the next five years. I have not given up. I have simply said to him, the mine is closed, there are two employees, the mining industry as we know it is no more, there is no economy and the member for Baie Verte (Mr. Rideout) and the Premier (Mr. Peckford) should have been in to

that seminar to find out exactly what is going on and they would not have had to depend on this member to tell them what is happening in Buchans.

MR. SPEAKER:

Order, please!

There is no point of order. The hon. Minister of Mines and Energy.

MR. DINN:

Mr. Speaker, if the hon. member had waited until I had finished, what I had continued to say, was that with respect to the fact that Abitibi has their concessions available for anybody who is interested in them, I am very hopeful that mining interests take up the cudgel with respect to Buchans and that they do a good exploration programme, find something in there and that we get back to mining in Buchans because that is what the people, I believe, would like to see happen, either in Buchans or in the vicinity of Buchans we do find something and that we do develop another mining operation there.

This amendment is basically for NORANDA because that is the only one left now on the concessions owned by NALCO, that is the only area left now that is of interest to a company who had concessions or who had a joint venture with NALCO to do exploration. They have indicated to us that they are getting into some more diamond drilling this year and, hopefully, down the road that will turn out to be a good prospect and a mine. We will make sure that we take the kinds of precautions in the Point Lemington area, if all these things work out, to make sure that we do not indeed have another Buchans.

Mr. Speaker, with that I move second reading.

On motion, a bill, "An Act To Amend The Newfoundland And Labrador Corporation Act, 1951", read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 20).

Motion, second reading of a bill, "An Act To Amend Certain Acts Having Regard To The Canadian Charter Of Rights And Freedoms". (Bill No. 1).

MR. SPEAKER (McNicholas):

The hon. the Minister of Justice.

MS VERGE:

Thank you, Mr. Speaker.

I am pleased to speak on this bill which contains seventy-three amendments to the Statute Law of our Province to ensure compliance with the Charter of Rights and Freedoms.

Mr. Speaker, I just want to give a little bit of background on the Charter. The Charter as contained in part one of the Constitution Act, 1982. And Section 52 (1) of that act declares that 'the Constitution of Canada is the supreme law of Canada and any law that is inconsistent with the provision of the Constitution is, to the extent of the inconsistency, of no force and effect.'

Now, Mr. Speaker, the Charter, which I am holding in my hand, guarantees certain rights and freedoms which are enumerated in that in that document. All of the Charter, with the exception of Section 15 setting out equality rights, became effective on April 17, 1982, three years ago.

Section 15 took effect April 17 of this year. Mr. Speaker, Section 15 is, perhaps, the most significant provision of the Charter. I would like to quote it in its entirety, that is, Section 15 subsection (1) 'Every individual is equal before and under the law and has the right to be equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.'

Mr. Speaker, those equality rights, particularly, the explicit right to be free from discrimination on the basis of sex, was a constitutional right long sought by women's groups across Canada and it was a major victory for feminists in this country that that provision is now enshrined in our constitution.

Mr. Speaker, the whole Charter begins with Section 1, which guarantees the rights and freedoms set out in it, subject only to such reasonable limits prescribed by law as can be demonstratively justified in a free and democratic society. So, Mr. Speaker, these are the key provisions of the Charter.

The Constitution Act containing the Charter establishes that the court may now strike down the provisions of any legislation passed by this Legislature or any other provincial legislature in the country, as well as the federal Parliament, which the judges decide are inconsistent with the Charter or which are at odds with any part of the constitution.

Mr. Speaker, this is significantly

different from the Bill of Rights, which was in effect from 1960 until the time of the coming into force of the Constitution Act, the Bill of Rights having been simply a Statute of the Parliament of Canada which could have been amended by the federal Parliament at any time, and which applied only to federal laws, whereas, of course, the Charter of Rights is entrenched as part of the Constitution of the country and may be amended only through the operation of the amending formula set out in the Constitution Act. The Charter also applies to both federal and provincial laws.

Mr. Speaker, the coming into force of the Charter of Rights and Freedoms marks a dramatic change in the distribution of powers in our country. There is underway a shift of power away from elected legislators to appointed independent judges. We can expect a period of uncertainty pending threats of court action, Charter challenges, actions, judgements, appeals and final rulings by the Supreme Court of Canada.

The Chief Justice of Canada, the hon. Brian Dickson, said that the Charter will bring about "an unprecedented test of our legal, social and political assumptions in the near future".

Mr. Speaker, this government, led by our Premier, was an early supporter of the charter concept at federal/provincial constitutional talks. Indeed, our Premier was instrumental in the final constitutional settlement back in 1981. Consistent with that approach, Mr. Speaker, this government has taken a positive and a pro-active approach to responding to the coming into force of the Charter.

My predecessor in the Justice portfolio, the present Minister of Intergovernmental Affairs (Mr. Ottenheimer), established a committee comprising three solicitors with the Department of Justice, a couple of years ago, which was charged with the mandate of reviewing all the statute law of the Province. Obviously, that involved a considerable amount of time and work.

The Review Committee wrote a report which was published by my predecessor in January of this year. I am holding the report.

The report was made available to the general public and, indeed, the Justice Department conducted an extensive advertising campaign informing people of the availability of the report and inviting their submissions, their questions for response, their comments, their reactions, and their criticisms.

Mr. Speaker, quite surprisingly, despite the publicity given the effort by the Department of Justice, I am told there was only one telephone enquiry by way of response from the general public.

Mr. Speaker, I would like to praise before all the members of this House the effort in bringing our laws into line with the Charter, led by my predecessor in the Justice portfolio. In his introduction to the Review Committee's report, he stated: "The amendment to the provincial legislation identified in this report is an important first step for the government. However, it will not be the final step, since the government is committed to an ongoing review of its existing laws and policies under the Charter, including subordinate

legislation, and to a process of examination of new legislation as the several provisions of the Charter are given meaning and become clearer through court cases over time."

Mr. Speaker, I think that is quite an accurate and succinct way of saying that the government has been positive in approaching the Charter right from the very beginning and supporting the concept in the constitutional talks, and then, in reviewing our Statutes and identifying provisions which should be amended to make them conform with the Charter, and it is the corrections to those provisions which are set out in this bill.

Mr. Speaker, even before the Charter came into force, in about 1979, the government put before the House and had passed amendments to an act called the Human Rights Anti-Discrimination Act, which removed discrimination in eleven Statutes, and the government have been leading efforts to remove sexist language from our laws. That effort, I assure all hon. members, will continue and, if anything, will be intensified.

Mr. Speaker, as we move ahead, the government and the Department of Justice will be encouraging dialogue with individuals and groups in the Province who are concerned about human rights and, in particular, advocates for women and also spokespersons for minorities in this Province who are disadvantaged in different ways and for whom human rights are crucial.

Mr. Speaker, one issue which quite possibly is impacted upon by the Charter is that of mandatory

retirement. Mr. Speaker, the government has given careful consideration to the provisions in our laws requiring retirement on the part of public servants at certain ages. We have looked at the legislative initiatives taken by other governments in the country. We have decided that it is in the best interest of the citizens of our Province for us to proceed slowly in our approach to this issue. We have decided to publish a White Paper on the subject of mandatory retirement and the possible impact on that topic of the Charter of Rights and Freedoms. The White Paper -

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

It now being five-thirty, a motion is deemed to be before the House for adjournment.

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

MR. SPEAKER:  
A point of order.

MR. TULK:  
We have one question on the Order Paper and if we have an agreement, I think that we will run until ten to six by leave of the House and do that question from ten to six until six o'clock.

MR. SPEAKER:  
I was not aware of that. It being five-thirty on Thursday it is normally deemed to be an order to adjourn but if that is by leave.

The hon. Minister of Justice.

MS. VERGE:  
Mr. Speaker, I will just need about three more minutes to clue up my remarks. I was saying that the government will be publishing

a white paper on the subject of mandatory retirement and the possible impact on mandatory retirement provisions in our laws of the Charter. The White Paper will be designed to serve as an information base for public discussion on this topic in the Province. The White Paper should be written and published this Fall and we would hope that we will have the benefit of comment on this subject from many people in the Province and get guidance from our citizens about what action, if any, we should take.

In summary, Mr. Speaker, the bill before us now represents a positive and determined effort by this government to bring our laws into line with the Charter of Rights and Freedoms. The bill sets out 73 amendments to our statute law. Most of the amendments, 32 in all, are in the area of the right set out in the Charter to be secure against unreasonable search or seizure. Twenty-four of them have to do with equality rights and 11 have to do with the right to be presumed innocent until proven guilty.

With that, Mr. Speaker, I conclude my remarks in moving second reading of this bill.

Thank you.

MR. SIMMONS:  
Mr. Speaker.

MR. SPEAKER:  
The hon. member for Fortune - Hermitage.

