



Province of Newfoundland

FORTIETH GENERAL ASSEMBLY
OF
NEWFOUNDLAND

Volume XL

Second Session

Number 54

VERBATIM REPORT
(Hansard)

Speaker: Honourable Patrick McNicholas

Monday

16 June 1986

The House met at 3:00 p.m.

MR. SPEAKER (McNicholas):
Order, please!

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

MR. SPEAKER:
The hon. the member for Fogo on a
point of order.

MR. TULK:
In an exchange with the Government
House Leader (Mr. Marshall) last
week there was some reference to
Hansard and his reading of
Hansard, and it may have been
interpreted by some people that I
was referring to the work of the
people in Hansard. I can assure
this House, and the people in
Hansard, that that was not the
case, that I was rather referring
to the gentleman's meticulous
reading of Hansard. I would wish
to go on record at this time as
saying that the work of the people
in Hansard is beyond repute, is
excellent work, and I wish to
clear up any misunderstanding that
might have existed in that regard.

MR. SPEAKER:
Order, please!

There is no point of order. The
hon. member just took an
opportunity of straightening out a
point.

Statements by Ministers

PREMIER PECKFORD:
Mr. Speaker.

MR. SPEAKER:

I wish to table for the benefit of
all hon. members a statement that
I issued this morning relative to
the New England Governors and
Eastern Canadian Premiers
Conference, which was held in
Massachusetts at the end of last
week, in which I am saying that I
thought the conference was
extremely successful, that there
were three or four major
resolutions passed at the
conference dealing with acid rain,
dealing with regional and economic
development, dealing with the
forest industry, and dealing with
support for the two governments in
their efforts to work out a
comprehensive free trade
agreement, all of which were
passed at the recent meeting, as
well as meetings that I held with
Premier Bourassa, while I was
away, the conclusion of which is
that both governments will be
getting together to try to
negotiate out our differences on
the Labrador power issue. So I
want to make this available to
hon. members opposite and hon.
members on this side of the House.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, it is interesting
that the Premier has had
communication, particularly with
Premier Bourassa. We will have
some questions on this matter in
Question Period. I wonder if the
Premier is now setting himself
upon a path of regularly and
consistently ignoring the House
of Assembly? The tradition, as I
understand it, always has been
that on a day when the House is

open, if there is a statement of any significance it would be made by the Premier or by a minister in the House of Assembly. I am just wondering why it is that the Premier has taken the path, the approach of calling press releases when the House is in session rather than standing on a Ministerial Statement in the House and acknowledging the House at the same time as the press and the general public are informed as to what is transpiring? Just in terms of practice it seems to ignore and show a lack of concern and a lack of respect for the House of Assembly, to follow the procedure which the Premier has chosen to follow in this case.

Mr. Speaker, we will look over these resolutions, and I am sure there will be questions to follow before the House closes.

Oral Questions

MR. BARRY:
Mr. Speaker.

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

SOME HON. MEMBERS:
Hear, hear!

MR. BARRY:
Mr. Speaker, with respect to the statement which the Premier gave to the press this morning, I notice that the Premier refers to the Hydro Corporation of each province meeting shortly to begin talks. I wonder if the Premier could indicate whether he has set any guidelines for Newfoundland and Labrador's Hydro Corporation in these talks?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Yes, Mr. Speaker, we have obviously done so. Through the meetings that were held between the previous Government of Quebec and this government, guidelines have been set down by the government to the Hydro Corporation through the minister responsible for Hydro. Obviously there are guidelines and Newfoundland and Labrador Hydro will be taking its direction from the minister responsible and from the Cabinet as these talks continues. The guidelines are in place, parameters are in place and all the rest of it so that the talks can get underway immediately.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, I realize that it is not desirable to carry on negotiations in public but is the Premier in a position to inform the House and the people of Newfoundland and Labrador with respect to the guidelines which have been laid down for the Hydro Corporation?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
No, Mr. Speaker, I am not. These are guidelines which will govern the negotiations and obviously until the negotiations are completed one way or another I do not think it would be advisable to release them at this time. This is a very sensitive matter and a

very important matter for the Province and obviously we want to conduct those negotiations and keep the guidelines under which they are to be conducted confidential until such time as the negotiations have been completed.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
I wonder, Mr. Speaker, if the Premier would indicate whether he is still sticking steadfast and inflexibly to the position that there must be a deal on the Upper Churchill before there can be any discussion with respect to other power development in Labrador? It is the position of the official Opposition, and we have raised this before, that the Province would probably gain more if it were to recognize the political realities which exist in Quebec which is that that province has to see something obtainable for itself. I would ask the Premier whether he would confirm that he is prepared to take a more flexible approach which would look at definitely obtaining a better deal on the Upper Churchill but also looking at possibly getting some of the lost benefits through a receipt of the lion's share of any profits that would be made on further joint ventures, particularly on these shared rivers that flow North/South between Labrador and Quebec.

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Mr. Speaker, we entered these

negotiations talking about the whole question of Labrador power, the Upper Churchill, the Five Rivers, the Lower Churchill and so on. So, neither party has any preconditions on the talks and we will sit down and see if there is something that we can work out that Quebec can live with and that Newfoundland can live with. So neither party is going to the table with any preconditions but to discuss the whole, all of the matters which are outstanding, which are, namely, really three outside of some technical matters dealing with the existing power contract or the viability of CF(L)Co and those kinds of matters and the kinds of rights that you would need to have another development on the Churchill River besides just the Upper. Outside of those so-called technicalities, although they are perhaps a bit more than that, the three major issues of the Upper Churchill, the Lower Churchill and the Five Rivers are all there to be discussed and neither party is coming to the table with any preconditions.

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

MR. SPEAKER:
A final supplementary, the hon. the Leader of the Opposition.

MR. BARRY:
I take it from that, Mr. Speaker, that there has been a fairly significant change in the Premier's position and in the position of his administration. We welcome that change, I might say. My understanding has been that the approach of the Premier and his administration to date has been one that has been much more inflexible in that it insisted upon a deal on the Upper Churchill

before there would be any negotiation with respect to the Five Rivers shared between Newfoundland and Quebec or on the Lower Churchill. So I wonder if the Premier would confirm that there has in fact been a significant change in the position of his administration and that he is now coming closer to the position that has been set out on this side of the House for some time?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

No. Mr. Speaker, since the talks that we had last year and the year before with the Quebec Government, that is the approach that we have been taking.

MR. FUREY:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for St. Barbe.

MR. FUREY:

Mr. Speaker, I would like to ask the Minister of Public Works and Services (Mr. Young) whether or not the minister issued a memorandum to his department regarding who should or should not sit on future Selection Boards within the department?

MR. SPEAKER:

The hon. the Minister of Public Works and Services.

MR. YOUNG:

Mr. Speaker, I understand from the press this morning that this debate has been on for the last eight days and I think it is only a waste of time. All of the questions have been answered and I think it is only a waste of time this for hon. House to answer such

foolish questions.

MR. FUREY:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for St. Barbe.

MR. FUREY:

I would like to ask the minister very clearly a very simple question. Did the minister issue a memorandum to his departmental officials on who should or should not sit on future Selection Boards of the Department of Public Works and Services?

SOME HON. MEMBERS:

Same question! Same question!

MR. SPEAKER:

The hon. the Minister of Public Works and Services.

MR. YOUNG:

Mr. Speaker, it is the same question, and I am sure if the hon. gentleman would look up Hansard he would find the answer.

MR. FUREY:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for St. Barbe.

MR. FUREY:

By avoiding the question is the minister now contradicting his earlier answers last week of, no there was not a memorandum?

MR. SPEAKER:

The hon. the Minister of Public Works and Services.

MR. YOUNG:

I think, Mr. Speaker, I have already answered those questions and if the hon. gentleman would

look up Hansard he will find out my reply.

MR. FUREY:
Mr. Speaker.

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

MR. FUREY:
Would the Minister of Public Works and Services then confirm that he is saying to this House, for a fifth time, that there was no memorandum issued in his department to public servants as to whether they should or should not sit on this selection board? Is that what the minister is confirming and reiterating for the fifth time today?

SOME HON. MEMBERS:
Same question! Same question!

MR. SPEAKER:
The hon. the Minister of Public Works and Services.

MR. YOUNG:
Mr. Speaker, I am confirming that the answer to the hon. gentleman's question was given last Wednesday or Thursday when that question was asked of me and he will find the answer in Hansard.

MR. BAKER:
Mr. Speaker.

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

MR. BAKER:
I have a question for the Minister of Public Works and Services. Does the minister realize that the Government House Leader read in this House a memo from the minister which stated that very thing?

MR. SPEAKER:
The hon. the Minister of Public Works and Services.

MR. YOUNG:
Mr. Speaker, I was gone all last week and I do not know what happened. What the hon. gentleman read is apparently true, Mr. Speaker.

MR. BAKER:
Mr. Speaker.

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

MR. BAKER:
Mr. Speaker, I will ask the Minister of Public Works and Services if in fact he stands by his statement that there was no memorandum issued by him? And, if in fact the Government House Leader (Mr. Marshall) read from that memo which indicated that certain employees were not to sit on future selection boards, does the minister not consider this to be a remarkable lapse of memory and a contradiction?

MR. SPEAKER:
The hon. the Minister of Public Works and Services.

MR. YOUNG:
Fortunately, I have no lapse of memory, Mr. Speaker, but the hon. gentleman can find the answer to that question in Hansard of eight or ten days ago.

MR. BAKER:
A supplementary, Mr. Speaker.

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

MR. BAKER:
When the minister cancelled the competition he said, and I quote

from Hansard, "I found out about the competition and I said to the officials of my department, no, boys, this is a thing that should go to the Public Service Commission." The minister has not indicated whether, in fact, that has been passed to the Public Service Commission. Is it not true that the minister, in fact, authorized a letter to be written to all people who applied for these jobs indicating that the positions were no longer to be filled as permanent positions.

MR. SPEAKER:

The hon. the Minister of Public Works.

MR. YOUNG:

Mr. Speaker, I think there again all these questions were answered last week. If the hon. gentlemen want to go back and look at Hansard they will find the answers to these questions, Mr. Speaker.

MR. LUSH:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Bonavista North.

MR. BAKER:

A final supplementary.

MR. SPEAKER:

A final supplementary, the hon. member for Gander.

MR. BAKER:

Thank you, Mr. Speaker. The question that I asked the Minister of Public Works a moment ago, Mr. Speaker, has never been asked the Minister of Public Works before. It is a new question and has not been dealt with by him. I will ask him again, and make it slightly different than I asked it a moment ago: What communications were made

with the many applicants for these four positions that the minister cancelled? What were these applicants told after the positions were cancelled?

MR. SPEAKER:

The hon. the Minister of Public Works.

MR. YOUNG:

I have no idea, Mr. Speaker. I presume the letters were answered or communications were done by officials of my department. I do not know, Mr. Speaker.

MR. FUREY:

Did you sign any letters?

MR. YOUNG:

I have never signed any letters, Mr. Speaker, not to my knowledge.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

I would like to ask the Minister of Public Works if the letter that was sent out to applicants states that it was the intention of the department to cancel the competition and not to fill those positions on a permanent basis. What does the minister say to that?

MR. SPEAKER:

The hon. the Minister of Public Works.

MR. YOUNG:

I have no idea, Mr. Speaker, what communications were sent out to these applicants. I guess there is a procedure in every department, Mr. Speaker, that a general letter that goes out to these people. I do not know

anything about any letters going out to anyone, Mr. Speaker.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, I would like to direct another question to the Minister of Public Works. If the letter sent out by his department says that these positions were not to be filled permanently, would this not reflect what the minister directed his officials to inform the applicants?

MR. SPEAKER:
The hon. the Minister of Public Works.

MR. YOUNG:
Mr. Speaker, I doubt if any direction was given that these positions were not to be filled permanently.

MR. BARRY:
A final supplementary.

MR. SPEAKER:
A final supplementary.

MR. BARRY:
Would the minister agree to having the letters that were sent out to the applicants tabled in this House before the House closes?

MR. SPEAKER:
The hon. the Minister of Public Works.

MR. YOUNG:
I do not know, Mr. Speaker, if it is right and proper to table these letters because they are personal letters, but I am sure that the hon. the Leader of the Opposition

has seen one of these letters.

MR. J. CARTER:
Mr. Speaker.

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

MR. J. CARTER:
Mr. Speaker, I have a question for the Minister of Public Works. I would like to ask the minister where he gets the patience to put up with such foolish questions?

SOME HON. MEMBERS:
Hear, hear!

MR. LUSH:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Bonavista North.

MR. LUSH:
Mr. Speaker, the Minister of Public Works stated some time ago that it was because of his strong desire to refer this competition to the Public Service Commission that the cancelled the recommendations by the departmental board and indeed cancelled the departmental board. Could the minister indicate what time this matter was referred to the Public Service Commission? Because up until Friday the Public Service Commission had no knowledge of this matter.

MR. SPEAKER:
The hon. the Minister of Public Works.

MR. YOUNG:
Mr. Speaker, as I stated previously it is the intention of the Department of Public Works to put it to the Public Service Commission and it will be done in

due course.

MR. LUSH:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Bonavista North.

MR. LUSH:
I wonder if the minister could now indicate how are temporary and permanent jobs filled within his department? Are they done through the way that they have been done in the past with respect to the departmental boards or are all positions now, temporary and permanent, referred to the Public Service Commission?

MR. SPEAKER:
The hon. the Minister of Public Works.

MR. YOUNG:
Mr. Speaker, I think that question has been answered before, but just for the information of the hon. gentleman, permanent positions are positions that are directed by the Public Service Commission that can be filled by the board are still being done, Mr. Speaker. I do not know, but it is probably only about two a year that happen that way, Mr. Speaker.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
To the Minister of Public Works, Mr. Speaker. The minister, when he got up in this House, said that it was his intention not to have further departmental hiring boards, and to have all these jobs sent back to the Public Service

Commission so that he would not be accused of political patronage. There have been departmental boards sitting since that competition was cancelled, so what does the minister say to that?

MR. SPEAKER:
The hon. the Minister of Public Works.