MR. SIMMONS:  
Mr. Speaker, this bill calls to mind another proud and very valuable part of the legacy that has been left to us by the former

Prime Minister of this country, the Right Hon. Pierre Trudeau. I remember well, Mr. Speaker, -

MR. J. CARTER:  
Shameful.

MR. SIMMONS:  
The gentleman from St. John's North (Mr. J. Carter) finds most hon. things and people shameful.

MR. TULK:  
Why do you not go back to your savoury patch and bring some dignity to this House?

MR. LUSH:  
Tell him the savoury is growing out of control.

MR. SIMMONS:  
Mr. Speaker, I remember very fondly the day that the former Prime Minister came before his caucus in Ottawa and said, "Now we have got a decision to make on this business of bringing home the Constitution." And he outlined the options. And having talked about just bringing the Constitution, I think the words were "patriating the Constitution", he said, "We can just bring home the Constitution as such or we can do this and so on and so forth, or finally," he said, "the final option is we can incorporate the Charter of Rights."

There was some discussion of the pros and cons and what a difficult set of circumstances would be posed by the Charter, the argument it would open on both sides. I do not mean both sides in the partisan sense, but on both sides of various issues.

Finally, after some input from various members to the Prime Minister of the day, one of the members of Parliament of the day,

a gentleman from Quebec, got up and in somewhat halting English said, "Prime Minister, I go for your last option, the option which would include patriating the constitution and also including a Charter of Rights." He said, "Prime Minister I go for that option. If we are going to have a fight," and the consensus in the room was we were going to have quite a fight on the constitution, which was the case, as you recall, and his words were, "if you are going to have a fight let us have something worth fighting for. Let us go first class." That is what I liked about that whole constitution process and even more than the process is the substance of what was brought home that day.

It was not just a document that in some respects was already out of date. It was a document for today and for tomorrow, a document that has had a lot of repercussions and, as the minister has implied, will have many repercussions, not only in terms of legalisms and arguments along the way, but in terms of the impact for good, the increased fairness that it will apportion to people across this country who have, by circumstance, by tradition, by the nature of the status quo, been unfairly treated. Mr. Speaker, when time has passed, we can look at the people who are directly involved in the events of bringing home the Charter in some perspective without the understandable bias of partisanship.

I believe we will come to view the Charter as a great, historical achievement with amazing and even unpredictable impact on the lives of ordinary Canadians.

So, Mr. Speaker, particularly in

that context, am I very proud, as a Canadian and as a Newfoundlander, to rise and address the issue before us in Bill No. 1. We, on this side of the House take great pride, as do all Canadians, irrespective of party label and irrespective of other categories of division, whether by sex or race or language, irrespective of all of that, we are so proud we find ourselves in a Legislature today where we can focus on the need to amend our laws to make life in this country even more fair, where we can focus on the subject of how we reach out to people who through tradition or circumstance or misunderstanding or obsolete law, through any of these circumstances, we can reach out to those people and address their particular inequity, the inequity that has been inflicted on them by the circumstance of law or tradition or what have you. That, in effect, Mr. Speaker, is what this bill is all about. To just reiterate very quickly my earlier point, it is possible because another important process has gone before and was concluded back in February, 1982.

Mr. Speaker, the bill itself is a fairly weighty document, at least in terms of actual numbers of pages. Our inclination on this side of the House, rather than take the time of the House on second reading, is to reserve the right during clause by clause. We shall not sit on that right. We intend to address in some detail some of the matters that are in the bill.

My colleague from St. Barbe (Mr. Furey) who, as I have said already today, is unavoidably absent for part of the afternoon, wants, in particular, to give our viewpoint

on a number of issues that flow from this proposed legislation and he will do so, I would presume, tomorrow in Committee.

Mr. Speaker, we welcome those amendments. We will be more specific on the particular amendments and have something to say about one of the areas where we have concerns that the bill might not be going far enough, but we can leave that until Committee. We welcome the fact that the initiative has been taken to bring our laws, at the provincial level, into line with the charter, and we, as Canadians and Newfoundlanders, again want to flag, want to draw attention to the larger, very proud moment that we are part of in even speaking to this particular bill. We are identifying, even in a very small way, with something that is history in the making, that will have an amazing impact, and I hope an impact for good, on the lives of every Newfoundlander and, by contention, every Canadian. So, with those few words, Mr. Speaker, we support the principle of the bill and we will be saying a few things about various details of the bill and about the principle of the bill as we get into it clause by clause.

MR. SPEAKER (McNicholas):

If the hon. minister speaks now she will close the debate.

MS VERGE:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Minister of Justice.

MS VERGE:

Thank you, Mr. Speaker.

I am going to close the debate by saying simply that I am pleased

that the members of the Liberal Opposition, the official Opposition, agree with the principle of this bill. It seems that all members of the House indeed endorse the principle of the bill which, after all, simply brings in line with the Charter of Rights and Freedoms of this country the Statute Law of this Province.

Thank you.

On motion, a bill, "An Act To Amend Certain Acts Having Regard To The Canadian Charter Of Rights And Freedoms," read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 1).

DR. COLLINS:

Order 25, Bill No. 24.

Motion, second reading of a bill, "An Act To Amend The City Of Corner Brook Act, The City Of St. John's Act, And The Municipalities Act." (Bill No. 24).

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. DOYLE:

Thank you, Mr. Speaker.

Mr. Speaker, this is An Act To Amend The City Of Corner Brook Act, The City Of St. John's Act, And The Municipalities Act. In introducing the act, Your Honour, I would like to say I am pleased to bring this legislation forward, because this amendment to the three acts will permit municipal councils to make regulations respecting the method for display, sale or rental in shops of pornographic material and the entrance of minors into shops whose primary purpose is the



rental of those materials.

Now, Mr. Speaker, this amendment comes about as the result of a concern in this area by a number of individuals and groups in our Province who have asked the government to initiate this legislation so that store owners may be required to keep sexually explicit and violent material out of the reach and sight of children, and out of the sight of adults, as well, who do not want to see pictures of human degradation when they are in the process of shopping. Government was concerned about the matter, Mr. Speaker, and it has also been a concern of the Federation of Mayors and Municipalities, and of the Citizens Coalition Against Pornography. The matter has been the subject, as well, of some review by the Justice Department, and it has been decided that legislation should be enacted enabling municipalities to regulate the display of pornographic material. I think it is being done to mirror the views of the vast majority of people in the Province who object to the increasing use of these materials which, as I said, portrays the degradation of human beings.

Just to go through the couple of amendments to the bill - there are only two or three clauses - it says: 'The Council, in the manner provided for in Section 146, may make regulations respecting the method of the display, for sale or rental in shops, of pornographic material, pornographic magazines and films and any other pornographic reading or viewing material;

'(b) the entrance of minors into shops whose primary purpose is the sale or rental of any materials

that has been referred to in paragraph (a); and

'(c) the definition of terms for the purpose of giving effect to that section.'

It will be necessary, of course, to amend all three acts in the Province, The City Of Corner Brook Act, The City Of St. John's Act, and The Municipalities Act. As everyone is aware, the publication and sale of obscene material is prohibited under Section 159 of the Criminal Code. However, a great deal of pornographic material on display in retail outlets do not fall within the criminal definition of obscenity, hence the rationale behind this particular amendment.

I think it should be pointed out as well, Mr. Speaker, that the proposed amendment does not propose to prohibit the sale of pornographic material but to regulate its display in order that individuals who enter these establishments, where such material is available, will not be exposed to it.

It is a short bill, it just has the three paragraphs which will amend all three acts, and we are very pleased to bring it forward.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, I say to the minister it may be a short bill but it has very, very widespread implications. We on this side are rather surprised at the approach that is being taken here. The

question, for example, of the definition of pornographic material is not dealt with. Certainly if you are going to ask legislators at the municipal level to get into what is a complex area, it is not a matter of saying these books shall be sold and these shall not be sold, or how they should be displayed, it is a matter of having somebody who can adjudicate on what is within the parameters of the regulations that they are going to draw up. What guidelines will they use? Will the provincial government provide some broad guidelines? Will it provide some help to those particular councils? After all, councils heretofore have not been geared up to engage staff to address these particular areas. Councils across this Province, including the two city councils, are like all others, strapped for funding, strapped for financial resources, and now this introduces another particular area, an area that requires some expertise that they are going to now have to engage, either on a freelance basis or otherwise. I recognize councils have recourse to legal advice, they have lawyers on staff and that kind of thing. But it does introduce another dimension.

Let me go back to an earlier point, the point of what is the definition. Why does the proposed bill not address the question of definition? What definition does the government, does the ministry have in mind? Is it, for example, the definition that was in the Fraser Report which was recently presented to Mr. Crosbie, the Minister of Justice? Is it that particular definition - the Minister of Justice (Mr. Verge) will be familiar with this, I am sure, and maybe the Minister of Municipal Affairs (Mr. Doyle) - or

is it the definition of the famous American feminist and writer, Helen Longino, who provided this particular definition, "Pornography is verbal or pictorial material which represents or describes sexual behavior that is degrading and abusive to one or more of the participants in such a way as to endorse degradation"? Or is it the definition that the Status of Women committee put before the NTA back in March, 1984, in which that committee said the following in relation to defining pornography: "A presentation for the live, simulated, verbal, pictorial, filmed or videotaped or otherwise represented of sexual behavior in which one or more participants are coerced overtly or implicitly into participation or are injured or abused physically or psychologically or in which an imbalance of power exists by virtue of the immature age of any participant or by contextual aspects of the representation and in which such behavior can be advocated or endorsed"?

MS VERGE:

Those definitions are similar (inaudible).

MR. SIMMONS:

Yes, they are. I was about to say that. I was just distracted by the fact that I think I am out of time at the moment.

MR. SPEAKER (McNicholas):

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, perhaps we could stop the clock until ten to six, have the hon. member finish his remarks and the minister respond, and then restart the clock and go for ten minutes after this document has been accepted.

MR. SPEAKER:

Is it agreed to stop the clock.

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER (McNicholas):

The hon. member for  
Fortune-Hermitage.

MR. SIMMONS:

Mr. Speaker, I was addressing the issue of the need of a definition and, as the Minister of Justice (Ms. Verge) was just pointing out to me across the floor, noting across the floor, the definitions I have just read are somewhat similar, and I agree with her on that point, of course. But the point I want to make is that there is need for some direction, there is a need for the phrase as given in the explanatory note, for example, 'pornography material', to be given some definition. I ask the minister responsible for the bill, the Minister of Municipal Affairs (Mr. Doyle), if, in closing debate, he will address that particular issue. The issue of definition, it seems to us, is very germane to the ability of the municipalities to make regulations.

Mr. Speaker, the larger question, though, with respect to this bill is not the definition, as crucially important as that is, the larger question is whether this is the right route to go, and we have very serious reservations on that issue. Here you are dumping into the laps of municipalities and municipal councillors who have -

MR. SIMMS:

They are not responsible, the Federation is.

MR. SIMMONS:

I understand that to be the case.

PREMIER PECKFORD:

I know what you are saying, too. You have a point.

AN HON. MEMBER:

St. John's and Corner Brook are objecting today.

PREMIER PECKFORD:

Corner Brook is saying you are dropping it in our lap. So you are damned if you do and damned if you do not on the thing.

MR. SIMMONS:

I thank the Premier for that interjection, because that is the very point I wanted to make and perhaps we really made it with the informal exchange. I recall the Minister of Justice (Ms. Verge), when she was talking about mandatory retirement a moment ago, talking about proceeding slowly, and we did not, at that point, take exception with what she was saying. Here, certainly, is a case where we ought to be proceeding very, very slowly.

MS. VERGE:

Many people have requested me as minister to get on with it, as have the Coalition of Citizens Against Pornography.

MR. TULK:

You had better clue up.

MR. SIMMONS:

I am going to, and very quickly, because I understand we want to get on to -

PREMIER PECKFORD:

By and large you do not have the display area in unincorporated areas that you have in incorporated areas, you do not have the vehicle.

MR. SIMMONS:

But, you see, Mr. Speaker, there,

I say to the Premier, is the real Pandora's Box of this. You see, if you were a pusher of pornographic material and you have, for example, the city of Corner Brook which de facto has an area that is incorporated and then over on the other side of the line the area is not incorporated, you go outside that line.

PREMIER PECKFORD:

There is nothing perfect. You can always get outside the line.

MR. SIMMONS:

But that is the Pandora's Box you are opening up.

PREMIER PECKFORD:

I agree.

MR. SIMMONS:

And unless there is some provision in the bill to address the unincorporated areas, if the municipalities are asking for their own funeral, then let them have their own funeral. I think they are foolish to be asking for it, I do not mind telling them that. I think they are crazy to be getting into this particular area, they are opening such a can of worms.

MR. DOYLE:

Over 86 per cent of the communities in the Province have some form of incorporation now, 86 point some-odd.

MR. SIMMONS:

Again, we are not talking statistics. When you are dealing with porno pushers or drug pushers you are not dealing with statistics, you are dealing with a group of people who will find ways of getting around-

PREMIER PECKFORD:

I agree. I agree.

MR. SIMMONS:

However small the loophole is, they will find a way. It might be only a 14 per cent loophole, but that is sufficiently large for them to exercise. And they will find a way to go outside that incorporated boundary line to push their wares.

MR. SIMMONS:

You could have a very serious situation on the periphery of certain towns which, in themselves, would have, potentially, very commendable regulations on this particular point once they get the legislative authority to do so. I am not particularly concerned about those areas, I am concerned to the extent that I wonder what is wrong with their heads. And it might not be politically smart to be saying those things, but I wonder why they want this. There must be a reason that escapes me completely as to why they are asking for it. I really cannot figure it out, Mr. Speaker.

Given the geographic jurisdiction we are talking about, an Island and a part of the Mainland, Labrador, that is well defined in terms of ways of access and exit, egress. It seems to me that this is an area that ought to be regulated from a central provincial point from the standpoint of provincially administered law.

If they are asking for it, I hope they will take the time to tell us. I do not know if they have told anybody on this side, but they really have not told us what the wisdom of it is. And in the absence of knowing that, I say I think they are making a mistake. But I have never sat on a municipal council.

So let me go on to the other point I want to make, and have alluded to already, and that is there is here a loophole so big you can drive a truck through it, in terms of those unincorporated areas. We can think about some of the potential market for pornographic material, and they can set up on the very edge of a town, directly outside the boundary, but they can still be very accessible to everybody within that boundary. And it is a charade I say to the minister, and I do not particularly condemn him for this. He is the sponsor of the bill, and so I have to get my message through him to people who are in de facto responsible for the bill.

But there is a puzzle here, Mr. Speaker, as to why they want it and there is a loophole here that I alert the minister to, and I do not think that I am the first to do it. I gather from his participation this afternoon, both verbal and non-verbal, that he is aware that this is not all peaches and cream. There is a very, very big loophole, and until that one is addressed, until we have come up with some way to deal with it, maybe, by having those unincorporated areas subject to provincial law - or are they? Can the Minister of Justice (Ms. Verge) help us on this one? She is not supposed to give legal advice, but perhaps she will just come close to that particular line for a minute.

Once this bill is passed, who will regulate outside the incorporated areas? Is there some provincial law that will give power to the Province?

MS VERGE:  
There is not now.

MR. SIMMONS:  
No. No.

MS VERGE:  
(Inaudible) effect that the people in the Province have been pressing us for, the Federation of Municipalities and the Coalition of Citizens against pornography. When the Coalition met with members of your caucus and our caucus, this is the one request that they made of the Provincial Government.

MR. SIMMONS:  
That it be administered municipally?

MS VERGE:  
That we enact this enabling legislation for municipalities.

MR. SIMMONS:  
Okay.

MS VERGE:  
You were not at the meeting, but your justice critic was.

MR. SIMMONS:  
Mr. Speaker, let there be no misunderstanding, we recognize fully the urgent need for enabling legislation so that the whole pornographic mess can be properly reined in. Our apprehension has nothing to do with the need. We are on record, and we have just been on record again, we are on record firmly in terms of the need. We have just absolutely nightmarish reservations about the workability of what is being proposed. I will say it differently: Even if you assume the workability of what is in the proposed legislation, we have some nightmarish reservation about the number of ways that people can get around the legislation. Because as the Minister of Justice (Ms. Verge) has just indicated to me a

moment ago, there is nothing, apparently, on the Provincial Statutes that would allow enforcement of this kind of legislation outside those municipal boundary lines. Maybe it is a good first step. We would not say otherwise. If the municipal councils want it, we can only assume they thought it through and have some enforceable regulations in mind to address the issue.

MR. SPEAKER (McNicholas):  
Order, please!

It is now six o'clock. Is it agreed to stop the clock?

SOME HON. MEMBERS:  
Agreed.

DR. COLLINS:  
Mr. Speaker.

MR. SPEAKER:  
The hon. Minister of Finance.

DR. COLLINS:  
I just bring to the hon. member's attention that if the hon. member feels he would be constrained in making all the remarks he wishes, we could wait until tomorrow and just get on with the Late Show now. On the other hand, if he feels that he will not take too much longer, we will continue as we are going.

SOME HON. MEMBERS:  
Agreed.

MR. BUTT:  
How long does the hon. member have?

MR. SPEAKER:  
The hon. member for Fortune - Hermitage.

MR. SIMMONS:  
Mr. Speaker, I say to the

gentleman from Conception Bay South (Mr. Butt) that we are dealing with all kinds of legislation here this afternoon. You would not imagine the spirit of joy and embrace that is extant here today. And I would not want him to do anything to spoil that absolutely marvellous atmosphere. We are here making laws right, left and centre for municipalities and for school tax authorities. You would not believe the stuff we have been up to this afternoon while he was out having coffee. And we welcome him back. We ask him to just bear with us another minute or so and we will all go home and have supper.