MR. YOUNG:
Mr. Speaker, I doubt it you will find it in Hansard, or find anyone in the hon. House who can remember that I said that I was going to cancel my departmental boards.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
I would like to direct a question to the Premier. I would like to ask the Premier whether he has looked at the statements given by the Minister of Public Works when he was asked these questions initially, and whether he has compared the statements of the Minister of Public Works with the statement given by the Government House Leader in the Premier's absence?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Yes, Mr. Speaker, I have.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:

I would like to ask the Premier, Mr. Speaker, whether he has established which of the two members of his Cabinet is telling the truth? Is it the Government House Leader in the statement that he gave where he read from a memorandum that he says was issued by the Minister of Public Works and Services, or is it the Minister of Public Works and Services who denies that there was any such memorandum?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I believe both. I believe both. In researching Hansard I found that the Minister of Public Works and Services, in answer to the question when it first came up a couple of weeks ago, said, 'Yes and no', because the question was twofold. One had to do with the memo and the other had to do with the cancelling of the Public Service Commission and the minister said, 'Yes and no.' 'Yes,' to the memo, 'No,' that he cancelled the Public Service Commission competition because it was not the Public Service Commission that he cancelled it was the internal departmental competition that he cancelled.

By the way, I have found out that those four positions were the only four in 1985 and 1986 that were handled by the Department of Public Works and Services, all the rest of the positions for the past year in the Department of Public Works and Services have been handled by the Public Service Commission.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I would like to refer the Premier to the same Hansard he has been looking at, page 2751, left column, where, immediately after the minister gave that yes and no response, I asked, "Will the minister answer the question? Let us break it down. First of all, did the minister issue a memorandum regarding who should or should not sit on future Selection Boards?" The minister's answer, "No." Did the Premier read this and can he tell us how that is consistent with the statement of the Government House Leader?

MR. YOUNG:

Selection Boards? I did not say anything about them.

MR. TULK:

He asked was the memorandum issued, boy.

MR. SPEAKER:

Order, please!

The hon. the Premier.

PREMIER PECKFORD:

The Minister of Public Works issued a memorandum to his deputy minister. That is all.

MR. BARRY:

The Premier misunderstood, Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. TULK:

Did he issue a memorandum or did he not?

MR. BARRY:

Here was the question: Did the minister issue a memorandum regarding who should or should not sit on future Selection Boards?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

He did not issue a memorandum about who should or should not sit on Selection Boards. All the minister issued was a memorandum to his deputy minister about the board that handled those four positions. That is the difference.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, let me read out part of the statement of the Government House Leader on June 11 to the Premier. Is he aware that the Government House Leader said in reading out that the memorandum contained the following, 'I am concerned about the recommendations of the board in these selections of candidates for the MED Center and why none of the four were not recommended'?

MR. SIMMS:

That is one issue.

MR. TULK:

That is not the issue. Did he issue a memorandum or did he not?

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. BARRY:

I am waiting for order, if I

could, Mr. Speaker. I am waiting for members opposite to stop their yowling.

MR. SPEAKER:

Order, please!

MR. BARRY:

The minister goes on, "In the meantime I would like to have Mr. Blank -

MR. SPEAKER:

Order, please!

Would the hon. member pose his question?

MR. BARRY:

Here is the question: Is the Premier aware that in reading from the memorandum the Government House Leader read out: "In the meantime, I would like to have Mr. Blank and Mr. Blank removed from all interviewing boards in the future as I discussed with you previously"?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

That has nothing to do with the first question, Mr. Speaker. The Minister of Public Works issued a memorandum because he was unhappy with the process that was used by that board for that particular competition. As a matter of fact, it is the only board that was established in the department. There is no other board. There was only one board there for those four positions. Every other position has gone to the Public Service. So the Minister of Public Works, unhappy because he was not sure or comfortable that merit was being used, the everybody was getting a fair hearing, wanted it referred to the Public Service Commission.

There is no more than that to it.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Would the Premier explain -

MR. TOBIN:
Smear tactics, that is all that is.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please!

MR. BARRY:
Would the Premier explain how he can say that the question, whether the minister issued a memorandum regarding who should or should not sit on future selection boards, is not dealt with in the memorandum that the Government House Leader read from saying that 'Mr. Blank and Mr. Blank should not sit on future boards'?

PREMIER PECKFORD:
Go back to teaching.

MR. BARRY:
Mr. Speaker, is the Premier aware that the memorandum reads, "In the meantime, I would like to have Mr. Blank and Mr. Blank removed from all interviewing boards in the future as I discussed with you previously"?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
There was only one board. It is semantics, Mr. Speaker. It is only splitting hairs, as the Leader of the Opposition likes to

do. I have reviewed all of the material relevant to this matter. The Minister of Public Works, in his duty as minister, when the competition was held internally, the only one that was held internally this year - it was not a whole board, it was two people as I understand it - said, 'Look, I am not happy: There was more than that on the board, so it was not a matter of saying all the board was gone, it was a matter of two people. So the minister, which is his prerogative, was unhappy with it and decided that the best way this could be handled was to let an independent group handle it, which was the Public Service Commission, and I see nothing wrong with it. It was totally in order as far as I am concerned. You are only splitting a few hairs.

MR. BARRY:
Mr. Speaker.

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

SOME HON. MEMBERS:
Oh, oh!

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

MR. BARRY:
Has the Premier made any enquiry as to why it was not referred to the Public Service Commission between November and June of this year?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
No particular reason, except that the department is extremely busy down there and they indicated to me that it was their intention, as

soon as they got around to it, to refer this matter to the Public Service Commission to carry out the wishes of the minister, number one. And number two, if the Leader of the Opposition wants all the information, it was the intention of the department, as well as the minister, in talks through the Winter, to have these people removed from any board anyway because a number of them are in positions where they make policy decisions as opposed to selection boards. And the deputy minister and the assistant deputy minister of Public Works had indicated to the minister some time ago that they wanted to change the role that these people had because the role was a more elevated role than sitting on selection boards and to leave it to their regional managers to interview with the Public Service Commission rather than have them on it, because they had other duties.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Is not the Premier aware that the minister has indicated that these two gentlemen have been reinstated in terms of being entitled now to sit on selection boards?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, all I know is that the minister wrote a memo saying what he said, and, that the whole matter is being referred to the

Public Service Commission. Of all the positions that were done by delegation, there were only four such positions in the Department of Public Works and Services over the past year, and those are the four positions presently under discussion. So there are no more interviews anyway for an internal board in the Department of Public Works and Services. You know, they go to the Public Service Commission all the time.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, has the Premier checked to find out why the minister has said that these two public employees can sit in the future on departmental selection boards? The minister has said that.

SOME HON. MEMBERS:

So what! So what!

MR. SPEAKER:

Order, please! Order, please!

MR. BARRY:

Mr. Speaker, if I could have a little silence.

The minister of Public Works has said that he made a mistake in removing these two individuals.

MR. YOUNG:

No, I never said that. Oh, no!

MR. BARRY:

And is the Premier aware that the Deputy Minister of Public Works expressed concern to the minister about the fact that these two gentlemen were treated unfairly

and the minister has publicly stated that these two individuals are now back in good graces and can sit on future boards?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

If the minister wants to put somebody on the board or take somebody off the board that is the minister's prerogative. I have no problems with that, Mr. Speaker. As long as it is done fair and square and the merit principle applies, I could care less.

MR. J. CARTER:

Mr. Speaker, on a point of order.

MR. SPEAKER:

Order, please!

A point of order, the hon. the member for St. John's North.

MR. J. CARTER:

Perhaps we could resolve all this, Mr. Speaker, by having the Leader of the Opposition sit on all selection boards. He could be responsible for all government hiring, and perhaps that would be the way to resolve it.

MR. SPEAKER:

There is no point of order.

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I would like to ask the Premier whether he would be prepared to accept the minister's position as to the reason why he cancelled this competition if the letter that went out to all the applicants from the department stated that it was no longer the intent of the department to fill these positions on a permanent

basis.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I am not aware of that letter. If it has gone out obviously it is wrong and contradicts what the minister had said, that it was going to the Public Service Commission as the minister said in his memos, so there will have to be a correction made to the letters to indicate that that letter was an incorrect one to these people, and that they will have the opportunity to reapply for these positions once it is referred to the Public Service Commission. No problem.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

I would like to ask the Premier whether he has made any enquiries to establish that in fact it was a mistake by departmental officials sending out the letter as opposed to it being the real direction as indicating the real intent of the minister at the time that he cancelled the competition.

MR. FUREY:

Would you have an enquiry now?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I was not aware that a letter had gone out saying that there would not be any permanent employees hired, because I saw the minister's memo where he indicated that he wanted to go to the Public

Service Commission. These are permanent positions at the MED Centre, he was not happy with the internal board - obviously he does not have very many internal boards, that was the only one this year - and that he wanted to follow the normal course that has been followed in the department and that is go to the Public Service Commission. If there is a letter that has gone out which is different than that which the minister had instructed his officials to follow, well then the letter will have to be amended so that these people will have the opportunity to apply for these permanent positions once they are advertised again.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, is the Premier aware that the Public Service Commission Act entitles the Public Service Commission to delegate to the chief executive officer of the department, who is the Deputy Minister? Has the Premier made any enquiries to establish why it was that the minister was intervening and referring this matter back? Is there any legal authority for the minister to (a) cancel the competition and (b) decide that the Public Service Commission is not entitled to delegate to the department?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
Do not be so foolish. Mr. Speaker, what are the ministers for? The ministers also have a

role to play.

MR. J. CARTER:
Are they office boys?

PREMIER PECKFORD:
Are they office boys or what? If a Minister of the Crown is not happy with the competition in his or her department, surely they have the right and power to say to the Deputy Minister, who is the permanent head of the department, that they want it to go another route. That is what the minister did. If you want to split hairs on chief executive officer, permanent head or so on, surely the minister has a role to play and I think the minister took the right route. He himself was unhappy and uncomfortable with the way the competition went, and in order to ensure that everything was entirely aboveboard, referred it to the Public Service Commission. The minister is entitled to do that.

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

MR. BARRY:
Mr. Speaker, is the Premier satisfied that the reason the minister cancelled this competition is the reason he has stated as opposed to because these four temporary employees did not get the positions?

MR. SPEAKER:
The hon. the Premier.

PREMIER PECKFORD:
As I understand it, the minister was just uncomfortable. Obviously he has not had that much experience with internal boards because there are very few in the department, this was the only one. I forget how many applied at

the beginning.

MR. YOUNG:

Sixty, or something like that.

PREMIER PECKFORD:

There were sixty or seventy applied, so I guess the minister felt there are a lot of people out there looking for permanent jobs, and these were fairly good jobs so I guess the minister felt rather than take the decision on his own shoulders there was a better way of doing it, through the Public Service Commission. That is all I know.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, the memorandum that the Government House Leader read out said, the Minister of Public Works and Services was supposed to have said this, "I am concerned about the recommendations of the board in these selections of candidates for the MED Center and why none of the four were not recommended." Is the Premier aware, has he made any check at all, that it is because none of the four were recommended?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Yes, that was one of the reasons. It sounds like a reasonable factor to go into his decision, that the four that are already working there, who were doing the job and had experience and were qualified to be there in the beginning, none of them came in recommended or whatever. So that seems like a

good reason for the minister feeling uncomfortable and wanting it to go the Public Service Commission. I think that is a pretty valid reason in my view, Mr. Speaker.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, does the Premier not see any subverting of The Public Service Commission Act if all of the temporary employees in government, and there are many of them, several thousand, are now entitled to a priority because they have been working on a temporary basis when they were appointed on a political basis in the first instance?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, not on a priority but they darn well have to have equal rights just the same as anybody else who applies. I am sure that the Charter of Rights would protect them, that they have equal rights. All the minister was trying to do was to ensure that an impartial group would be interviewing all of the applicants, the sixty or seventy or however many were interviewed. I think there were over 100 applied and sixty-something got interviews. So that is a lot of people. So everybody has got to be treated fairly.

Now if the minister, on the other hand, has said cancel this competition or ordered the internal board to make sure those

four got hired, then the minister would be doing something wrong. Then he would be giving priority to those temporary workers, but that is not what the minister did. But if the minister had done that, now you are talking a different quintal of fish. What the minister did because he felt uncomfortable that neither one of those four came in first and there were a lot of people looking for there jobs, was say, 'I am not going to get involved in this', I am going to make sure this is done fairly, so this goes to the Public Service Commission and, therefore, let the chips fall where they may. If those four get cancelled out, so be it. Another four get cancelled out, so be it'. That is the key to it all, Mr, Speaker, that the minister, in his wisdom, as the Auditor General can attest, because of his clean slate in the Department of Public Works and Services over the last two or three years, carried out his responsibilities very, very fairly and impartially by saying, "Public Service Commission, because I feel uncomfortable." If he had said, "I feel uncomfortable and I want those four temporary people to get the jobs and you better give it to them, Deputy Minister and board," then that would have been a different story. But he was willing to allow the independent process to work and then let the chips fall where they may.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
Order, please!

The time for Oral Questions has elapsed.

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

MR. SPEAKER:
A point of order, the hon. the Leader of the Opposition.

MR. BARRY:
Mr. Speaker, perhaps the Premier should check the record at the Public Service Commission and he would find that -

SOME HON. MEMBERS:
Oh, oh!

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

I do not know what the hon. the Leader of the Opposition is counting his fingers for, whether that is an indication to me.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
If it is, I can assure him it does not ring a bell with me.

The hon. member can raise a point of order as any other hon. member can, but he was not raising a point of order he was continuing with the Question Period. If he has a point of order to raise, that is fine.

MR. BARRY:
I was just wondering how many words I had gotten out, Mr. Speaker.

Mr. Speaker, on a point of order, I would like to ask -

MR. BUTT:
Question Period is over, Mr. Speaker.

MR. BARRY:
Well, then, I would like to state to the Premier, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order, please!

MR. BARRY:

Mr. Speaker, the Premier has indicated that he has not made any enquiry with respect to certain matters that were set out here today. I would like to submit, Mr. Speaker, that what is at stake here is the legitimacy of the Question Period, the legislative process and the ability of the Opposition to hold government accountable. I would ask the Premier whether he would -

MR. SPEAKER:

Order, please! Order, please!
Order, please! Order, please!
Order, please!

The hon. member is not raising a point of order.