Now, Mr. Speaker, our reservations have been recorded. I have said essentially what needs to be said. What needs to be done has not been done, and that is to find a way around that terribly big loophole. That is one of our concerns. Our other concern is what was in the minds of the councillors when they requested this kind of legislation. Now, our view is that this would be better administered at the provincial level. We are never too old to learn, and if we can be shown that there is merit in doing it at the municipal level, then we would have no argument with it. What we are very concerned about, I repeat for the third and last time right now, is that area outside municipal boundaries, and I put it to members on whatever side of the House, we are opening one awfully big can of worms. At the very least I appeal to the appropriate minister, who I assume in this instance would not be the Minister of Municipal Affairs (Mr. Doyle) but the Minister of Justice (Ms. Verge) maybe, I appeal to the appropriate minister to, at the very least, take this concern as

notice of the need to draft some legislation to address those areas outside of incorporated areas. Mr. Speaker, even as I stand here I can visualize the people the mentality and the cavalier nature and the craftiness of the people who are involved in pushing pornographic material, and they will find a way to get around most regulations. And if one does not exist at all, they will have a field day getting around a non-existent regulation. To put it differently, I can see them setting up on the edge of town.

MR. TULK:

Would municipalities then have to pass their own statute?

MR. SIMMONS:

This enables them to make legislation, to make by-laws.

MS. VERGE:

No, they do not have to.

MR. SIMMONS:

Mr. Speaker, these are our main concerns. We will, in Committee, raise certain other concerns for the minister to deal with, but, in particular, the implications of this bill for areas that are not incorporated is a large one, an issue with a lot of implications, and I would hope the minister has got some answers, or some undertakings he wants to make to the House in closing the debate.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

If the hon. minister speaks now he will close debate.

The hon. Minister of Municipal Affairs.

MR. DOYLE:

Mr. Speaker, the hon. gentleman, first of all, made some very good points and has given me some food for thought I must say. He did make one point that I want to address, first of all, and that was he brought up the definition of pornography and what have you. Maybe at the outset I neglected to say what I should have said about the definition, and that is in order to avoid any proliferation of different standards from one municipality to the other for the display of that material the Department of Justice in consultation with the Department of Municipal Affairs will draft a set of - I think you referred to them yesterday, Madam Minister - a set of model by-laws to be drafted by the Department of Justice in consultation with the department, and municipalities, and that will be sent to the Federation which will, in turn, distribute that model set of by-laws to all the different municipalities. And it should not be misconstrued, of course, that municipalities are bound to bring in these regulations. They are not bound to do it, but they will now have the means at their disposal to do it.

I guess the original reason why we brought in this particular amendment was because the Federation of Municipalities and the Citizens Coalition Against Pornography saw, if you will, I suppose, a gaping inequity in the law as it exists right now. Because criminal legislation dealing with obscene material is the sole prerogative of the federal government. I think we are all aware of that. But there is a whole range of adult materials that do not fall within that criminal definition, and as a result the Federation and this

Citizens' Coalition Against Pornography recognized that and felt that there was a need to do something about it to to give municipalities, if you will, the power to regulate displays in stores in their communities.

So this is why we brought it in in the beginning, because it was a request that was put before us at many a Federation meeting, to deal with the matter. Insofar as the unincorporated communities are concerned, I guess it is a little bit difficult for me to address that particular situation right now except to say that maybe there will have to be something done to address that particular problem that the hon. gentleman raises. To be quite honest about it, I had not given that particular part of it any thought or any consideration whatsoever. But I think it is necessary to point out that just about 86 per cent or 87 per cent of the Province right now is covered by some form of municipal government, whether it be a local service district, a town council, or a community council. Maybe that is something we will have to look at somewhere down the road. But, as my friend points out, they are no worse off now than they were before this bill was brought in. But we will probably have to address that particular part of it as well.

I am very pleased, Mr. Speaker, with some of the comments that have been made, and with respect to the unincorporated areas, we will try, insofar as we can, to address that situation. How it is going to be addressed right now I am not prepared to say, but it is a good point and I think it is one which bears looking at. I move second reading.

On motion, a bill, "An Act To Amend The City Of Corner Brook Act, The City Of St. John's Act, And The Municipalities Act", read a second time, ordered referred to a Committee of the Whole House presently, by leave. (Bill No. 24)

DR. COLLINS:  
Mr. Speaker.

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

DR. COLLINS:  
If I may, just to be sure we understand what we are about, at least my understanding of what we are about, for our purposes now the time is ten minutes to six. We stopped the clock at ten to six, so now we will go into the Late Show and go on for the usual ten minutes.

MR. SPEAKER:  
The hon. member for Twillingate.

MR. W. CARTER:  
Mr. Speaker, I rise today to make a special plea for the senior citizens of Twillingate district who, since 1982, have been promised a senior citizens home by this government. In 1982, Mr. Speaker, the people of Twillingate district were, without a doubt, promised that they would be part of a four or five year plan for the construction of senior citizens' homes. In 1985, in the election, prior to April 2 the people in Twillingate district were again led to believe by the government, led to believe by the Premier of the Province, led to believe by the person representing the PC Party in that district, the former member, Mrs. Reid, that a start would be made on the construction of the chronic care home after the April 1 budget.



Now, I know that in a letter the Premier sent to the town clerk in Durrells, he did qualify that promise by stating that -

MR. TULK:

Weaselling out of it.

MR. W. CARTER:

Weaselling out of it, yes, by putting the onus on the Canada Mortgage Corporation. But I say it to you, Mr. Speaker, that when the promise was made, and it was made, I have checked - in fact, the Premier attended a meeting in Twillingate during the election campaign and I was not there, naturally, but I have talked to people who were there, people in high places in Twillingate, and the impression was clearly left by the Premier and by his candidate, Mrs. Reid, that a start would be made on the senior citizens home in that district after April 1. Now, the Premier can say no, but I have talked to responsible people in the district, I have talked to clergymen, and to a man, Mr. Speaker, they have confirmed the fact that the commitment was made, that the Premier did nothing to dissuade or to deny the statement that was made by his candidate that a senior citizens' home would be erected in that community after the April 1 budget. I think, Mr. Speaker, it is disgraceful.

I say to you now, Sir, and I say to the government and to the Premier that if they continue to shamefully deceive the old people in our Province then I suggest to you that they will live to regret it, just as their federal counterparts will live to regret their actions in recent days with respect to the de-indexing of the old age pension. It is a shameful, disgraceful act, Mr. Speaker, on the part of this

government to mislead senior citizens into believing that there would be a start made on their home after April 1st. I say now this government is guilty of doing that. It is guilty of shamefully and disgracefully deceiving the people of my district.

Every person I have talked to, and I have been on the phone the past four or five days after my question to the Premier (Mr. Peckford) on Tuesday talking to people in the district, and every one of them, without exception, and like I said I have talked to prominent people, clergymen, people in high places in that district, there is not one person I have talked to who will deny or will say that they were not given the understanding by the Premier in the course of his remarks at that meeting in Twillingate prior to the election, confirmed by his candidate, Mrs. Reid, in fact, followed up by his candidate, Mrs. Reid, in a letter. I think the Premier's letter to the town council of Durrells on April 10th. is in response to a letter that he received from Mrs. Reid I presume asking him to confirm the fact that the the construction of the home would be commenced. At least it is in response to their letter to, he says, his colleague, Mrs. Reid, the former MHA for Twillingate. "As pointed out in your letter, the Twillingate Inter Faith Senior Citizens Home is scheduled to begin in 1985. For the record, this means after the beginning of the fiscal year, April 1, 1985".

Mr. Speaker, I realize there are problems with Canada Mortgage and that is another matter. I am wondering why the government has been backward in decrying what has happened with respect to Canada

Mortgage. We have been told that the funds are now exhausted, that there is no further provision in their scheme of things for the provision of senior citizens homes. There has not been one work that I am aware of uttered publicly in condemnation of that Crown agency with respect to their treatment of senior citizens. It is a sad story, Mr. Speaker, that a government will go to the people and will deliberately and shamefully deceive the senior citizens in our districts, in our Province, and it has happened, the Premier knows.

MR. SPEAKER (McNicholas):  
Order, please!

The hon. member's time has elapsed.

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, let me just say first of all, as the hon. member for Twillingate (Mr. W. Carter) goes on in his sanctimonious style, it just makes me have second thoughts about humanity, I will tell you right now, Mr. Speaker, because people in glass houses should not throw stones. And the hon. member for Twillingate, if he has a memory at all, can bring to mind many incidents to which I refer.

Mr. Speaker, I categorically, absolutely deny ever promising the people of Twillingate that the senior citizens home was going to start after April 1, 1985 in writing or verbally. At that meeting I remember clearly, as a matter of fact I told a group who came to me just before that meeting that I had no intention of doing that kind of thing at that meeting that night. However, I went on to say that I would, with

the candidate, if she was elected for Twillingate district, work to try to get that senior citizens home for them. I said that, Mr. Speaker, clearly and loudly, that we would work as hard as ever we could to try to get it. This letter clearly demonstrates what we were talking about. We have it on a list as we do other places in the Province.

If the hon. member wants to get up and make these kinds of statements let him put his money where his mouth is, find the evidence. He tried to find it the other day in this letter and could not find it because he only read the part which was appropriate for him for his political purposes.

There was a commitment made on roads to Cobbs Arm and Bayview and there is money being spent there this year to keep that commitment because it was made. But there was no categorical commitment saying that this was going to start this year. I know from whence I speak. And the hon member for Twillingate, in his sanctimonious style, can get up in his place in the House and say what he likes and try to allege and try to vaguely say.

MR. W. CARTER:  
(Inaudible) your Minister of Social Services (Mr. Brett).

MR. SPEAKER (McNicholas):  
Order, please!

PREMIER PECKFORD:

I have the floor now, Mr. Speaker, and the member for Twillingate can keep quiet.

Now, the member for Twillingate, if he wants to get in his place and make allegations let him do so, but let him have the facts.

This foolishness of the member for Twillingate or other members opposite getting up from time to time and making these kinds of allegations against me personally or against some minister personally, I mean, it is the lowest of the lowest kind of politics. Where we committed, Mr. Speaker, to do things in Twillingate district, we have kept our commitments, and on roads -

SOME HON. MEMBERS:  
Hear, hear!

PREMIER PECKFORD:  
- we are going to do the roads.

I only hope that all of the commitments that the hon. member for Twillingate (Mr. W. Carter) made when he was campaigning both on the government side and where he is now will be kept. I can take the member for Twillingate to places in St. Mary's Bay where he promised things that have not been delivered to this day, Mr. Speaker. I like his sanctimonious style now. How wonderful! How wonderful!

MR. TULK:  
What about yours?

MR. SPEAKER (McNicholas):  
Order, please!

MR. W. CARTER:  
You can not use St. Mary's Bay.

PREMIER PECKFORD:  
No, I cannot use St. Mary's Bay. I can use St. Mary's Bay and I can use a lot of fishermen around the Province, if I wanted to, Mr. Speaker.

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

PREMIER PECKFORD:

It is starting to hurt now. I know the member for Twillingate (Mr. W. Carter) well, and I know what the member for Twillingate wants, Mr. Speaker, from time to time. What he wants -

MR. SPEAKER:  
Order, please!

PREMIER PECKFORD:  
- in order to be a part of this or that. I know the member for Twillingate very, very well, sometimes, Mr. Speaker, too well. And this is one day that my memory is very clear and I can say without fear of contradiction, I know the hon. member too well.

SOME HON. MEMBERS:  
Hear, hear!

MR. SPEAKER (McNicholas):  
Order, please!

On motion, the House at its rising adjourned until tomorrow Friday, June 28, 1985, at 10:00 a.m.

Index

Answers to Questions

tabled

June 27, 1985

INFORMATION  
ABOUT THE 1985 AERIAL SPRAY PROGRAM  
AGAINST THE  
EASTERN HEMLOCK LOOPER

DEPARTMENT OF FORESTS RESOURCES AND LANDS  
LEN SIMMS, MINISTER

## History of Eastern Hemlock Looper Infestations in Newfoundland and Labrador since 1900

There have been seven outbreaks\* of Eastern Hemlock Looper in the province 1900, with the infestation of 1966-72 being the largest and most severe. During these years, the total area infested was 830,000 ha and wood loss totalled almost 3 1/2 million cords.

Due to the magnitude of the 1966-72 outbreak, almost eight times larger than any previous one, an aerial spray program with the chemical insecticide Fenitrothion was judged necessary.

Once again, the looper is back in Newfoundland in destructive numbers. Studies by the Newfoundland Forest Research Centre of the Canadian Forestry Service showed evidence of looper infestations in two island areas in 1983.

The two areas were Bay d'Espoir (200 ha) and the Avalon Peninsula (9 000 ha). As was the case in 1966, a warm, dry summer last year favored looper development and survival and infestations have spread considerably.

As a result, during 1984 the infestation at Bay d'Espoir expanded to 13,300 ha while the Avalon Peninsula outbreak grew to 57,000 ha. For 1985, moderate and severe defoliation is projected to occur on about 273,000 ha of forest lands in the Codroy Valley, Twin Lakes, Bay d'Espoir, Lake St. John and Avalon Peninsula areas.

\*Seven looper outbreaks, total area infested: 1910-15, 12,100 ha, 1920-26, 8,300 ha, 1929-35, 56,900 ha, 1946-55, 126,600 ha, 1959-64, 21,800 ha, 1966-72, 830,300 ha, and 1983-84, 95,000 ha.

What is the difference between a chemical insecticide (Fenitrothion) and a biological insecticide (Bacillus thuringiensis)?

### Chemical Insecticide - Fenitrothion

Fenitrothion is a chemical insecticide and is marketed under the trade names of Sumithion, Novathion or Folithion. It is produced in Germany by a process of artificial synthesis, and has been used as an insecticide for about 20 years. It has been used in Newfoundland and in other parts of Eastern Canada in aerial spray programs against both the Eastern Hemlock Looper and the Spruce Budworm.

Fenitrothion is the only chemical insecticide registered for use against the Eastern Hemlock Looper, and was used successfully during the aerial spray programs against this pest in 1968-69.

The 1968-69 aerial spray program with Fenitrothion proved it to be effective both in foliage protection and reducing looper populations.

Aerial spraying of Fenitrothion involves the use of only 210 grams per hectare of its active ingredient. The active ingredient is mixed with a solvent and an insecticide diluent and is effective immediately upon contact with the target organism.

The major advantages of the chemical insecticide Fenitrothion over the alternative biological insecticide Bacillus thuringiensis are: 1) Fenitrothion is four times less expensive, and 2) Fenitrothion has been proven effective in the field, while Bacillus thuringiensis has only been tested in laboratories.

### Biological Insecticide-Bacillus thuringiensis (B.t.)

The Eastern Hemlock Looper has a number of natural enemies which kill a part of the population each year. One of these is a group called Pathogens, which are disease-causing organisms capable of inhibiting growth or killing off target insects like the looper.

B.t. is a pathogen which produces toxic chemicals capable of destroying the Eastern Hemlock Looper. B. t. is manufactured in a laboratory by a process of biological fermentation, and it is the bacteria itself which is in the insecticide formulation.

Unlike the chemical insecticide Fenitrothion which is effective upon contact with the target organism, B.t. must be ingested to be fatal. However, B.t. is considered safer to use in environmentally sensitive areas because it attacks a narrower, more limited range of organisms than chemical insecticides.

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## Precautions taken in a Forest Protection Aerial Spray Program

There are many precautions taken in an aerial spray program to ensure public safety and to protect the environment.

Federal and provincial laws govern the registration, sale and safe use of pesticides in Canada. The Pest Control Products Act (federal) classifies insecticides used in forest protection as Restricted, which means their use is subject to conditions imposed by the Federal Minister of Agriculture.

Provincial inspectors have the power to stop the use of substances dangerous to the public or the environment, while federal and provincial committees review pest control practices to ensure safe procedures are followed.

Aerial spray regulations require a wide range of safety precautions be in effect before a permit is issued. Trial runs and contingency plans help prevent or minimize mishaps.

Finally, on-site inspections by health and environment officials are carried out to protect both workers and the environment.

## 1. Insecticides-Control and Monitoring

## a) Federal Laws

In Canada, the principal federal law governing use of insecticides is the Pest Control Products Act. It is administered by Agriculture Canada and prohibits the manufacture, storage, display, distribution or use of any "control product," i.e. insecticide, under unsafe conditions.

Further, it prohibits the import or sale of any "Control product" unless it has been registered, conforms to prescribed standards and is properly packaged and labelled.

There are two classifications of "control products:"  
1 - Domestic Products - those intended for use in and around dwellings and 2 - Restricted Products - the use of these is subject to conditions imposed by the federal Minister of Agriculture.

Products registered for Forestry are classified as Restricted so that no detrimental effect shall result involving water courses, wildlife populations, human habitations and non-target organisms.

Other federal acts affecting insecticide use and handling include:

Environmental Contamination Act - Administered by Environment Canada, it is intended to deal with environmental contaminants in situations not covered by existing legislation and gives federal officials residual powers designed to supplement authority derived from other laws.

Fisheries Act - Administered by Fisheries and Oceans Canada, it prohibits the deposit of hazardous substances in waters frequented by fish.