MR. BARRY:

Mr. Speaker, the point of order has to do with the fact that the Speaker, while the Premier was away, indicated that it was out of the Speaker's hands to deal with whether or not a minister was misleading the House. The responsibility, however, very clearly is the Premier's, when that minister is part of his Cabinet, and I am asking the Premier why he will not make an enquiry to establish whether or not his minister has been misleading this House?

MR. MARSHALL:

A point of privilege.

MR. SPEAKER:

Order, please!

A point of privilege, the hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, Your Honour has drawn to the attention of the Leader of the Opposition on two separate occasions the fact that why he was on his feet was not a point of order and to persist in continuing to advocate it in the face of Your Honour's ruling, is a breach of the privilege of this House. The Opposition would be better occupied if the hon. gentleman could get up and indicate whether the Leader of the Opposition is going to apologize to this House for what the member for Port de Grave (Mr. Efford) did last week in his despicable attack on a person outside this House without the capacity to be able to defend himself or herself. Instead, we get this type of ineffective questioning.

In addition to that, the hon. gentleman is completely and absolutely breaching the privileges of this House when Your Honour makes a ruling and he continues to get up in his place, in the face of Your Honour's ruling, and persists in defying, in effect, what Your Honour has ruled.

MR. SPEAKER:

To that point of privilege raised by the hon. the President of the Council, if the hon. the Leader of the Opposition continues as he is, he certainly is breaching the privileges of every other member.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Leader of the Opposition knows quite well that it is not a point of order.

AN HON. MEMBER:

What about the point of privilege?

MR. SPEAKER:

There is no point of privilege at the moment.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

I would like at this stage to welcome to the visitors gallery forty-five Grade V students from Holy Redeemer School, Trepassey, with their teachers, Barbara Hartery, Eileen Waddleton and Marie Chidley.

SOME HON. MEMBERS:

Hear, hear!

Orders of the Day

MR. MARSHALL:

Order 23, Bill No. 14.

MR. SPEAKER:

The adjourned debate on second reading of a bill, "An Act Respecting The Assessment Of Property For The Purpose Of The Imposition Of Real Property Taxes By Councils Of Municipalities And School Taxes By School Tax Authorities".

The hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, in the few words that I had a chance to say on Friday I did indicate that, in our view, we believe that maybe the government is going a bit too far in this bill, giving the public servants a bit too much power, and I quoted some subsections of the bill to that effect.

In Section 6, subsection (1) for

example, Mr. Speaker, this bill gives the assessors the power to enter a property for the purpose of carrying out an assessment and 'no person shall refuse entry to the assessor or to the commissioner.' This is Section 6, subsection (1). Then, of course, in Section 8, subsection (1), we read the penalties that will be in effect should a person violate the other sections that I have alluded to.

We believe, Mr. Speaker, that these are pretty far-reaching powers, pretty far-reaching. In fact, one can almost get the feeling of the jackboots and the gestapo-like tactics. I am not suggesting for a moment that the public servants who will be charged with responsibility for enforcing this bill, the regulations entailed in this bill, are going to be unreasonable and that they are going to be entering people's homes at unreasonable times or asking unreasonable questions of the owners or demanding answers to unreasonable questions. I am not suggesting that. I would like to think that the people who will be employed by the department to carry out this act will be honourable and reasonable people, but, Mr. Speaker, the fact remains that this power is there. The power is there if, at some future date, government is unfortunate enough to have people on its payroll who will maybe try to flex their muscles, try to show their power given them under this act. We believe that government is going a bit too far.

This is not the time, Mr. Speaker, to impose these kinds of regulations on the Newfoundland people. I would submit to you, Sir, that the Newfoundland people

today are in no mood for this kind of shenanigans. Today, the Newfoundland people are probably the most overtaxed people in Canada. In fact, we know we are. We are literally taxed to death and I am not sure that the people in the outports of our Province, in the outlying areas are going to take too kindly to government giving its public servants, its bureaucrats, the kind of power that they are being given in this act.

For example, there is another section here which I think is rather unfair in that - I cannot put my finger on the exact section or subsection here - yes, 'Where property is occupied and the owner is not known -'

MR. LUSH:

Where about is that?

MR. W. CARTER:

Subsection 3, page 11, 'Where property is occupied and the owner is not known' - to the assessors, I presume - 'the property shall be assessed against the tenant.' Now, I believe that is probably there in cases where people are living on land that could be owned by an absentee landlord. Maybe the minister can clarify that when he sums up. Certainly, as it reads in that section, the tenant will be held responsible for any taxes owing if government, if the assessor, the commissioner, is unable to identify the owner. Now, there is the danger, Mr. Speaker, if that is allowed, that the assessors might not take too much time or trouble or effort to try and locate the owner of the property.

As it reads now, if an assessment is being done on a property in a municipality and the name of the

owner is not readily available to the assessor, the assessor has the power here to assess the tenant of that property. That is wrong! The minister is smiling. Maybe he can explain it, but certainly, as it reads, it does not read very well. In other words, if the assessor cannot locate the owner, if he does not care to take the necessary time and effort to locate and identify the owner of that property, then under law he can slap the assessment on the tenant. It is not the tenant's responsibility, it is the owner's responsibility. I presume this tax on residential properties, is as it is in the City of St. John's, under The City of St. John's Act. It is the owner's responsibility to pay municipal property tax on a property. The tenant is not involved. Under that section, if the real owner cannot be located then the tenant becomes liable.

What I fear and what we on this side fear is that that being the case, then it might well be that the assessor will not go to any great lengths to find the real owner of the property, if a tenant is there to be taxed.

The other one, as I mentioned earlier, that has a rather bad taste, a bad smell to it, is where the assessor may at all reasonable times enter property for the purpose of carrying any duty imposed on the assessor or a commissioner by this act and 'no person shall refuse entry to the assessor or the commissioner.'

Now, again, I know that discretion must be used, I suppose, in all cases where such things are being done, but again, at all reasonable times, at any time the assessor deems to be reasonable, under this

act he has the power to enter a property to do his job. In fact, if the owner should do anything to bar the assessor or to interfere with him in the pursuit of his job, then that person is going to be liable of a summary conviction to a penalty of not less than \$50, in default of which, then, he is liable for a jail sentence of one month.

We realize, too, Mr. Speaker, that these assessors must be given certain power, they cannot be treated like somebody delivering junk mail. If you go to a door and find a person there with an assessment role, we know that they cannot be unreasonably barred from a property. But, certainly, the way it reads in that section, again it is giving the civil servant, the public servant a bit too much power.

So, Mr. Speaker, this is the sort of bill where you almost have to hold your nose when you vote for it. It has a lot of things in it that we do not like. Again, we recognize the need for assessments being done. We are not altogether pleased that these assessments, by the way, will be used as a basis for levying school taxes, and I presume that is the purpose of including the School Tax Authorities in that bill. Maybe the minister can explain that when he closes debate on the bill.

We are not happy that the assessors are being given this power and will be able to use that power to provide assessments on which the very obnoxious and objectionable school tax will be assessed in future. Our position on the school tax is well known. We do not like it and we think it should be abolished. In approving this bill you are almost being

party to its collection by making available to the school tax authorities information gathered under this bill, under this act, to enable them to levy the objectionable school tax.

Mr. Speaker, I know my colleague, the member for Burgeo - Bay d'Espoir (Mr. Gilbert) will want to say something on it, but certainly it is a bill that we are not happy with because we think that it does carry things a bit too far and gives public servants a bit too much power, power that could very well be abused. It is not unusual for overenthusiastic or zealous public servants to abuse their power. In Newfoundland today, I think, the Newfoundland people are getting a little fed up with highhanded government regulations and bureaucracy. They are certainly getting fed up with taxes, and I do not think that rural Newfoundlanders in Twillingate today, or any other part of rural Newfoundland, take too kindly to this sort of thing. It is not going to be an easy tax to collect, it is not going to be a popular tax, and, certainly, once it is known that the assessors, government employees, are given those kinds of powers, that kind of authority, then I think it is going to make the tax all the more objectionable.

MR. GILBERT:

Mr. Speaker.

MR. SPEAKER:

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

MR. GILBERT:

Thank you, Mr. Speaker.

As my colleague for Twillingate (Mr. W. Carter) has said, we have

certain concerns regarding this Bill, "An Act Respecting The Assessment Of Property." These are not only concerns which we have, but the Federation of Municipalities asked, in their 1985 brief, that the method of assessment, which government had imposed without consultation with the federation, be cancelled until such time as they had a chance to sit down and work out an agreement that was mutually acceptable to both the department and the communities which are in the federation. Even though this was not in the 1986 brief that was presented, it is still a concern of many communities and of the federation itself.

MR. FLIGHT:

The gradual cost.

MR. GILBERT:

Yes, the cost is still a concern. As I understand it, the two points made in this Bill are, one, that they are going to do the assessment on an annual basis rather than the five to six year basis - increase the cost on a gradual basis. Rather than be hit with one big bill, they are going to do it in little tiny bits so it will not seem as unpalatable to the people assessed. Now, I have talked to some municipal officials across the Province and one concern they have with the assessment as it is right now, and with the annualized assessment, is the fact that they wonder if the assessor has the budget of the town when he goes in to do this assessment. Does he have the current expenses for the year? As the minister will know, if he can raise the assessment to where eventually the property tax can cover the current expenses, it is certainly going to decrease the amount of support that government

would have to put in through their grants and subsidies, their 60/40 programmes and everything else. This is one concern and it is one which I think should be looked at, because it is a way if the government wanted to, that they can impose direct taxation, again, on the backs of Newfoundlanders living in the communities in Newfoundland that have municipal governments, without actually increasing the taxes on a provincial basis. They are going to impose indirect taxation again and they will be considered the good guys. It will again be the town counsellors who will have to impose this tax in order to collect the money that normally would come from the provincial government. This is one of the main concerns that we see in this bill, Mr. Speaker.

Certainly you have an annual multiplier right now which is going to increase the assessment of the property in each community a little bit every year so that it will not seem so unpalatable. But again, you are forcing the town counsellors to impose a direct tax on the citizens. This government, the members opposite are forcing them to do this, but it will be the town councils who are going to bear the brunt of this taxation. I consider this to be unfair.

MR. SIMMONS:

This is the scapegoat approach.

MR. GILBERT:

Yes, this is the scapegoat approach, my friend from Fortune - Hermitage tells me, and I think he is right.

The other part of this bill means you are going to change from an actual value to a fair market value for property assessment.

Now there is some concern in smaller communities about this type of assessment. They have pointed out to me in the talks that I have had with members of municipal governments from across the Island, that there is no problem in St. John's or Gander or Grand Falls or Corner Brook or the bigger communities in finding a fair market value. But when you get into the smaller communities in Newfoundland, the Norris Points, the Rattling Brooks and these types of places where there is very little activity in the real estate market, how do you then establish a fair market value when you get communities maybe where there has been nothing sold for years? There is a grave concern out there about how this assessment can be made in certain small communities that have very little activity in real estate. Where do you get a fair market value in communities like that? Is it by the assessor making a one-shot judgement and saying, 'Well, I think if this was in such and such a place, it would be sold'. But it is not, it is in a smaller community and this is where they are concerned about how this is to be done. So those are the two main concerns.

As my colleague from Twillingate (Mr. W. Carter) pointed out, the person who occupies the building, rather than the owner, is responsible for the assessment. Now, I realize that there is concern there. Having served as a town counsellor, I see that there is a benefit in this because it addresses the absentee landlord thing. I know as a town counsellor in the community where I served we had trouble collecting taxes from people who had moved out.

I think this was a recommendation that the federation would really not find too unpalatable, as long as it was down to the point where the assessor used good common sense and was able to establish that the tax was levied against he who controls the property, rather than someone who has it rented and has gone to some other place, or an individual, a widow or someone like that who has property and there is someone living there who does not make an effort to find her, and things like that. This would be unfair.

But I think in the context that that is going to be there, as an ex-councillor, I am sure my colleague, if he looks back at it, would know that there was a problem when he was in there.

MR. W. CARTER:

Why not charge it up against the property?

MR. GILBERT:

Yes, well, it should be charged against the property. I think the onus would be on he who controls the property to get hold of the people who own it. But it should not be against the person who rents. I think it should be on the property with the onus being on he who controls to contact the owner.

Those are the main concerns that I have. The first one is the assessment, which is not palatable to most municipalities in Newfoundland; the manner of assessment is not and the cost is not palatable. It is another way that the revenue base of the municipalities has been decreased.

Now, by raising the assessment on a yearly basis, yes, you know,

that is fine for the provincial government and it gives a small increase annually rather than a big one every six years, so you will not have the same hue and cry. But, nevertheless, the taxes are going to be increased on an annual basis and, again, it is a direct taxation which the provincial government has imposed without saying they did. They leave it, again, to the innocent town councillors to bear the brunt of this increase in taxation. Now, those are the two things that I would like to point out.

MR. W. CARTER:

They will have no councils left in five years the way they are going.

MR. GILBERT:

Well, this is a point. It is a form of taxation and a way that the government can reduce the amount of grants that they are giving to the communities, replacing it by way of a direct tax for which the community and town councils in Newfoundland are going to get the blame. I do not agree with it and I feel that the minister should certainly have a look at it because it is unfair to the municipalities in Newfoundland.

MR. DOYLE:

Mr. Speaker.

MR. SPEAKER (Greening):

The hon. the Minister of Municipal Affairs.

MR. DOYLE:

Mr. Speaker, I would like to respond to a couple of concerns that have been raised by gentlemen opposite, one from the member for Twillingate (Mr. W. Carter) in which he expresses some concern and some reservations with respect to the 'access to property' section in the act, Section 6, I

believe. It deals with the access that an assessor has to a piece of property for the purpose of carrying out an assessment.

Now, Mr. Speaker, the only response I can make is that if an assessor is going to be able to carry out his assessment in a timely, efficient, capable manner, then he has to have access to the piece of property that he intends to appraise. I should point out that in some municipalities around the Province, the assessor is having such difficulty on times getting into certain areas. He may only get 50 per cent of the work done the first time around. So, if he is going to carry out his assessment for the various town councils in the Province, then he must have access to the piece of property that he is going to assess.

The only other alternative that he would have, if he cannot get access to a piece of property, is to carry out a sidewalk assessment, and a sidewalk assessment is certainly not a very accurate one. It is one that the Assessment Division frowns upon itself because, in the final analysis, when you do a sidewalk assessment, the individual has recourse to a commission of review and the commission of review will ultimately have to say to the individual who wants a review of this assessment that he is going to have to get an accurate one done. The assessor has to go back and do that assessment on the property this time properly instead of standing outside and looking at the outside of the house and trying to determine what might be on the inside from what he can see on the outside. So, needless to say, that type of assessment is not a very accurate

one and, again, if he is going to have some kind of accurate reporting of the values of properties, he has to be able to get into the property.

I think it should be remembered also that an assessor does not force his way into a home, although it may look that way on first reading of the act, but he does not force his way into a home like some unwanted bill collector or a pushy salesman. The act simply says that he may enter property 'at all reasonable times'. In other words, he may enter property during normal working hours. That is when he carries out his assessment, during normal working hours. If he cannot get access to the equipment during normal working hours, then he goes so far as to contact the individual in writing or by telephone and to make an appointment with the individual to have the property assessment undertaken.

The department has received very few if any complaints from people regarding the manner in which the assessor conducts his business. But, like I said, on times he will run into a certain individual who does not want to have an assessment of his property carried out for one reason or another. I guess simply because he is a human being, he does not want to pay taxes and I guess this is the way he feels that he can avoid paying taxes by not having the assessment carried out. The legislation is absolutely no different than what is in place in other provinces of Canada.

Insofar as the fine is concerned, I would say that a \$50 fine is not a very, very onerous type of fine for an individual to be subject to

or to be burdened with, if he is convicted of an offence under the act.

The right of entry, incidentally, Mr. Speaker, is a right that is given in every single jurisdiction in North America to an assessor who is carrying out an appraisal of property. That right of entry is given in every single jurisdiction in all of Canada. I do not believe that there is any possible way that an appraiser or an assessor can do 120,000 properties, which is what he has on his books right now - as of the last reading, he has got 120,000 properties on his books in the Assessment Division - there is absolutely no way that he can keep a timely and an efficient roll if he does not have access to the property that he is assessing.

Now, there was one other section of the act that the member for Twillingate (Mr. W. Carter) had concerns about and that had to do with where property is occupied and the owner is not known, then the property shall be assessed against the tenant. This is to ensure, I am told, that someone is responsible for paying the tax where the legal owner of the land cannot be found. What it covers would be the individual who is a squatter on a piece of property.

We had, last year, about a dozen cases, I guess, right across the Province in which the owner of the property could not be determined and the individual who had built a house on that property was, in fact, a squatter on the property. For the purposes of assessing that individual, it had to be placed in the act that that individual who happens to be the occupier of a house on land -

AN HON. MEMBER:
(Inaudible).

MR. DOYLE:

No. That is the intent of the act. An individual who has built a house on a piece of property, where the owner cannot be found would be responsible in the same way as if he was the official, legal owner of that property.

Some members opposite asked me a couple of days ago about whether or not that would apply to an individual who is a tenant in an apartment dwelling. We do not have any cases like that. Generally speaking, for an individual who has an apartment, the ownership of such a building can be easily traced. So it would not apply to that situation but it would apply to the half dozen or dozen cases across the Province that we have identified where individuals are squatting on a piece of property and do not have legal title or ownership to that piece of land, but it is a very good point.

The other concern which was raised by the member for Burgeo - Bay d'Espoir (Mr. Gilbert) had to do with the cost of assessment and how the Federation of Municipalities made representation last year with respect to the cost of assessment in the Province. I do not know if the hon. members are aware or not but the cost of assessment has now been frozen. It was the intention of the Assessment Division to recover the full cost of property assessments.

MR. GILBERT:

It is still higher than it was before they put it in and it still concerns the federation.

MR. DOYLE:

Yes. The federation was concerned about it and they mentioned it in their brief last year. In response to those concerns that had been raised by the federation, the cost of assessment was frozen at .0002 per cent of the value of the taxable roll which the federation welcomed, as a matter of fact, as being a very, very positive step toward controlling the cost of assessment.

MR. GILBERT:

If you increase it on a yearly basis, you are going to increase your (inaudible).

MR. DOYLE:

If it has increased on a yearly basis, yes. Anyway, it was viewed by the federation as being a positive step and not a negative step in that the cost of assessment was frozen at 50 per cent.

Insofar as the actual value and fair market value was concerned, the hon. gentleman was not here on Friday and in opening debate on the bill, I pointed out that it is the wish of most municipalities across the Province to go from actual value to fair market value because it more accurately reflects the true value of property. Actual value is based on a number of very, very complicated types of things which do not reflect the current market value.

Just to point out the advantages of having fair market value as opposed to actual value, I would say that possibly Labrador City would be a very, very good case in point, where you had the mining operation go down a couple of years ago and the values of property went down as well. If it was based on the actual value, the

values of those properties would have to remain the same. But on fair market value, the fact that a mining operation goes down or an industry happens to go down is reflected in the value of property when you are using the fair market value system.

So, Mr. Speaker, with that I close debate.

MR. W. CARTER:

Would the minister allow a question before he adjourns the debate?

MR. DOYLE:

Yes.

MR. SPEAKER:

The hon. the member for Twillingate.

MR. W. CARTER:

I know that the question is probably hypothetical but, nevertheless, I believe it is important.

In view of the obvious drift that appears to be developing in the Province - I will not go into the reasons for it - the obvious drift away from the incorporation of municipalities - we heard last week where three of the major communities in the district of my colleague for the Strait of Belle Isle (Mr. Decker) are now conducting a plebiscite, the question being, 'will we or will we not remain an incorporated entity'.

I do not know what the law says in cases like that. Let us assume that these three communities and maybe others, again, for reasons which I will not go into, decided that they do not want to have anything else to do with municipal councils. I presume people have

as much right to vote themselves out as they had to vote themselves in. That would seem to make sense.

If a Province can conduct a plebiscite as to whether or not it wants to stay within Confederation, then I presume a municipality would have the right to conduct such a plebiscite to see if, in fact, they want to stay as a municipality.

Now, this tax is going to be unpopular. There is no doubt about that. The method by which the properties are going to be assessed is going to be unpopular. We might very well find, Mr. Speaker, that a lot of communities will want to abolish their councils. What happens then? Will the tax still be imposed? If there are only one or two isolated cases, it will not matter maybe but it could become widespread. Will there be a body then appointed by the government to do what would normally be done by the municipality itself?

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. DOYLE:

Mr. Speaker, the question is a difficult one to answer, obviously because it is a hypothetical case where it stands right now.

There is a situation on the Northern Peninsula where three councils have informed the department that they will be holding a plebiscite to determine whether or not they want a municipal government within their community. I would hope that these individual communities would be very, very careful in what they are doing and would assess that

particular situation closely because I think it is a step backward. It is a step in the wrong direction because most areas of the Province opt for some kind of local self-government so that they can determine what direction the community wants to move in, etc., etc. It is not a very popular thing and I do not think it is a very good thing for governments to have to move into any community in the Province and say they are going to establish commissions and force a certain type of government upon people. This is one of the things that the community would take into consideration in making that type of determination about their future. It may very well be necessary -

MR. W. CARTER:

Would that not be an incentive for municipalities to stand if (inaudible) the property tax?

MR. DOYLE:

No, the property tax, as far as I know, and as far as I have been led to believe, is the most equitable and the most fair type of taxation system that any community can have.

With respect to the value of the thing, it makes the community available for a whole lot more revenues from government because of the tax incentive grant and it actually forces government, as a matter of fact, to put more revenues into the community as a result of some of the initiatives that the community itself would be taking.

Mr. Speaker, I move second reading.

On motion, a bill, "An Act Respecting The Assessment Of Property For The Purpose Of The

Imposition Of Real Property Taxes By Councils Of Municipalities And School Taxes By School Tax Authorities", read a second time, ordered referred to the Committee of the Whole on tomorrow.

MR. MARSHALL:

Order 24, Bill No. 23.

Motion, second reading of a bill, "An Act To Amend The Motor Carrier Act." (Bill No. 23).

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER (Greening):

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I am introducing this bill on behalf of the Minister of Justice (Ms. Verge) who is out in her district today. This is merely a bill to adjust and revise the penalties for violations under the Motor Carrier Act. There is a schedule attached to the bill which gives a complete listing of the types of offences that pertain. There is also provision there for first, second and third offences and there is a provision here as well that any offence committed in another year will be considered to be a first offence.

It is not a very involved bill and I would hope it could be passed quickly.

MR. CALLAN:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Bellevue.

MR. CALLAN:

Mr. Speaker, I have several questions pertaining to the bill, "An Act To Amend The Motor Carrier

Act." I am wondering, number one, why are these amendments being brought in at this time? Why are the fines or penalties under the Motor Carrier Act being amended at this time?

Is it because the government across the way, Mr. Speaker, is anticipating much heavier volumes of traffic on our highways in the very near future when the railway goes? Is that the reason for it? That is one question I want the minister to answer. Mr. Speaker, I had a question for Question Period today but I did not get it in. Perhaps I should ask it now. Perhaps I should ask the question now.

MR. SIMMONS:
Go ahead. By leave.

MR. CALLAN:
The Minister of Transportation (Mr. Dawe) was not in his seat today. The Premier was, but perhaps the minister in closing debate on this bill will tell us why it is that the government that he is a part of continually sticks out and says, 'No, no, we are going to keep the railway?' Last Wednesday night, Mr. Speaker, in the House of Commons, in Ottawa, appearing before the Standing Committee on Transportation, the Chairman of CN, whose name is Mr. Maurice LeClair -

DR. COLLINS:
Dr. Maurice LeClair.

MR. CALLAN:
Okay, if the doctor from St. John's South (Dr. Collins) wants me to reiterate that he is a doctor, as well. Dr. Maurice LeClair, when he appeared last Wednesday night in Ottawa before the Standing Committee on Transportation, was asked several

questions, amongst which he was asked, 'Now that we know that the railway in Newfoundland is going to go, what plans does CN have for the distribution of freight around our island?'

MR. MARSHALL:
Who asked him that question?

MR. CALLAN:
The question was asked by some prominent Newfoundland Liberal MPs in Ottawa.

MR. MARSHALL:
I did not know there were any of them left.

MR. CALLAN:
In answer to the question, Mr. Speaker, Dr. Maurice LeClair responded by saying - he was sucked in, obviously - 'Yes, the railway is going, and here is our plan for the distribution of freight around Newfoundland.' He said, 'We will ship the freight out of Halifax, in containers, by boat.' And I think this is where the item comes in where Mr. Crosbie was in Newfoundland a month or so ago and he talked about ports. Apparently, the ships coming out of Halifax with these containers will be going to ports like Corner Brook, St. John's and Argentia and, Mr. Speaker, transport trucks will take these containers, this freight, which would ordinarily be distributed by rail. Mr. Speaker, if that be the case, then it is timely that the administration opposite is bringing in this bill, this Act To Amend The Motor Carrier Act.

Mr. Speaker, as I look at the schedule attached, Schedule A, and I look at the fines for the first offence, second offence and third offence, the fines, Mr. Speaker,

are very, very small indeed. Last week, on the Trans-Canada, in the district of Bellevue, that section between Chapel Arm and Whitbourne, which is being overhauled and brought up to modern day standards, there was a flagperson, a lady, who was on the side of the Trans-Canada directing traffic. She had her sign held out and a transport truck, Mr. Speaker, came by and paid no more heed to the sign or the lady, the flagperson, than if he or she were not there. The sign was knocked out of the lady's hand and she was knocked to the ground. She was taken, I do not know if it was by ambulance or not, to the Whitbourne clinic for observation, to see what injuries she sustained. Thankfully, there were none. Mr. Speaker, as a frequent traveller on the TCH myself, I can tell you that some of these transport trucks, and the drivers thereof, behave as if they owned the place, and people like myself, in a small care because I cannot afford a big one, like the member for St. John's North (Mr. J. Carter) -

MR. TOBIN:

Where is your Imperial?

MR. CALLAN:

I was living on my salary as a school teacher, at that time. I will not be distracted or thrown off the track, Mr. Speaker. I use the word 'track', Mr. Speaker, in a paradoxical sort of fashion, because in a few years we will have no tracks.

MR. SIMMONS:

He will not be railroaded.

MR. CALLAN:

I will not be railroaded into getting off the track. Anyway, I wonder if the gentleman was caught, number one, and, if he

was, was it his first offence? What would he get, a \$50.00 fine or fourteen days in jail? That is all you see. As I go through schedule A, I see the fine for a first offence is \$25.00 to \$50.00. For some offences, I notice it goes up to \$100, but that is the maximum; there is nothing higher than \$100. 'Transporting explosive or dangerous goods \$100 or twenty days in jail.' What about that incident on the Trans-Canada Highway last week, in the district of Bellevue? A few years back, at my own expense, when I was still living on my teacher's salary, I happened to have the privilege of visiting my brother who was with the military in West Germany.

MR. BRETT:

Why did you not stay there?

MR. CALLAN:

I went to West Germany on my teacher's salary. I could not do it on my MHA's salary. I managed to get to Norway, but that was compliments of the taxpayer.

MR. PEACH:

'Fenwick' does not agree with that.

MR. CALLAN:

Mr. Speaker, I want to be heard in silence.

MR. SPEAKER:

Order, please!

MR. CALLAN:

As most members on this side know, and any knowledgeable members on the other side will know, on weekends there are no transport trucks allowed on the main highway which trans-crosses a large part of Europe, the Autobahn. It crosses West Germany, France and several other countries. And I think that is what is missing in

this bill. There should be no transport trucks allowed on our main highway on weekends, Mr. Speaker. With the closing of the railway and the increased freight traffic and transport trucks on the Trans-Canada in this little Province, I am wondering if the Minister of Justice (Ms Verge), who is bringing in this Bill, would not consider that, perhaps, as another amendment? In addition to changing the penalties for violations on the TCH and other roads, I am wondering if at least the Trans-Canada Highway and the people who use it, especially on weekends, people who travel out of St. John's to go to their country homes or to visit their homesteads on weekends, to visit their parents and so on, should not be protected from some of these transport trucks which, as I said, are 'king of the road', or they appear to be. And you had better get out of the way, if not, you will probably be ploughed under. If I had known this bill was coming up for debate today, Mr. Speaker, I am sure that with a little bit of research I would have come up with incidents where transport tractor trailers have caused a large number of accidents in this Province. The one at Square Pond last year is a case in point, but there are others, including the one I cited just now, where the transport tractor driver did not even bother to slow down for the flagwoman out at Whitbourne.