Migratory Birds Convention Act - Administered by Environment Canada, it prohibits the deposit in any waters or area frequented by migratory birds of any substance harmful to such birds.

Transportation of Dangerous Goods Act - Administered by Transport Canada, it regulates the transport of toxic substances.

b) Provincial Laws

In Newfoundland and Labrador, two acts administered by the Dept. of the Environment regulate or affect pesticide (including insecticides) use.

The Pesticides Control Act requires that all persons engaged in the supply of pesticides be licensed for that purpose and regulates the use, storage and transport of pesticides and the disposal of pesticide containers. Provision is made for the appointment of inspectors who may terminate the use of substances dangerous to the health of any person, animal, crop or plant life.

The Department of Consumer Affairs and Environment Act empowers the Minister to issue stop orders on activity causing or likely to cause pollution of the air, water or soil.

c) Committees on Pesticide Management

A number of committees at both the federal and provincial levels also influence legislation and practices related to pesticide management in a major way. Their common objective is to ensure that pest control products are used in a safe manner.

Two federal committees are the Federal Interdepartmental Committee on Pesticides and the Forest Pest Control Forum. In Newfoundland, the major provincial committee is the Pesticides Advisory Board.

2. Aerial Spraying Regulations

- a) Regulations require that a permit to spray be obtained from the provincial Department of the Environment.
- b) The permit request is submitted by the Dept. of Forest Resources and Lands and contains the following information:

1. The name and address of the applicant.
  2. The nature and purpose of the proposed pesticide application.
  3. The name and address of the firm engaged to apply the pesticide, and the names of all aircraft spray pilots along with a statement of their qualifications and experience.
  4. The name of each pesticide to be used, including the active ingredient and all other components of the formulation, and their relative proportion.
  5. A copy of a special permit from Agriculture Canada is required for pesticides not registered for aerial spraying.
  6. A full description of the boundaries of all areas to be treated, with measurements and suitable scale maps, must be provided.
  7. Locations of the airports where spray aircraft will be based must be given.
  8. A description and location of each mixing plant must be given.
  9. Precautions must be taken in the storage, handling and mixing of the pesticide and these precautions must be listed for the information of project personnel and the general public.
  10. The manner of disposal of empty containers and other waste material must be specified.
- c) There will be trial runs in aerial spraying before the start of actual operations to ensure worker familiarity with procedures. Duties and responsibilities of all employees must be well defined and a full schedule of on-site inspections should be included in the planning.

- d) A contingency plan to contend with any mishap to personnel or aircraft on the ground or in the air during aerial spraying operations is required before a permit to spray is issued.

This plan will include detailed instructions on emergency procedures in case of an accident at the loading site, plus the procedures to be followed in the event that an aircraft loaded with pesticide should crash or lose its load.

All aspects of a contingency plan must be tested in simulated exercises.

- e) Inspections by health and environment authorities of the health of workers who handle and mix pesticides are an integral part of the spray operation.
- f) Environmental monitoring of the forest spray operations is coordinated by the Department of the Environment.
- g) Aerial Spray operations may not be conducted at a wind speed in excess of 15 km per hour. Responsibility for terminating a spray operation for reasons of excessive wind speed will rest with a qualified operations supervisor who observes the emission and deposition of the spray cloud from a spotter aircraft.
- h) Pilots of small aircraft are required to have 50 hours experience in forest spraying operations, while pilots on a larger DC-6 must have navigational experience.
- i) There will be a 0.8 to 1.5 km no chemical buffer zone around populated centers and other sensitive areas like cabin developments, parks and community water supply intakes.
- j) No chemical insecticides will be used in areas where Salmon enhancement programs are on-going (i.e. Noel Paul area).
- k) Local hospitals will be notified in advance of spray programs, products used, symptoms of exposure and effective antidotes.

3. Precautions in Mixing, Handling, Storing and Transportation of Insecticides

- a) Each mixer/loader will be required to wear protective rubber clothing, goggles and face masks during the mixing and loading of holding tanks and aircraft, and during decontamination of drums.
- b) Strict procedures for the removal of contaminated clothing, including the requirement of daily showers and careful eating habits, are stressed.
- c) All clothing must be washed carefully before re-using
- d) Suspected illnesses due to possible contamination must be checked by a doctor and health officials.
- e) All transportation of insecticides and spray mix will have a radio-equipped escort and a crew ready to deal with any spills.
- f) A 24-hour watchman will be maintained at each base at all times when insecticide is present up to the time the base is dismantled.

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SOME QUESTIONS AND ANSWERS

ABOUT THE SPRAY PROGRAM

1. Where will spray aircraft operate from?

Since the treatment areas are spread across the Island, we plan seven bases of operations. There are the airports at Stephenville, Deer Lake, Gander and the airstrip at Bay d'Espoir. We are establishing temporary airstrips on woods roads in the Harpoon area southwest of Grand Falls, on the Bonavista Peninsula and near Argentia.

2. Where will mixing and storage of insecticide be carried out?

Mixing and storage will be at Stephenville and Gander. Transport of insecticide will be by a radio-equipped escort with a crew ready to deal with any accidental spills.

3. What security arrangements will be in place to prevent theft of insecticide or vandalization of supplies?

A 24-hour watchman security will be maintained at each base at all times when insecticide is present. Watchmen will be on duty up to the time the bases are dismantled.

4. Will dust be a problem for aircraft taking off and landing on woods road temporary airstrips?

At temporary bases, it is proposed to use oil as dust control.

5. What precautions are being taken to minimize exposure of people to the spray?

In the case of spraying to be carried out by large aircraft, a 1.5 kilometre buffer zone is to be left unsprayed around places of permanent human habitation and where possible around such areas as cottage development and parks. A similar buffer zone will be left around identifiable intakes to known community water supplies.

In the case of small aircraft spraying, there will be a 0.8 km buffer zone, except around community water supply intakes where the buffer zone will be 1.5 kilometres.

6. What precautions are being taken to handle any accidental poisoning of spray personnel or other people?

Hospitals around the island are being notified in advance of the program about the products being used, symptoms of exposure and antidotes. This action is being taken through the Department of Health.

7. What instructions are being given to workers involved in the spray program to protect themselves?

Every person involved in mixing and loading the insecticides will be required to wear hooded rubber suits, rubber gloves,



rubber boots, goggles and face masks during mixing, loading and while decontaminating containers. In addition, the crew of spray aircraft are not to be involved in the actual handling of the chemicals.

8. What happens if there is a spill of insecticide?

A ditch or a dike will be immediately constructed to prevent the spread of the material. The insecticide will be soaked up with absorbent material - which is being kept on hand at all bases - and the ground will be cleaned with soda ash, farm lime or another suitable decontaminant. If the spill area is easily accessible to the public, it will be cordoned off and security maintained until the area is declared safe.

9. What plans are in place to protect people and the environment if a spray plane crashes in the bush?

The base operations manager will go to the crash site by helicopter, with medical aid for immediate treatment of exposed personnel. A cleanup crew equipped with absorbent material and decontaminants will be airlifted to the crash site as soon as possible. The downed plane will be left at the site until tanks containing pesticide have been removed and decontaminated.

10. What will be done to protect the public and the environment if a spray plane crashes near or at an airport?

Exposed personnel will receive immediate medical treatment. The spray base operations manager will arrange for cleanup of any spilled insecticide and removal and decontamination of aircraft tanks.

11. Is there any plan for protecting people and the environment if a pilot of a spray plane has to jettison a load of insecticide?

If a pilot has to jettison a load of insecticide because of engine failure or other aircraft problem, he will try to avoid dropping the material on any body of water. After landing the pilot will be asked to locate the dumping area on a map so cleanup crews can be sent as soon as possible.

12. What organizations are to be immediately advised in the event of a spill of insecticide?

All spills are to be reported to the Department of Forest Resources and Lands, the Department of Environment and the Federal Government's Environmental Protection Service. These involving contact of insecticide with personnel also are to be reported to the Health Department.

13. What will happen to the containers in which Fenitrothion has been transported or stored?

The drums will be decontaminated and either transported to a metal treatment plant and crushed for recycling or they will be sold to a local agent for a Mainland steel drum manufacturer/reconditioner for shipment out of the province.

14. In the normal course of any job, there often are small accidents which do not seem important at the time but in the case of insecticide, could be the cause of later problems, so are any precautions being taken to head off this sort of situation?

All personnel are required to report any accident or mishap, no matter how minor, to the base operations manager. All these reports will be maintained as part of the record.

15. There are other possible accidents beside those involving spillage of insecticide. What happens if people working at the remote base-camps get lost in the woods or if a fire starts?

Each base will maintain close contact with the forestry department as well as with local municipal fire departments. Assistance will be sought from Search and Rescue and the RCMP if required in the case of anyone lost. It should be

15. kept in mind that the forestry department have staff, transportation and communications facilities specifically intended to combat forest fires.