Mr. Speaker, these are some questions -

MR. J. CARTER:

Are you suggesting that there be no truckers allowed on the Trans-Canada?

MR. CALLAN:

Not on weekends. There was something else about the Autobahn that I forget. Not only are they not allowed there on weekends, they are not allowed to drive there at some other time. I am not sure what it is now.

DR. COLLINS:

All the drivers have to speak German.

MR. CALLAN:

Pardon?

DR. COLLINS:

All the drivers have to speak German.

MR. CALLAN:

No, that is silly nonsense. You would expect better from the good doctor from St. John's South. But the good doctor from Ottawa, Dr. Maurice LeClair, has confirmed for us that the railway indeed is going, and this is how we are going to transport the freight.

Mr. Speaker, I do not know if this government knows where it is going or what they are doing. I do not know. Quite often, I wonder. Because, Mr. Speaker, in the last two months, day in and day out, we have heard of school closures, St. Brendan's, for example, and the pupils being bussed to somewhere else.

MR. SIMMONS:

St. Bernard's.

MR. CALLAN:

St. Bernard's, I am sorry.

In my own district, Mr. Speaker, the school board, which is seated in Clarendville, is closing the school in North West Brook and Queen's Cove, two small towns off the TCH. They have always had a little school, especially for

their kindergarten children. The school board in Clarenville is closing that school, Mr. Speaker. And what are they doing with the students? They are putting them on buses to go to Clarenville, twelve to fifteen miles away, little youngsters five and six years old, number one. Mr. Speaker, what we see this government aiding and abetting school boards in doing, at the same time that we are increasing truck traffic on the TCH by closing the railway, is putting more buses on our treacherous highway. That is what is happening, Mr. Speaker, especially between, say, the Welcome Inn at Goobies and Clarenville. It is a death trap! Everybody knows about the accidents that have taken place, CN buses and so on leaving the TCH around Ivany Cove there, Hillview, that area, Queen's Cove and Northwest Brook.

Mr. Speaker, we know about the new resettlement programme. We know all about that, where people are being resettled to other provinces. We saw an incident of that last week on Here and Now, when the lady was interviewed from Ontario. What we have here, Mr. Speaker, is another kind of decreasing of the population, 'let us kill them off. Let us put the little youngsters and everybody else on the treacherous highway.' This is the same piece of highway, Mr. Speaker, that people will be forced to go over when the hospital at Come By Chance closes, and they have the 9:00 a.m. to 5:00 p.m. clinic, although I hope it will not be 9:00 to 5:00. I dare say the Minister of Health (Dr. Twomey) has already met with a concerned citizens committee out of Arnold's Cove, Southern Harbour.

Mentioning Southern Harbour, Mr.

Speaker, the member for Placentia (Mr. Patterson), who gets up on silly points of order and bawls and shouts across the House, how many times have you heard him get up and speak in support of keeping that hospital at Come By Chance? His constituents out of Southern Harbour, out of Little Harbour and Fair Haven, they use the hospital at Come By Chance. Here we see that hospital, Mr. Speaker, being reduced not just to a clinic but to a 9:00 to 5:00 clinic.

I have raised the question in the House before, Mr. Speaker. I have asked the minister if the Whitbourne clinic was going to be a model. We will open her up as a 9:00 to 5:00 clinic until somebody dies tragically, as happened at Whitbourne, when government said, 'Okay, we will open her up and make it a twenty-four hour clinic'. Is that what the Minister of Health, who is not the least bit concerned it looks like, Mr. Speaker, wants?

This is pertinent, even though the Minister of Intergovernmental Affairs (Mr. Ottenheimer) is trying to distract the member for St. John's East (Mr. Marshall).

MR. OTTENHEIMER:

It is impossible to distract him.

MR. CALLAN:

He is a very attentive person, is he? Mr. Speaker, what the school board is doing in Clarenville is forcing youngsters out of their small communities, forcing them on the buses and that treacherous highway, the twelve or fifteen miles to Clarenville. What the Minister of Health is doing is closing the hospital at Come By Chance and forcing the people of Fair Haven, Little Harbour, Southern Harbour, Arnold's Cove,

Come By Chance, Sunnyside, Goobies, Swift Current, North Harbour and Garden Cove, all these people, onto that treacherous piece of Trans-Canada Highway to go to hospital in Clarendville.

MR. PEACH:

They are upgrading it, boy. They are working on it now.

MR. CALLAN:

No, they are not.

MR. PEACH:

Have you been out there lately?

MR. CALLAN:

No, they are not upgrading it.

MR. PEACH:

They are.

MR. CALLAN:

Where are they upgrading the TCH?

MR. PEACH:

You do not even know what is happening in your district.

MR. CALLAN:

I know exactly where my district is and I know exactly where the member for Carbonear (Mr. Peach) will be after the next election. I asked the member for Carbonear to tell me where the TCH is being upgraded in the section between Come By Chance and Clarendville. Where is it? Where is it being upgraded? Mr. Speaker, the member made an allegation and now he backs off. And well he should! Obviously, he has lied to the House, Mr. Speaker. He has told us that the Trans-Canada, between Come By Chance and Clarendville, is being upgraded.

MR. LUSH:

It was not this morning. It has been downgraded.

MR. CALLAN:

If he can tell me where it is happening, I will accept his word.

MR. PEACH:

A point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. PEACH:

The hon. the member for Bellevue (Mr. Callan) is quite aware that I am familiar with his district. I was out in his district several days ago. I am more familiar with his district than he is. Mr. Speaker, I think his comment, that I lied to the House, is not correct and it should be withdrawn, it is not parliamentary.

MR. SIMMONS:

Mr. Speaker.

MR. FUREY:

Is what you said true?

MR. SPEAKER (Greening):

The hon. the member for Fortune-Hermitage.

MR. SIMMONS:

I have no doubt, Mr. Speaker, that my genteel colleague from Bellevue (Mr. Callan) will be persuaded by the impressive oratory of the gentleman from Carbonear (Mr. Peach) and will withdraw, apologize, probably resign his seat, but certainly at least apologize to the House for that terrible indiscretion of suggesting the obvious about the member for Carbonear.

MR. SPEAKER:

I will now ask the hon. the member for Bellevue to please withdraw the unparliamentary remarks.

MR. CALLAN:

Mr. Speaker, without qualification I withdraw all unparliamentary remarks.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the member for Bellevue.

MR. CALLAN:

Mr. Speaker, in concluding my few comments on this, I have asked several pertinent questions of the member for St. John's East (Mr. Marshall), who brought in this bill in the absence of the Minister of Justice (Ms. Verge). I will say that there is no upgrading of the TCH between Come By Chance and Clarendville. There is some upgrading between Whitbourne and Chance Cove/Gull Pond. Of course, the section between Gull Pond and the Welcome Inn, at Goobies, was upgraded a couple of years ago and that, Mr. Speaker, is a good stretch of highway. On much of that stretch of highway there are four lanes. It is not a divided highway, but there are lots of slow lanes and there is a nice wide shoulder which, of course, in the case of one of these transport trucks barreling up behind you, enables you to pull off, in a small car like mine, onto that paved shoulder to let the transport truck driver get on to try and drive somebody else off the road further on towards Clarendville, where they do not have enough slow lanes and an up-to-date highway.

Mr. Speaker, I would ask the member for St. John's East (Mr. Marshall), the Government House Leader, if it is possible to make further amendments? You know, these fines are not nearly high enough, Mr. Speaker, \$50 for the first offence, \$100 in one or two

cases, sometimes \$25, but even on the third offence, Mr. Speaker, \$500, what is \$500 to Day and Ross? So that a truck driver can get Day and Ross' freight up the Great Northern Peninsula a day or so earlier than he would if he obeyed the speed limit, and obeyed the young women working on the highway as flagpersons, he goes barreling through, knocking the poor girl down. What is a \$500 fine to someone like that?

Mr. Speaker, there may be other questions on this, but I think I have just about exhausted them. Is this the reason, because the railway is going to be gone? Is it? We were told. Dr. Maurice LeClair -

MR. J. CARTER:

And you believed it.

MR. CALLAN:

- Chairman of CN said it before a Standing Committee on Transportation in Ottawa on Wednesday night past. You would expect the Chairman of CN to know what he is doing with his company, Mr. Speaker.

Mr. Speaker, with these few words I take my seat.

MR. HISCOCK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Eagle River.

MR. HISCOCK:

Thank you, Mr. Speaker.

I just want to comment briefly on this. My colleague, the member for Bellevue (Mr. Callan), has pointed out our main concerns with this bill. We feel the bill should be amended to make the fines

stiffer. "An Act To Amend The Motor Carrier Act". Since I represent the district of Eagle River, that fact that I am speaking on this particular bill may be questioned. A great area of my district does not have roads. Williams Harbour does not now have an airstrip. People living in that community have to go to Port Hope Simpson by boat in all kinds of weather, older people, younger people, babies, pregnant women and people who are sick. They also have to go to Port Hope Simpson to pick up their mail, since there is no mail delivery in Williams Harbour.

Paradise River, for example, has an airstrip, but it has been built two kilometers away from the community and there is no connecting road. Ninety per cent of the inhabitants of Lodge Bay live on one side of the Community and there is no bridge and no connecting road. People who live in Charlottetown were told by the provincial government, the Department of Health, the Department of the Environment, and the Department of Forest Resources and Lands, to build their homes in a certain area, and again there is no connecting road.

When we bring in bills to amend the Motor Carrier Act, the people of Labrador hear about twinning highways on the Island, taking out curbs, putting in passing lanes, building new bridges, and when they come to visit the Island on business, or for health reasons, or for a vacation, they see what is happening with transportation here, such as the road in Manuels hich connects with the Trans-Canada, the new highway system in Torbay, the four lane highway going out to Foxtrap, and they find it a little bit

disheartening. All we are talking about in the way of money to bring roads etc. up to modern day standards in those communities in Labrador, is three or four million dollars, and those people rightly deserve those standards.

The people in Williams Harbour deserve to have an airstrip. They deserve to have their mail delivered by air, and they should be able to fly to Port Hope Simpson, and elsewhere, rather than having to go by speedboat in all kinds of weather.

People living in Paradise River deserve a road through their community, the people living in Lodge Bay need their community linked on both sides, and the people living in Charlottetown need a road connecting their homes which they were forced by law, I might say, to build in a certain area. So, it is hard for people in Labrador, Mr. Speaker, to get excited about 'An Act To Amend The Motor Carrier Act' when they see the backwardness of the transportation system in Labrador. There is also a need to have the road from Pinware to Red Bay done. trucks and people, Mr. Speaker, when the minister rises to close debate on this bill, I hope he will tell us that he is going to amend it it so that drivers of tractor trailers and others who are breaking the law on our highways will be given much stiffer fines. Federal fisheries has increased fines they were levying because they feel it is a deterrent. What is a \$500 fine for a third offence, as the member for Bellevue (Mr. Callan) pointed out? That is no deterrent to Day And Ross and other big trucking companies in this Province?

Mr. Speaker, the fact is we are

going to be losing the railway. If that happens, we are going to see a massive increase in the number of transportation trucks on our highways. The Trans-Canada is in very poor condition, and when you are driving along, particularly on dark rainy nights, and one of these transport trucks passes along and blows an excessive amount of water onto your windshield, it is very difficult at times to keep your car on the road.

I feel, Mr. Speaker, that government should move to make the fines stiffer. The minister wonders sometimes, as does the Minister of Finance (Dr. Collins), in particular, how we can give all the people in our Province the types of services they need. We do not have the money. Well, here is one example. When these carriers break the law, what is a fifty dollar fine for a first offence? It should be \$500 for the first offence and maybe \$5,000 for the third offence. With that kind of money coming into the provincial treasury it could be used for various projects in the communities of Williams Harbour, Paradise River, Lodge Bay and Charlottetown.

I would like to ask the President of the Council if, before he stands to close the debate, he could find out from the Minister of Justice (Ms Verge) just how many fines have been collected, how many infractions there have been by transportation carriers in this Province already.

Here in the city, I am told, revenues from parking meters not only help to pay salaries, but they also help to pay to run the police department and all other

administration costs. It would be interesting if the Minister of Justice, when she gets up, would tell us exactly how many fines are collected in this Province from people who violate the law. I am sure we are talking in the millions. I would like for the President of the Council or the Minister of Justice to answer that at some point. I think any monies collected because of infractions of the law should be taken and pumped into the Department of Transportation. But, no, anybody who breaks the transportation laws in this Province, speeding, going through red lights, etc., pays a fine and that money goes into general revenue, instead of taking that money and pumping it back into the Department of Transportation.

Mr. Speaker, here we are collecting, I am sure, millions of dollars in fines each year and we have all this money spent by the Department of Tourism promoting tourism and trying to get people to come to our Province. Yet, at the Newfoundland Museum, our provincial museum, on the third floor there is an exhibit of the lifestyle of old Newfoundland which is not even open because they cannot afford to put anybody on the third floor of the Newfoundland Museum, not even a student. Again, I am sure if we took some of these funds, we would find out that we can employ students. I ask the President of the Council (Mr. Marshall) and the Minister of Finance (Dr. Collins) if they would look into that and make sure that the Newfoundland Museum's third floor is opened immediately instead of now having people coming from all parts of Canada and the world who want to see the lifestyle exhibit only to find that it is closed down

because they cannot afford to have anybody there on security.

We are talking about students. I am sure when this House closes, which I assume will be sometime this week, we will have the Pages who are here out looking for work. I am sure one of them would be more than willing to go down and act as security on the third floor of the Newfoundland Museum so it can be opened.

In concluding, Mr. Speaker, "An Act To Amend The Motor Carrier Act," Bill No. 23, it is not something that the people on the coast of Labrador are going to get excited about but they do feel, as was pointed out by the member for Bellevue (Mr. Callan), that we need stiffer fines. If we had stiffer fines, we would have better safety on the roads. If we have better safety on the roads, of course, we are saving our own people's lives.

I ask the President of the Council to bite the bullet and increase these fines because they need to be increased. Not only increase the fines, Mr. Speaker, but anybody who breaks the law and does it knowingly, if they do it knowingly a third time, surely a fine of \$500 is not much of a deterrent.

Thank you, Mr. Speaker.