16. What studies are being done to measure the effects of Fenitrothion?

Three studies are being undertaken. Two of these will determine whether there are any side effects on birds and pollinators, such as bees. The third study involves analyzing soil, vegetation and water samples.

17. What about various claims made in New Brunswick that chemical used in forestry sprays have caused various health problems?

In fact, as outlined in a report compiled by a team of scientists, including Dr. Franklin White, a professor of epidemiology at Dalhousie University in Halifax, agricultural chemicals are more suspect than forest spraying. The report said there was no evidence that the forest spray program was responsible for any health problems in New Brunswick.

18. Are spray aircraft allowed to take off over houses?

Takeoffs and landings at airports are governed by orders from airport control towers and wind direction. However, when using isolated airstrips, pilots are instructed to avoid flying over inhabited areas whenever possible.

SOME QUESTIONS REGARDING THE HEMLOCK LOOPER

Historical

- 1) Is this the first hemlock looper (= h.l.) outbreak in Newfoundland or have there been others?

Six outbreaks of the h.l. have been recorded in Newfoundland since 1912. Outbreaks last from 5 to 7 years but within a given stand outbreaks usually last from 2 to 3 years. The last and most severe outbreak lasted from 1966 to 1971.

- 2) Does h.l. defoliation cause widespread tree mortality?

Some tree mortality was recorded for several of the earlier outbreaks, but the most severe large-scale tree mortality occurred during the 1966-71 outbreak, when an estimated 10 000 000 m<sup>3</sup> were killed in about 100 000 ha. That outbreak was the largest known outbreak, but was not as large as the present outbreak is threatening to be.

- 3) Did Newfoundland spray against the looper in the late 1960's?

A spray program using Fenitrothion and Phosphamidon was conducted in both 1968 and 1969 spraying 174 000 ha and 832 000 ha respectively.

- 4) Was the spray successful in keeping trees alive?

A Canadian Forestry Service report (1971) estimated that 36 000 000 m<sup>3</sup> of trees were saved by spraying.

- 5) Were there any undesirable side effects from the 1968 and 1969 spray?

No undesirable side effects were detected except there was some mortality and "intoxication" by some bird species, especially in Phosphamidan treated areas. However, more advanced technology now prevents overswathing and overdosing. Other recent spray operations with the formulation of Fenitrothion to be used in Newfoundland has caused no impact on bird population measurable after one-year, and few, if any, effects within the year of spray.

Current

- 6) Why do we use two applications of the insecticide against the h.l.?

The larvae do not hatch at the same time and the second application is aimed at the late arrivals that had not yet hatched at the time of the first spray. This is especially so in the case of h.l. The h.l. adult does not lay all its eggs on the branches of fir, but also in the cooler habitats of the forest, such as on birch-bark crevices, and in mosses on the forest floor. Thus, some eggs are exposed to the sun and warm air, hatching early, and other eggs are in cool places, hatching late. This extended hatching period requires two applications of the insecticide.

- 7) Will spraying against the h.l. be more successful than spraying against the spruce budworm?

Yes, the h.l. is an open feeder for all of its life, including the small caterpillar stage in mid to late June. Therefore it is easier to reach with insecticides than the spruce budworm which feeds within buds in its early stages.

- 8) Will the spray bring h.l. population down to where spraying will not be necessary in 1986?

Obviously not. We will be spraying only a portion of the total outbreak with the highest population levels. Enough moths will survive outside the spray areas to repopulate much of the spray area. The purpose of the spray operation is to keep trees alive and prevent severe defoliation that will kill trees within 1 to 2 years.

- 9) How h.l. outbreaks develop and what causes h.l. populations to collapse in nature?

The outbreaks are cyclic, they usually develop during warm, dry weather in semi-mature or mature stands with high balsam fir content. Outbreaks have occurred at 7 to 8 year intervals and each lasted from 6 to 9 years, but individual infestations may collapse in 2 - 3 years.

The collapse of the outbreaks is caused by several factors; weather, starvation from excessive tree mortality, predators, parasites and diseases all contribute. A cool, wet spring or several days of freezing temperature alone may reduce or eliminate an infestation. In addition to starvation caused by widespread tree mortality, disease

caused by two native fungi appears to be the major factor terminating outbreaks. Weather characterized by high humidity, moderate rainfall and temperature (15°C - 21°C) are favourable for the development of the disease.

- 10) Why don't we spray with the fungus?

Scientists have not been able to grow the fungus under laboratory conditions. This is necessary before you can mass-produce the fungus. Without mass production you do not have sufficient material to launch a spray program. Scientists are trying to find the right conditions in which the fungus will grow.

- 11) How much tree mortality is likely to occur if we do not spray?

Two factors make it likely that large scale tree mortality could occur if we do not spray. 1) The outbreak appears to be more widespread and more threatening in its severity than any we have had, rivaling the recent spruce budworm outbreak in extent of area. 2) Most stands in Newfoundland have not yet fully recovered from spruce budworm damage, are still in a weakened condition, and are more likely to succumb to h.l. attack.

- 12) How does the h.l. compare to the spruce budworm in its ability to kill trees?

The h.l. is more wasteful in its feeding than the spruce budworm. The budworm feeds systematically from needle to needle on current shoots and it eats the entire needle. The h.l. feeds randomly and eats only a part of the needles. Therefore fewer h.l. larvae do more damage to trees. Generally trees die after 2 to 3 years of severe h.l. defoliation, compared to 5 to 7 years of severe spruce budworm defoliation. The h.l. is a more efficient tree-killer.

- 13) Some people claim that trout and salmon might starve to death if we use Fenitrothion in forested areas. (The insecticide will kill those aquatic insects which are the food source for these fish.) Is this true?

The evidence is contrary to this conclusion. There is increased drift after spraying this insecticide. Both salmon and trout may gorge themselves on this drift on the first day (with no harmful

effects to them) but then switch back to their main food - immature dragon flies. These do not form a large part of the drift, and are not reduced by the spray. The standing crop of stream insects (= insects that remain) is barely, if at all, affected by the spray.

Even if we assume a worst case effect that many aquatic insects are killed, then salmon and trout become better searchers, or both switch to alternate food sources (such as terrestrial insects that drop into streams, etc.). Also both fish species are mobile predators that can easily move to new areas where food density is normal.

When almost all stream insects had been deliberately killed (with Permethrin) to test the effect on trout, no fish mortality was observed. However, some temporary slowing of growth was recorded til the insect species replenished their populations within one year. Such high aquatic-insect mortality is impossible to attain with the dosage of Fenitrothion used.

- 14) Is the h.l. a problem in other parts of North America?

Not really (except on Anticosti Island). Outbreaks on the mainland are usually small and confined to river banks and lake edges. Newfoundland's climate and tree condition apparently is suitable to outbreaks of this insect.

- 15) Did spraying against the spruce budworm create a condition that favored the outbreak of the hemlock looper?

There is no evidence to suggest this. Predators and parasites do not keep low populations of the looper in check.

The beginnings of a looper outbreak had been threatening before and during the budworm spray. However, the outbreak did not materialize because the spruce budworm is a competitor for the same food resource and it develops earlier than the h.l. and is getting to it sooner and depleting it. Now that budworm populations are generally very low the looper is able to reach outbreak levels.

- 16) What are the effects of Fenitrothion on pollinators?

Non-target insects which appear to be significantly affected by aerial applications of Fenitrothion are honey bee workers, wild



pollinating bees, and bumble bees. Population sampling and mortality of caged bumble bees demonstrated a significant reduction in sprayed areas when sprayed with 210 g AI/ha. However, monitoring has shown that substantial recovery of bumble bees is possible within the same year of exposure to spraying, provided there is favorable (warm, dry) weather. Such recovery is aided by immigration of bees from unsprayed areas.

Counts of wild bees in lowbush blueberry fields adjacent to forests sprayed against the spruce budworm were also reduced. Some crop reductions have occurred in these fields, and lack of pollination may have contributed to this failure. Wild bee populations in forested areas may also be adversely affected though pollination in the forest is not drastically changed by long-term application of insecticides at conventional doses.

Honey bees are also highly sensitive to Fenitrothion and worker bees are affected within 2 to 3 days of the spray. However, total hive mortality, averaging about 1% of the workers, is insufficient to affect total bee populations.

The above results pertain to the effect of Fenitrothion in sprays against the spruce budworm. Spraying against the hemlock looper with Fenitrothion in Newfoundland is expected to have even less detrimental affect on blueberry pollinators because the blueberry blooming period from mid to late June and spraying against the looper is expected to be conducted in about the second week of July.

The evidence indicates that populations of bumble bees, solitary wild bees, and honey bees are at times greatly reduced following aerial application of Fenitrothion, and that full recovery may take up to three years. However, the significance of this temporary reduction in the like of forest plants is not known. Lack of pollination by bees should increase the degree of self-pollination for 1 to 3 years. The effect of this on the forest flora is probably negligible.