MR. SPEAKER:

Order, please!

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

Mr. Speaker, just a few comments

on the Bill. Actually, not so much on the Bill as on the schedule of the fines that are there and not so much in the same vein as the Liberal Opposition has about wanting them increased but some questions that maybe the President of the Council will be able to answer when he rises to conclude the debate on it.

It has always amazed me how you can go to court and end up being told that you have a fine of \$25.00 or you can serve ten days in jail. I always wondered how they worked it out. How did they figure out how many dollars for each day in jail? I just had a look at this schedule here in order to figure it out and looked at the \$25.00 fine, which seems to be \$25 or ten days in jail. What it seems to suggest is that each day in jail is worth \$2.50 in terms of writing off your transgression. That sounded like awful low pay but then again, this is not exactly the kind of thing you want to encourage people to do, so, perhaps that is appropriate.

Then I looked at the next incremental fine and that was \$50. Instead of being twice or 20 days in jail, it is only 14 days in jail. It turns out on those fines that you are making something like \$3.90 a day, and as I continued through the list, I saw that a \$100 fine, for example, is twenty days in jail, so you are up to \$5; \$200 is 30 days in jail and that means \$6 a day and so on. It seemed to me somewhat inconsistent and I wondered.

I pose this as a question for the President of the Council, (Mr. Marshall) to look at from the perspective of the Canadian Charter of Rights. Does this mean

that we are being somewhat capricious in the kinds of penalties that we are inflicting here? If it is \$2.50 a day on the small end and I think at the top end of \$500 or 60 days you are talking about working it off at \$8 a day, does that mean then that this could perhaps be challenged under the Charter of Rights as being a capricious way in which to assign the penalty itself? Since he is a fine lawyer who is probably quite familiar with the legal matters here, we might draw upon some of his other vast expertise to get an answer.

But having looked at that, I was quite surprised to see that it is not even consistent that way. For example, if you want to look at the top of page five, there is an offence there called "Marking or defacing a motor carrier identification plate." It has a first, second, and third offence, the first one being \$50 or 14 days, which is consistent with the rest; the second one is \$100 or 20 days; but then it has \$300 or 30 days and although there are not a lot of instances where there is a \$300 fine, there are a number of instances where there has been a \$200 fine which also calls for 30 days in jail. I was maybe suggesting to the President of Council that perhaps that is a typographical error there, that maybe marking or defacing a motor carrier identification plate for the third offence, to be consistent with the schedule that is there, should be perhaps \$300 or 45 days since that seems to be the pattern there. If he is willing to introduce an amendment at the Committee stage, maybe that would be appropriate.

Having looked at this progression of \$2.50 for a \$25 fine and 10

days, up to a \$500 fine for 60 days, I was quite surprised to come across the \$10 fines, which are later down the list on page six. They only call for 2 days in jail. It seems like my great theory that the longer you spend in jail, the more valuable you are to the state in running off your fine, is somewhat inconsistent since the \$10 fine only calls for two days in jail when, in fact, it looks like it probably should call for something more in the line of 5 days in jail to be consistent.

I know they are small points but considering that there is a Charter of Rights now and you cannot mete out punishment on an irrational basis, that there has to be some rationality to it, if I was a lawyer trying to beat some of these charges I would perhaps look at them a little bit closely.

The other thing I just want to point out is that each one of the offences listed is an actual offence. For example, the first one, "Operating a public service vehicle without holding a valid motor carrier certificate" is a complete sentence and defines an offence. It goes that way consistently but I would like to ask the President of the Council if he looked at the very last offence on page eight. Got it there?

On page 8 at the very end it says, "Transporting explosive or or dangerous goods". I am sure the second 'or' is probably a typographical error and probably should be easily eliminated. However, does this mean, as I read it, that transporting explosive or dangerous goods is not permitted on our highways under any circumstances, that no permits can be taken? Surely that is not the

intention of it. Perhaps there is another sentence missing that says transporting explosive or dangerous goods without a permit or without following appropriate regulations or something. I point it out because I am not sure what the status of the legislation would be if it did go through the second reading and Committee stage with that.

That, Mr. Speaker, which is not exactly a massive contribution to the debate, is it. However, I would suggest that there perhaps is legal grounds in this legislation for challenging it under the Charter of Rights because of the capricious nature of the fines versus the prison sentences.

One other one that you might want to look at, by the way, is the \$75 fine. It is curious that the \$50 fine, it may be the best one to look at as we use an example there. There is an example on the very last page, page 8, third from the bottom, "Passenger's baggage or parcel express being transported in passenger compartment or public passenger vehicle", the first offence is \$50 or fourteen days in jail. The second offence, quite rationally, is \$75 but it has fourteen days in jail, again, which does not seem to be consistent with the progressive measures called for in the rest of them, the third being \$100 and twenty days.

I just point those out. Perhaps the minister might refer them to the Minister of Justice (Ms Verge) and when we hit the committee stage a few of those little changes might be made.

MR. SPEAKER (McNicholas):

If the hon. minister speaks now he

will close the debate.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, dealing with the observations as they came or in their order, the member for Bellevue (Mr. Callan) gave a fairly long speech. As Your Honour, from time to time, will get up after people say 'on a point of privilege' that 'there is no point of privilege, the member just took time to explain a few statements' or 'to explain a certain position', in this particular matter, although the hon. gentleman got up to address the principle of the bill, really what he did was he took the opportunity to give a mini Throne Speech or Budget Speech debate relating to his own district of Bellevue. They are exactly the same points the hon. gentleman has brought up from time and time, again, with respect to the Come By Chance Hospital.

I remember that it was not so long ago in his own district that he was concerned about the Markland Cottage Hospital. I do not hear him talking about the Markland Cottage Hospital anymore because he knows that the people in Whitbourne are very satisfied with the facility that is being provided there. This government at all times tries to provide proper health facilities and is successful in that particular case.

Similarly, the same comment I think could be made to the member for Eagle River (Mr. Hiscock). The member for Eagle River comes

from a district that has fewer roads than perhaps any other district, with the exception of Torn gat Mountains, in the Province. Understandably he is frustrated about getting roads in his district.

As far as the fines go and dedicating the fines to the roads in the Province, that is not a practical alternative. The monies that are spent here find themselves, in the normal way, into the funds of the Province, I suspect, into the consolidated revenue fund. The hon. gentleman, I think, just took the opportunity to make a few points, again, with respect to his district.

The member for Menih ek (Mr. Fenwick) brought up, I think, a fairly interesting point but fines in the Criminal Code and fines in all sorts of statutes, from time to time, there has not always been the direct proportionate relationship between the fine and the time that one would spend in jail in default of the payment of the fine. He makes a point that is certainly worthwhile considering but you do not really relate the days in jail to the fine itself.

In one case, as he pointed out, a fine of \$50 for the first offence carries fourteen days in jail, while a fine of \$75 carries fourteen days in jail. In actual fact, some of these penalties with respect to jail sentences would never be implemented anyway really because everyone would end up paying the fine. So it has never really been challenged. As I say, there is no relationship historically between alternate penalties for times in jail and the fines themselves.

I doubt very much whether, even with a very strict interpretation of the Charter of Rights, that that could be used as an argument for capricious or oppressive types of penalties and unequal penalties applying because the same penalty applies to each person in relation to that particular offence, uniformly. But, you know, it is a point because it does look stark when you look at it. You see a fine of \$50 or fourteen days. The next thing you will ask is, 'Well, why should a \$75 fine not have a twenty-one day penalty instead of a fourteen day penalty, as it has', or, for that matter, 'a \$100 fine have a twenty-eight day penalty?' But they really do not rate them consistently.

So, Mr. Speaker, in conclusion, I think I have responded to the extent I would hope that members of the House would wish me or expect me to respond to this. This is a bill to provide for a revised schedule of penalties.

One other thing one of the members mentioned, I think it is the member for Menih ek (Mr. Fenwick), about the matter of transporting explosive or dangerous goods. There is a separate act that deals with the transport of explosive or dangerous goods that we enacted, I think, in the Fall session this year or the Spring session of last year. This relates to regulations made under this particular act itself. The transporting of dangerous or explosive goods are dealt with in a very careful way and a very strict way as a result of the problems that occurred. Particularly it was highlighted as a result of the problems that occurred in the transporting of PCBs and the spillage of them in other parts of Canada. So that is treated very, very seriously and

has a different act. This just relates to regulations under this particular act, where they have been regulated.

I move second reading.

On motion, a bill, "An Act To Amend The Motor Carrier Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

Motion, second reading of a bill, "An Act To Provide For The Implementation In The Province Of The Convention On The Recognition And Enforcement Of Foreign Arbitral Awards And The Model Law On International Commercial Arbitration." (Bill No. 42)

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, again, on behalf of the Minister of Justice who is in her constituency today, I present this bill to the House. In actual fact, Your Honour, you have really explained the nature of the bill itself. It is a bill to implement in the Province a convention on the recognition and enforcement of foreign arbitral awards.

Previously, the enforcement of foreign awards in this Province had been governed by the Arbitration Foreign Awards Act that had been enacted in this Legislation in 1931. That particular act was repealed during the last session of the House in anticipation of this bill being brought before the House. What, in effect, it does, is it implements the international convention with respect to the arbitration of awards. It will provide that the courts in this

Province, when they have an international action within the meaning of the act, shall, at the request of one of the parties, refer it to an arbitration panel which will be constituted under the act. All of the proceedings are there.

It really is a modernization of the enforcement of arbitration awards. It has been adopted by most provinces of Canada and it will enhance the possibility of the carrying out of business where there are international transactions in this Province. I should add that, as with all of these bills, there is a provision here to the effect that it only applies with respect to a reciprocating province or state or country.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, we support the principle of this bill. It is straightforward and a means of seeing that, within Canada, and specifically Newfoundland, the terms of this convention can be implemented. We have no debate on it.

MR. MARSHALL:

I move second reading.

On motion, a bill, "An Act To Provide For The Implementation In The Province Of The Convention On The Recognition And Enforcement Of Foreign Arbitral Awards And The Model Law On International Commercial Arbitration," read a second time, ordered referred to a Committee of the Whole House on

tomorrow. (Bill No. 42)

MR. MARSHALL:
Order 26.

Motion, second reading of a bill,
"An Act To Amend The Matrimonial
Property Act." (Bill No. 47)

MR. MARSHALL:
Mr. Speaker.

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

MR. MARSHALL:
Mr. Speaker, again, on behalf of
the Minister of Justice (Ms
Verge), I present this amendment
to the Matrimonial Property Act to
the House.

In essence, what this bill does is
when the Matrimonial Property Act
was first enacted in the House,
the intention was to confer upon
the matrimonial home a specific
status. It became the joint
property of both spouses at the
time of their marriage. The rest
of the act with respect to the
survivorship rights and the split
of properties was deferred until
either the dissolution of the
marriage or the death of one of
the spouses.

But it conferred a particular
characteristic on the matrimonial
home, and it was intended at the
time that, unless there was an
agreement to the contrary, a
contracting out agreement that
spouses are perfectly competent to
do, to contract out of the
provisions of the act, that each
matrimonial home would be held by
the spouses in joint tenancy.
Joint tenancy meant, in the
specific legal context, that on
the death of one spouse, the
survivor would automatically take

the entire interest in the house.
That was the nature of the
intention when the act was brought
in.

When a case went before the Trial
Division of the Newfoundland
Supreme Court, the judge at the
time rendered a judgement which,
in effect, I think the best way to
explain it, indicated that
one-half interest went to the
surviving spouse, but the other
half interest was retained by the
estate of the deceased spouse.
This caused people to have to
probate the wills of their spouses
in order to get the full title to
the house, and it was not the
intention at all of the act when
the act was brought in.

So what this act says and says
specifically is that,
notwithstanding anything in the
act, the joint tenancy created
with respect to the matrimonial
home by this section confers a
right of survivorship on a
surviving spouse, which was
different from what the judge
ruled, and operates to vest
beneficial ownership in the
matrimonial home on the surviving
spouse without the need for the
probate or the administration of
an estate of a deceased spouse.
It went on to say that "Where the
right of survivorship referred to
in Subsection (5) operates, the
matrimonial home shall not be
subject to division as a
matrimonial asset pursuant to Part
II."

On Subsections (5) and (6), we
have brought this bill in so that
it takes effect from the day of
the coming into force of the act
itself because it really is a
reinforcement of their original
intention. What happened, as
happens very often when there are

judicial decisions, is they interpret the section in a way differently than the Legislature intended. This Act is for the purpose of making clear what the intent was. So, that was the main purpose of the act, Mr. Speaker.

On behalf of the Minister of Justice (Ms Verge) I present it to the House for second reading.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, we support the principle in terms of clarifying that there is no action necessary by a spouse in order to this right vest, that the right vest automatically. We have some reservations about the retroactive provision and the reference to various court cases.

Perhaps the minister, either in cluing up the debate or in Committee, might indicate whether there will be any rights of parties that will be prejudiced by this because we do not consider it appropriate or proper for this House, even though it might be in the guise merely of clarification, we do not consider it proper for rights which have been established in a court decision to be affected by any such modification to the law.

With respect to retroactive legislation, we are not adverse to retroactive legislation which does not take away rights, which is merely for the sake of clarification but, if it would have the affect of modifying the rights of parties which have

already been adjudicated upon and which parties are now operating with respect to, we think that this is a bad precedent. It is an improper use of retroactive legislation. The minister might be able to clarify that.

I would just briefly like to suggest to the minister that while this amendment to the act is good, it does not go far enough. I refer to a matter which has been referred to the Minister of Justice by correspondence from a person, who I will not name - the minister will be familiar - who has an interest and is a practicing lawyer and has an interest in issues relating to women and has been involved with various women's groups in the Province and has made representation to the minister with respect to the problem of dividing other assets on death, in addition to the matrimonial home.

The act allows an application for division of assets to be made by a spouse after death but, unlike the Supreme Court of Nova Scotia, our Supreme Court has interpreted section 19 (1) of our act to mean that both the surviving spouse and the estate of a deceased spouse may make an application for a division. In Nova Scotia, on identical wording, the Supreme Court there has held that only the surviving spouse is entitled to make application.

So let us look at an example. Suppose the wife of a teacher who has a home, a boat, a RRSP and a pension dies, and let us also suppose that the wife has no will. Well, the wife's estate is entitled to divide the husband's assets. Bill 47 now takes care of the matrimonial home, that is this bill that we are dealing with

here. However, the deceased wife's estate is entitled to one half the husband's pension benefits, one half of his RRSP and one half of his boat. Under the laws of intestacy, he will inherit one-third of these but her children will inherit the remaining two-thirds of the wife's intestate assets. Thus, the husband ends up owning one-half, plus one-third of his pension, his RRSP and his boat, while his children own the remaining two-thirds. If the children are over nineteen they can, of course, if they wish, release their interest in their mother's estate. If, however, they are minors, they have no such right and the husband is left trying to find enough cash to satisfy his childrens' interests. He would have to buy out their share of his boat and his RRSP from the Registrar of the Supreme Court or whoever might be the guardian of the children. He can probably sell his boat with no problem but in cashing in his RRSP, he would probably lose a third in unpaid income tax. He would not be able to cash in his pension and, presumably, he would have to raise the money elsewhere with respect to the interest of the children in his pension. One would doubt whether the couple intended that the husband was not to have the full use of his own pension, RRSP and boat, particularly as he continues to be under an obligation to provide for the minor children.

People can, of course, contract out of the act or make wills, either of which will solve the problem. However, it is submitted that the very great majority of persons in Newfoundland do not have wills and certainly do not have contracts under the

Matrimonial Property Act. Consequently, it would seem that the legislation should apply to the great majority of persons leaving those few more sophisticated individuals who have wills or matrimonial contracts to differ from the act if they wish.

In other words, it would seem that the act should be amended to provide that, although a surviving spouse should be entitled to apply under the act for a share of the deceased spouse's estate, the deceased spouse's estate should not be able to divide the surviving spouse's estate. After all, the deceased spouse has no need of the money or the assets and, as we have pointed out earlier, the surviving spouse is still under an obligation to maintain the children. So why should the children be in a position to force a division of the assets at that point in time or the childrens' guardian, more likely, and force the person to sell the boat, cash in the pension and the RRSP?

We could go even further as the provision for a division under the act on death has made drawing up a will quite complicated for anyone who does not wish to leave everything to his or her spouse because the testator must examine which assets are subject to the act and which are not.

There might be no real objection to a surviving spouse dividing the assets of the deceased spouse but, from a will drafting point of view, it would be far simpler if the act did not apply on death at all but only on divorce. If death were removed as a triggering factor for division, the Intestate Succession Act could be amended to provide that the surviving spouse

get half in all cases, regardless of the number of children. This would then replace the present Matrimonial Property Act provisions on death. For those persons who are more sophisticated, they could still contract out of the Matrimonial Property Act and/or do a will.

We had some work done in the Department of Justice and I think there was a committee of practicing lawyers who got together on this. These steps that are now taken in Bill 47 were recommended. This Committee also recommended that the deceased spouse's estate not be entitled to divide the surviving spouse's assets. So, one would wonder why it was that they took some of the recommendations of the Committee but they left out this suggested amendment. It is not the type of amendment that I would want to just slap in as a casual amendment at the Committee stage to try and suggest that the administration adopt, but we would ask the Government House Leader to bring it to the attention of the Minister of Justice. If she is here at Committee stage tomorrow, maybe she would be able to advise, or maybe the minister could advise as to why this other step was not taken and whether there is any intention to go on to this other step. It would seem to make much simpler the drafting of wills and the situation with respect to the surviving spouse, while still meeting the objectives that this Matrimonial Property Act was set out to do.

I have to state, Mr. Speaker, that these notes I read out were not prepared by myself but I agree with them. They were prepared by this interested party who has sat on this committee of practicing

lawyers with the Justice Department committee and, I think, there is a very good case made for improving the operation of the Act, an operation which arises, as was pointed out, because of the interpretation which has been given by our Supreme Court but it is an interpretation which the Supreme Court of Nova Scotia has not followed.

Ultimately, it could be resolved by the Supreme Court of Canada but, first of all, one does not know whether one would get leave to appeal the Supreme Court of Canada and it could be a long and expensive process in any event.

We will support the Bill, Mr. Speaker.

MR. SPEAKER:

If the minister speaks now he will close debate.

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, I can say to the hon. gentleman that, first of all, I will bring this to the attention of the Minister of Justice (Ms Verge). I cannot speak that this is specifically the instance to which she referred but I do know that there are other aspects of the Matrimonial Property Act that she is considering for the purpose of needed amendments.

I believe that that particular incidence is amongst them, although I would not want to state that definitively. You see the problem with this Act is that it is a new Act and it very dramatically changes the civil rights within a marriage. Before you make changes like that, just as the hon. gentleman would be

loath to very quickly bring an amendment into committee itself, it has to be fully assessed. This is what I understand: I know there are other aspects of the Matrimonial Act that are now being assessed and weighed and I would assume this is one of them because certainly the points, as read out in the letter, appear to be well taken and they certainly will be looked at.

In the meantime, there was this stark differentiation involving the intention of the legislation as a result of that particular judicial decision. I can also state that the government is not aware that by making it retroactive it is really going to effect the vested rights of anybody. As a matter of fact, what it really does is improves the rights because there have been many instances where people have had to probate estates in order to convey title and this will avoid the necessity of doing this in a fairly substantial number of cases where it was most unnecessary.

I move second reading. Having said that, I will see the Minister of Justice has knowledge of what the hon. member brought up. I believe she is already seized of it.

On motion, a bill, "An Act To Amend The Matrimonial Property Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 47)

MR. MARSHALL:

Order 27, Bill No. 46.

Motion, second reading of a bill, "An Act To Amend The Portability Of Pensions Act". (Bill No. 46).

MR. SPEAKER (McNicholas):

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, this is somewhat similar to the last bill in that really it is just clarifying an original intent but, fortunately, it is not as complicated as the last bill, or certainly does not have implications for many people.

The Portability of Pensions Act permits the transfer between various government agencies of pensionable service in the various pension plans such as the -

MR. BARRY:

What number is this?

DR. COLLINS:

It is Bill No. 46, the public servants, teachers and so on and so forth. Now, there is a formula for doing that and the formula is that the exporting pension plan transfers twice the employees contributions, together with any interest to the importing plan. If there is a difference there between what the exporting plan is transferring and what the importing plan requires according to the provisions of that plan, then government makes up the difference.

Now, there has been some question raised because before 1967 we did not have a contributory plan and, therefore, a question has been raised. How can you transfer contributions when there were no contributions made? The intent in the original plan was that there would be deemed contributions and that these deemed contributions would be transferred into the pension pool and, along with it, a matching amount from government. Because of this question, this bill now clarifies this issue that

indeed deemed contributions should also be transferred into the plan and government should contribute an amount, not only an amount that was paid into a plan matching payments actually made by the employee but, an amount that was equal to any deemed contributions by the employee.

The final part of this act just clarifies more precisely what is a surplus and what is a deficit, if there are differences between what an exporting plan is transferring and what an importing plan is requiring.

Finally, because it is getting back to the original act, it is made retroactive and I do not think there will be any implications anywhere else. It is made retroactive to May 31, 1983 when the Portability of Pensions Act was enacted.

I move second reading.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Again, Mr. Speaker, the retroactive legislation always raises hackles on this side of the House because of our past experience but, again, it is retroactive legislation to confirm benefits rather than take away benefits and we would recognize that there is a distinction, although nobody likes it. If I understand the minister correctly, this is not going to prejudice anybody, it is going to improve their position.

DR. COLLINS:

Really it will approve what we have been doing, and it only affects the pension pool, the pool of funds anyway. It does not have any effect on the employers or the pensioners.

MR. BARRY:

There are two points that I would like to make. First, we have no objection with this legislation in principle but the member for Gander (Mr. Baker) has reminded me of this actuarial study which was carried out, we understand, by the Provincial Department of Finance sometime ago, which has not yet been released. We understand the study has been received.

We hear that the reason this study has not been released is because of the significant adverse impact it might have on the credit rating of the Province in that, right now, it would seem that the Province's liability under its pension plan is considerably understated in the Province's budget. Our information is that it could be understated by as much as \$3 billion. I do not know if the minister might care to comment. I have to say this is just secondhand information that I have. I do not have the direct information which the minister would have but perhaps it is an appropriate time for the minister just to say where do we stand with respect to the provincial government's liabilities or potential liabilities under our provincial pension plan or plans.

The second point that I would want to make is with respect to homemakers' pensions. We understand that there have been discussions between the provinces and the Government of Canada -

MR. J. CARTER:

That is irresponsible (inaudible.)

MR. BARRY:

Yes, the dinosaur from St. John's North has come up with another progressive position on issues relating to women. "It would be irresponsible," he says, "to recognize that the homemaker should be entitled to some recognition."

MR. J. CARTER:

How can you (inaudible) to begin with?

MR. BARRY:

Well, believe me it can be done and it has been done, I understand, in some provinces.

But I would like to ask the minister when he stands in this debate and if he would confirm whether in fact this Province is one of, I think, only two provinces that has withheld agreement from the other provinces and the Government of Canada to put together a uniform approach to homemakers' pensions.

That information was carried not too long ago in a published report. I forget where I saw it but it seems to me that we need a clear statement with respect to the Province's position on this issue of homemakers' pensions because we have had a lot of rhetoric with respect to the administration's position on womens' rights and improving the lot of women in society. However, we have seen very little in the way of action to actually translate that rhetoric into something that will be of real benefit to the women of Newfoundland and Labrador.

I would like to know, is the Province committed to the concept

of seeing that the homemaker, the woman who stays at home and looks after children, promotes the husband's career by entertaining in various ways, sends him on his way with the ability to be relieved completely of all the worries and concerns that relate to domestic matters around the House and then, in the event of a breakup of the marriage, there is no entitlement on the part of that person as of right to a clear - it gets complicated - we cannot say there is no entitlement automatically to a share in the pension because in certain cases there is.

It is very ambiguous the way it will be approached now in terms of the courts deciding whether or not the wife should have a share in the pension, whereas if there was a clear position taken with respect to the homemaker being entitled to earn eligibility for pensionable purposes as of age sixty-five or whenever, age sixty, there would be some alleviation of the insecure position that the woman homemaker finds herself in at the present time. I am not going to go into it. It is a long and complicated process in terms of working out how this should be done but it can be done, it has been extensively looked at and has received support from most provinces of Canada, as I understand. I believe the the Government of Canada has expressed support for it as well. I would like to know from the minister where does the Province stand and are we going to start translating rhetoric into action. Is this administration going to actually start doing things to improve the lot of women with respect to homemaker's pensions?

MR. SPEAKER (McNicholas):

If the minister speaks now he will close the debate.

DR. COLLINS:
Mr. Speaker.

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

DR. COLLINS:
Mr. Speaker, I understand there is no problem with this bill. In regard to the actuarial report, yes, these have been completed. I might say that I do not think any government in Canada and probably few governments if any in the world have a fully funded pension plan for their employees. The fact that there is an unfunded liability is certainly not unique to this Province.

There was an actuarial report done a number of years ago and a more recent one, as would be expected, has thrown up a larger amount that is unfunded. This is a very complicated area and it is being subjected to a study, this actuarial report, by a series of officials who have been formed into a committee. They are consulting particularly with the groups that will be affected by any changes to the pension plans that may seem to be desirable as a result of this actuarial report. So, that is the reason why the actuarial report has not been released as yet. There would be little served, I think, just to release the report, because it is a very complicated and very involved or complex type of situation, without a statement of what the report means in actual fact and what the implications are in terms of any adjustments to the various pension plans. So, the intention of government is to await getting a clear view from the committee and from the

consultations we are carrying out before we actually think that it would be desirable and in the public interest to release the plan and, of course, with the plan, we will release our government's attitude towards it.

On the other matter, it is really not in the public pension plan area as such, it is more in the pension benefits situation, that is pensions for homemakers. Our general approach in our discussions with the federal government on pension benefits is that the Canada Pension Plan first needs to be dealt with.

In other words, the Canada Pension Plan itself, on which many working people rely in a not too inconsiderable extent, even if they have pensions from their employment, still, the Canada Pension Plan is important to them. That plan is under some financial strain and there has to be something done or, in the very near future, it will be in real difficulties.

Our approach has been that that urgent issue must be handled first and it will require the concurrence of all orders of government to handle it properly. We are working towards that end and I think we will achieve that end. That matter has to be dealt with first before we got into extensions that might put loads on individuals and on employers because, undoubtedly, improvements or rectifications to the Canada Pension Plan is going to cost a considerable amount gradually, over time, to individuals and to employers. We want to get that clarified before we bring in the pension benefits that would add another unknown amount.

It is not that we are against looking at these things but we feel that they have to be carried out in a proper order, especially in a province such as this, where the business sector of our community has limited means, compared to other provinces, available to it and, of course, also do governments, and governments, likely, would have some increased expenditure requirements if there were added benefits such as homemaker's pensions and so on and so forth. It is not an area that is being neglected; it is being looked at, but first things first, that is our approach. I move second reading.

MR. BARRY:

The minister is saying women second and other things first.

DR. COLLINS:

No, everyone first.

On motion, a bill, "An Act To Amend the Portability Of Pensions Act", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 46).

DR. COLLINS:

Order 28, Bill No. 41.

Motion, second reading of a bill, "An Act To Amend The City Of St. John's (Loan) Act, 1978". (Bill No. 41).

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. DOYLE:

Mr. Speaker, I do not believe there is a lot of explanation required with this bill. It was the policy of the government to set out the City of St. John's

(Loan) Act in 1978 to limit the amount of borrowings by the city through the sale of bonds to a specified amount. Now, the city came to us, in 1981 I believe, and had the amount of \$10 million increased upwards to \$20 million. It went from \$20 million up to \$30 million, that the city may borrow through the sale of bonds. That procedure has been an unnecessary one, really, for the city, and it has necessitated requests for an amendment to the legislation every time the city wishes to increase that amount. Right now what the bill says is, 'The council may borrow upon the credit of the city, by the issue and sale of bonds, such amounts as may from time to time be approved by the Lieutenant-Governor in Council.' Instead of having to come to the Legislature to increase that amount each time, now it will be done just by an Order-in-Council, which the city ultimately has to do anyway.