17) Why don't we spray with B.t.?

B.t. is not registered for application against the h.l. Full registration cannot be obtained without field data that demonstrates that a given dosage of B.t. will kill h.l. larvae when applied from the air. Based on laboratory data temporary registration of B.t. has been obtained for 1985, but the effective field dosage is not certain. Field experiments are planned for 1985 that will provide

the needed data for full registration for spraying B.t. against the h.l.

- 18) Are there other chemical or biological insecticides available that can be used?

Not at this time. However, The Canadian Forestry Service is planning field experiments for 1985 that will test, in addition to B.t., Matacil, a new formulation of Penitrothion, Dimilin and a nematode.

- 19) What kind of insecticide is Dimilin and does it have any adverse effect on the environment?

Dimilin is an insect growth regulator, therefore, it affects the developing larval stages of the insect. It prevents the formation of chitin necessary for insect growth and it dies. It has to be ingested like B.t. to be effective. It does not affect adult insects.

Dimilin is safe to all vertebrates (birds, mammals, and fish). Insect larvae and crustacean larvae in water may be affected but Dimilin is broken down in the environment within 24 hours by microorganisms (bacteria and fungi) and its affect is minimal. Also, the adults are unaffected and soon repopulate the area.

- 20) Is Dimilin carcinogenic?

The first test for chronic toxicology performed in 1975 by a British company showed high mortality of control rats. The EPA in the U.S. ordered a new test which was completed in 1984. The results have clearly shown that the material is not carcinogenic. More recently it has been found that Dimilin has a positive effect on animal tumours suggesting anti-carcinogenic effect.

- 21) What kind of an insecticide is a nematode and what affect does it have on the environment?

Nematodes, commonly called roundworms, are one of the most abundant group of animals. The insect parasitic nematodes range in size from a few mm to several cm. They infect their host in various ways through the mouth and this can cause mortality.

In Newfoundland several exotic species were tested in the laboratory on some forest and agricultural insects, pests with promising results but they were effective only at high (15°C - 23°C) temperatures. In 1983 a cold tolerant nematode was isolated from the soil in Newfoundland and was shown to be infecting insect hosts as cold as 8°C. This nematode is being tested on the hemlock looper in the laboratory at this time and will be field tested in the summer of 1985. This research is conducted by Memorial University in cooperation with the Canadian Forestry Service.

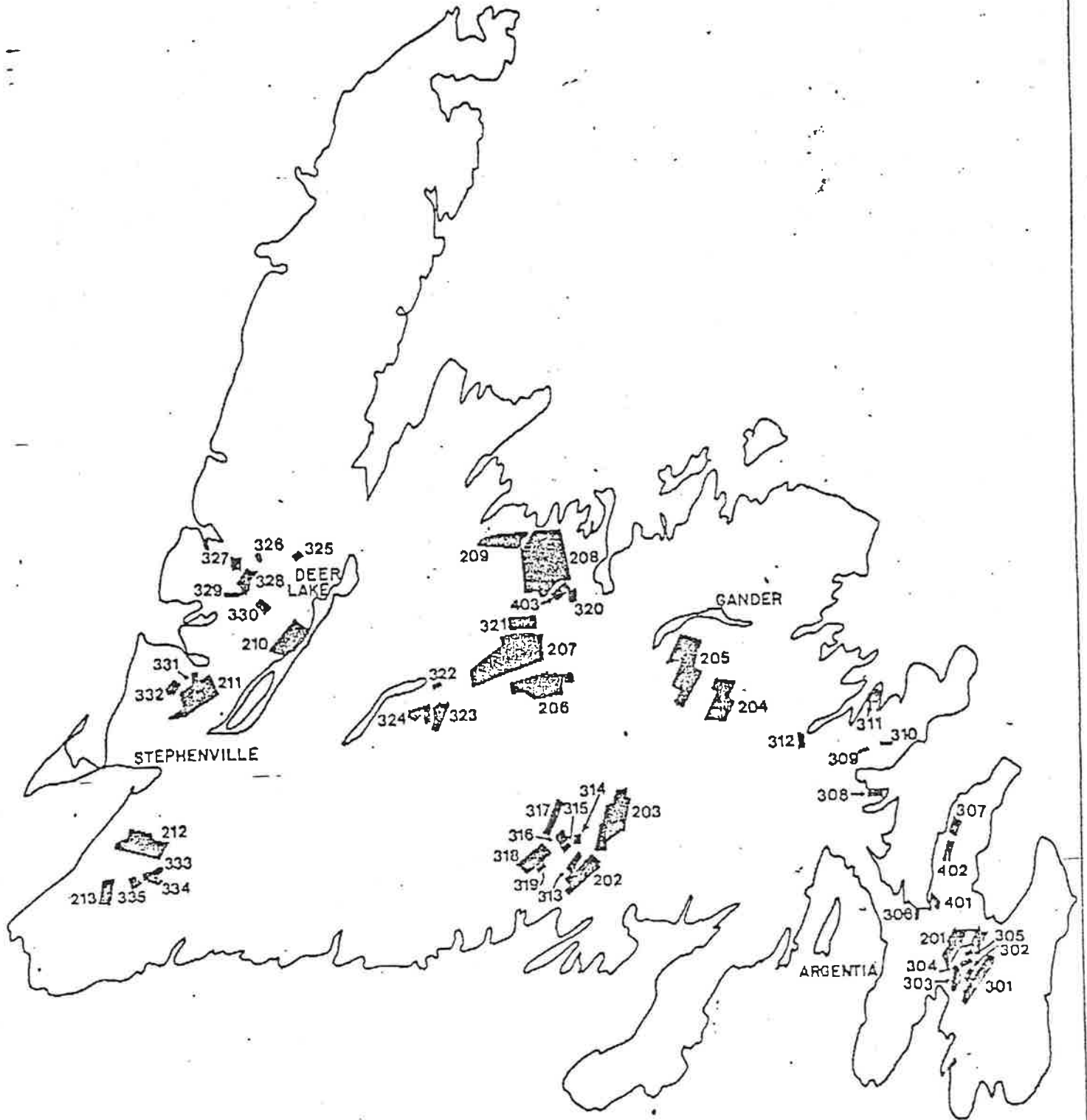
This insect parasitic nematode is native to Newfoundland. It has no affect on vertebrates or plants and appears to be a potential bio-control agent. Further research is needed to determine its full potential and its affect on beneficial insects.

22) Why was the project not registered for Environmental Assessment?

It was a Cabinet decision to exempt this program from registration for Environmental Assessment. It was felt that protection of the forests from further damage in 1985 is essential to prevent additional tree mortality. The spruce budworm has already caused widespread severe tree mortality, killing and severely damaging about 50 million m<sup>3</sup> of wood and protection is needed to maintain the wood supply and forest industry. The above decision was made by Cabinet by considering the overall problem in view of the recommendations of the Royal Commission on Forest Protection and Management. The Commission recommended the most effective use of control methods and agreed with the use of Fenitrothion to protect the forests of Newfoundland.

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8 May 1985



PROPOSED 1985 HEMLOCK LOOPER SPRAY BLOCKS

# Canada

## Agricultural chemicals, not forestry spraying, termed health hazard

FREDERICTON (CP) — A report on chemicals and birth defects in New Brunswick has suggested research should focus more closely on chemicals used in agriculture and not on the forestry sprays long suspected of causing health problems.

The report, made public just days before New Brunswick is to begin its annual spruce budworm spray program, says the province has a higher prevalence of stillbirths than the rest of Canada and shares a higher rate of brain and spinal cord defects with the other Atlantic provinces.

The team of scientists who spent two-and-a-half years preparing the study say that agriculture, not the forestry industry, appears to be the culprit.

Dr. Franklin White, co-chairman of the study and a professor of epidemiology at Dalhousie University in Halifax, said the higher rate of birth defects in New Brunswick is concentrated along the fertile Saint John River Valley — the centre of agricultural activity in the province.

White said there is a pattern of brain and spinal cord defects throughout the Atlantic provinces and the problem should be investigated regionally.

Although White said he and his

fellow scientists are satisfied there is an association between agriculture and reproductive problems, he could not pin down the exact cause of the defects.

The study looked at the incidence of birth defects in New Brunswick from 1971 to 1981 and found that abnormalities along the river valley — the province's potato belt — corresponded with agricultural seasons and patterns of land use.

The report was the result of a comprehensive environmental study launched by the New Brunswick government to answer concerns about the province's long-time use of chemicals to control forest pests.

Health Minister Charles Gallagher made it clear he feels the province's 33-year-old spruce budworm spray program is off the environmental hook.

"The report you have before you today indicates there is no evidence that the forest spray program is responsible for any of the reproductive health problems apparent in New Brunswick."

But Catherine Richards, president of the Concerned Parents Group, an environmental lobby organization, said the study is full of gaps and the spray program is still suspect.

### Ban likely to be placed on antibiotic

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