MR. HISCOCK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Eagle River:

MR. HISCOCK:

Mr. Speaker, we, the Opposition, question giving the city the authority to go out and borrow on the credit of the city amounts of up to \$30 million. Up to now, each time they needed to raise money they have to come to the Legislature and new legislation had to be passed. With the passing of this bill, authority will be given to the Lieutenant-Governor in Council, to Cabinet. Once this bill becomes law, will the Minister of Municipal Affairs (Mr. Doyle), or the Premier, notify the House when the

Lieutenant-Governor in Council has granted permission for the amount to be raised from, say, \$30 million up to \$35 million or \$40 million?

MR. BARRY:

Otherwise we might miss it in the *Newfoundland Gazette*.

MR. HISCOCK:

Also, the taxpayers of the city have a right to know that the city is borrowing more money. For example, earlier on, every time gasoline went up in this Province we had to pass a law raising it by one or two cents a litre. Later, the Province brought in legislation which tied it to a percentage of any increase brought in by the companies and the federal government. That move took pressure off the provincial government and it was another way of raising money without getting the people of the Province upset. So I hope the minister will let members of the House of Assembly and the general public know any time an Order in Council is given for this purpose by announcing it in the House.

May I point out, Mr. Speaker, that since you became Speaker there has been a great improvement in decorum in this House. We have also seen improvements in the overall operation of the House. One of the things I want to point out is the fact that some people who come to the Assembly want to listen to the debates but cannot listen because they have a hearing disability, for example, the Minister of Health, the Deputy Speaker, the member for St. John's East Extern, and the member for Gander.

MR. SIMMONS:

'Bill Patterson'.

MR. HISCOCK:

And the member for Placentia West. So we have four members out of the fifty-two who have a hearing disability, and there may be others. A lot of people would like to come to the Assembly but do not because of interference with their hearing aids and the noise.

The Arts and Culture Centre has set up an FM system, and the LSPU hall is thinking about doing it, as well as other public buildings. As I am speaking, there is a representative from the Newfoundland Hearing Society in the gallery and no matter what we are saying, it is all muffled, he cannot understand a lot of it. I hope the Speaker will take it upon himself to look into the possibility of providing this House with such a system, an FM system like they have at the Arts and Culture Centre. It is not expensive, and it provides a great service for people who have hearing disabilities, such as the the Minister of Health.

With our system members, themselves, who have a hearing disability make out alright with a hearing aid, but people who sit in the galleries, and people listening in in the different departments lack clarity. Hopefully, Mr. Speaker, you will look at the idea of having an FM system installed that will cut down on the noise and allow greater clarity for people with hearing aids. It is not going to increase their hearing, but it will cut down on static and cut down on other interference.

We have, as I said, four members in this Assembly who have hearing disabilities. I do not know what percentage out of fifty-two that

would be, but it points out that the general population -

MR. SIMMONS:

Seven point nine per cent.

MR. HISCOCK:

Seven point nine per cent of the people here having a hearing disability.

I do not know what the average is for the Province. We are spending a lot on the school for the deaf and I would ask the Speaker to look at the possibility of having the House of Assembly set up with an FM system, as they have at the Arts and Culture Centre, for when we come back in the Fall. I would also ask other ministers to look at Arts and Culture Centres in other parts of the Province, and other public buildings, so that we can make life a bit more bearable for people who have hearing disabilities. In conclusion, with regard to "An Act To Amend The City of St. John's (Loan) Act, 1978," as I said, my only regret is that members of the general public with hearing disabilities who want to come here and listen to laws being passed, not only this afternoon but at other times as well, cannot do so because they cannot hear what is going on because of the noise and the static. I think that a couple of thousand dollars would provide this great service to the proportion of our population who find themselves with a hearing disability.

Thank you, Mr. Speaker.

MR. SPEAKER:

The hon. the member for Gander.

MR. BAKER:

Just a few very brief comments, Mr. Speaker. First of all, I

would like to support my colleague concerning the FM system in the House of Assembly. I know of the difficulties I have had here. For instance, with the system that is built in here now, if I plug in one of the devices that the member for Burin - Placentia West (Mr. Tobin) has in now, it is no good to me at all. It seems to me there is something wrong with the system when somebody who has a hearing disability cannot even use the system that is built in. I would also like to add, Mr. Speaker, that although I have a hearing disability, it gives me a very distinct advantage over a lot of the members opposite. Because when I reach up and take this device out of my ear, the blessed silence, when members opposite are speaking, is very welcome.

With regard to the City of St. John's Act, the proposed Bill, I suppose is, in one sense, a small matter, however, I always dislike seeing the situation where a power or control is taken from the House and given to the Cabinet. That kind of rankles a little bit, when we take the power away from the House of Assembly. Mr. Speaker, it is very easy to get a bill through this House of Assembly. If it is at all sensible and reasonable, it can be put through quickly. Almost in the blink of an eye the thing can be put through. It is not a tremendous burden on the Minister of Municipal Affairs (Mr. Doyle) to simply put a bill through the House, however, I really detest it, Mr. Speaker, when this is passed over to Orders in Council and all of a sudden all of these things can be done by the minister and his friends without us ever knowing about it. I am not suggesting that the minister and his friends are going to do

anything that is either bit crooked or anything like that, Mr. Speaker, not at all, all I am pointing out is that it is another instance of a power being taken from this Assembly and put in the hands of a few. We have seen, in the past, instances where the few have done things that should have come through the House of Assembly, but was done behind closed doors, by the flourish of a pen. As I say, Mr. Speaker, this is not a very earth-shaking Bill by any means. The world will still carry on tomorrow if the minister gets this bill passed, but I would simply like to point out what I consider to be that one flaw, that we are taking something else out of the hands of the Assembly and putting it in the hands of a few.

MR. DOYLE:
Mr. Speaker.

MR. SPEAKER:
If the minister speaks now, he will close debate.

The hon. the Minister of Municipal Affairs.

MR. DOYLE:
Mr. Speaker, the hon. member is quite right. This is not any kind of earth-shattering piece of legislation. It is more a matter of convenience for the city of St. John's than anything else. It is a more expeditious and practical arrangement, I guess, for the city to be able to borrow such amounts as, from time to time, might be approved by the Lieutenant-Governor in Council instead of having to go the route of coming back to the Legislature. I do not think it is of any great consequence or importance to continually inform the House of Assembly, the

Legislature, of what the city is borrowing. The city does not borrow very often beyond its capability to repay, so I think the city has to be trusted to that extent, that they do have the business capability in place to allow it to borrow on the bond market what it needs to run the city of St. John's.

The remarks are well noted, Mr. Speaker, and with that I move second reading.

MR. OTTENHEIMER:
It is public knowledge, anyway.

MR. DOYLE:
It is public knowledge, I might say.

On motion, a bill, "An Act To Amend The City of St. John's (Loan) Act, 1978," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 41)

Motion, second reading of a bill, "An Act To Amend The Registration Of Deeds Act." (Bill No. 44)

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

MR. MARSHALL:
Mr. Speaker, this is a bill that is consequential on the budget that I introduce on behalf of the Minister of Justice, because it merely increases the fees charged for the registration of deeds. As I say, it is a measure that had been announced in the budget and I move second reading.

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

MR. BARRY:

Mr. Speaker, the Government House Leader did that very, very well. If one was not staying on the ball at all times, the minister would have had this bill slip through in the dying hours of this afternoon's sitting, eleven minutes to six.

Mr. Speaker, the member for St. Barbe (Mr. Furey) issued a press release a couple of days ago, our consumer spokesperson, setting out what is really happening here. This is an unbelievable gouge on the consumers of new homes in this Province. I do not know how you consume a new home, but I suppose you can call them that. I am amazed that the Minister of Corporate Affairs has not been chasing the Minister of Justice and the Minister of Finance around the Cabinet table to try and throttle them rather than let them bring in such atrocious legislation. Where is the minister? Where is the protection that the new home buyers need? Does the minister not know that this is a 25 per cent increase in the registration fee? It is now going from thirty cents per \$100 to forty cents per \$100.

As a matter of fact, I just threw away a notice that the Registrar of Deeds has sent out to all practicing lawyers. "Please be advised that a proposal is before the House of Assembly which, if passed, will have the effect of increasing the fees required -

MR. WARREN:
Are you a lawyer?

MR. BARRY:
What happened here? Is there a small animal loose in the House or something? What happened there?

MR. SPEAKER:

Order, please!

MR. BARRY:
Do we have an FM system already? Is it tuned in to the cartoons? Do they have cartoons on the radio now?

MR. TULK:
Yes, but they do not handle that language.

MR. MORGAN:
They are heard on CBC radio every day, in the morning.

MR. SPEAKER:
Order, please!

MR. BARRY:
The registrar has written, "Please be advised that a proposal is before the House of Assembly which, if passed, will have the effect of increasing the fees required to register documents in the Registry of Deeds. The increase will be from thirty cents per \$100 to forty cents per \$100." Actually it is more. What am I saying? It is thirty-three and third. "All other fees under the act will remain the same and come into effect on July 1, 1986 if enacted."

Well, Mr. Speaker, although we are not going to debate this for a long time, we are going to fight this hammer and tongs, tooth and nail. This is an atrocious attempt by the Minister of Finance (Dr. Collins) to take advantage of the fact that residential construction is up this year. It is up too much. We are overheating the economy. There are too many new homes being built, we are going to overheat the economy, so we are going to drive up registration fees by one third. The Minister of Finance sees his chance now to get a few

pounds of flesh over one part of the economy. He has already gotten them by taking the tax off building materials. But they are not quite dead, they are not quite dead on the ground, so he is trying to put a stake through their heart now with this increase in registration fees. Do not blame it on the Minister of Justice (Ms Verge), we know where this sinister influence has come from.

MR. MARSHALL:

It was contained in the minister's budget.

MR. BARRY:

That is right. The Government House Leader admitted it. It was contained in the budget, Mr. Speaker. The Minister of Finance is the sinister influence behind this bill because he sees another way of getting at the people in this Province who are trying to put a roof over their heads. Young men and women who have been saving their hard earned dollars for years may have to wait another year.

AN HON. MEMBER:

Okay, we will (Inaudible).

MR. BARRY:

Okay. You will withdraw it?

Mr. Speaker, seriously it is another example of this administration, in the guise of not having any tax increases, socking it to the people of this Province, through the backdoor, taking the money out of the pockets of the people of this Province by these hidden and deceitful ways. I do not know if deceitful is parliamentary, so I will change that, Mr. Speaker, to dastardly. It is a savage, savage attack on those new home owners,

many of whom have, for years, been trying to put enough money together just to pay the down payment and their legal fees, and now the minister has put all their carefully laid plans out the window by this atrocious increase in registration fees. The minister should be ashamed of himself and we are going to vote against this bill.

MR. SPEAKER:

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

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Mr. Speaker, all taxes are atrocious and our aim is not to increase taxes but to reduce them, indeed, Mr. Speaker, to abolish them in total. This particular tax, or this particular change, is the first one that has been brought in for a number of years and it is only being brought in because of the financial constraints the Province finds itself in.

MR. BARRY:

It is (inaudible).

MR. MARSHALL:

Yes, but it has been brought in in support of that tremendous budget that the Minister of Finance (Dr. Collins) brought in, that is still before the House and hopefully we will vote on soon. I move second reading.

On motion, a bill, "An Act To Amend The Registration Of Deeds Act", read a second time, ordered referred to a Committee of the

Whole House on tomorrow.

Motion, second reading of a bill, "An Act To Amend The Local School Tax Act." (bill No. 43).

MR. SPEAKER:

The hon. the Minister of Education.

MR. HEARN:

Mr. Speaker, this is a bill to correct a couple of anomalies in the School Tax Act. Basically, it was discovered that orders covering the number of school tax authorities established prior to January 1979 were not filed with the Office of the Legislative Counsel on or before December 31, 1978, and consequently are not registered under the Statutes and Subordinate Legislation Act.

Furthermore, revised boundary descriptions for a number of other tax authorities were Gazetted in 1984 without publishing the required two months notice in newspapers - they were published in the Gazette - in affected areas. The boundaries were small, were minimal changes and it was not thought, apparently, at that time that it would affect the School Tax boundaries. However, it has been suggested that these should be cleared with legislation and consequently the bill.

MR. BAKER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Gander.

MR. BAKER:

Thank you, Mr. Speaker. We have all been looking forward with bated breath to this particular act. It was brought in in the last session of the House under something else. It was a small section of another bill, it never

did reach fruition, we never discussed it at all, and it seemed as if it was going to just die a natural death. However, the Minister of Education (Mr. Hearn) has brought it in again under another guise, separated it from the other bill it was with, which we have already dealt with, and now it stands on its own as Bill No. 43, "An Act To Amend The Local School Tax Act."

Now, Mr. Speaker, I cannot let this go by without making a few comments about school taxes and about school tax authorities. I would like to point out to the House, Mr. Speaker, that this is a situation that, number one, need not have existed; number two, has existed since December 31, 1978, where certain school tax authorities that were in existence before that date all of a sudden were required to go through a procedure they did not go through and, on January 1, 1979, these sixteen school tax authorities were really no longer legal in the Province.

Now, had people known about this, of course, it could have created an awful lot of confusion, and people did not know about it simply because the government did not know about it. I am assuming that there was nobody over there who had the intuition or the interest or the intelligence or whatever to actually discover that our school tax authorities up to that point had no basis for existence in law, it seems to me.

AN HON. MEMBER:

Are you a lawyer?

MR. BAKER:

I am not a lawyer, Mr. Speaker, I am simply going by what has appeared in the Auditor General's

report and conversations that I have had since that time.

So we are into the situation where the school tax authorities have not been legal since January 1, 1979. There are five school tax authorities, Mr. Speaker, that came into existence after that and they are perfectly legal.

I have a problem with school tax authorities, Mr. Speaker. First of all, they are unfair, totally unfair.

MR. MARSHALL:

Do you want to adjourn the debate? It is six o'clock.

MR. BAKER:

Yes, in a few seconds.

They are totally unfair, Mr. Speaker. They are administered unequally and they put an added burden on the taxpayers of this Province.

It being 6:00 p.m., Mr. Speaker, I move adjournment of the debate and will continue tomorrow.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

Before we adjourn, Mr. Speaker, I want to advise members opposite - I think they already know - that tomorrow we will be going on motions and will go down through the motions in the same order as we are going down through the orders, so we will begin, after this bill is through, with the Budget Debate.

I move that that the House at its

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

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