



Province of Newfoundland

FORTIETH GENERAL ASSEMBLY
OF
NEWFOUNDLAND

Volume XL

First Session

Number 74

VERBATIM REPORT
(Hansard)

Speaker: Honourable Patrick McNicholas

Thursday

5 December 1985

The House met at 3:00 p.m.

MR. SPEAKER (McNicholas):

Order, please!

Statements by Ministers

MR. DINN:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Mines and Energy.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

I am pleased to inform the House that mineral exploration in the Province is continuing at a very high level and, more specifically, I want to provide an update on the activities of BP-Selco which is now the largest mineral rights holder in the Province.

As a result of its purchase of the Abitibi Price holdings this year at a cost of approximately \$5 million, BP-Selco now holds some 2,460 square miles of prospective land, some of it having very high mineral potential. Further, the company has spent some \$10 million mainly on the Chetwynd property in South Western Newfoundland in an effort to bring to the production stage a gold property there. I am pleased to note that although considerable work remains to be done at Chetwynd, a decision on whether or not to establish a gold mine will be made around the middle of 1986.

I believe that Selco's recognition of the opportunities available in the field of mineral resources here is an indication of the level of activity we can expect over the

next several years. It is our government's intention to continue to foster a high level of activity through supportive programmes and to maintain an overall favourable environment.

Because Selco's ambitious exploration activities extend over a large area in Western Newfoundland, and mine development could be added to its involvement, the company has been examining those centres best located from the point of view of administering and conducting its activities in the most efficient and effective manner.

To that extent the company has named a number of communities which will be the principal centres to serve its operations. Corner Brook will be the administrative headquarters for the various activities and, in the event that Chetwynd becomes a gold producer, Port aux Basques is expected to be the main transshipment point for the development. In the event of actual mine development it is expected that further benefits will accrue to that region of the Province.

With growing interest, not only in precious metals such as gold, but also in industrial minerals such as limestone, dolomite and aggregates, the West Coast is favourably endowed to benefit from new developments.

I would hope that BP-Selco's growing presence is a precursor of exciting things in store for not only Western Newfoundland, in particular, but also for the whole Province.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:
Hear, hear!

MR. FLIGHT:
Mr. Speaker.

MR. SPEAKER:
The hon. member for
Windsor-Buchans.

SOME HON. MEMBERS:
Hear, hear!

MR. FLIGHT:
Mr. Speaker, we welcome the updating from BP-Selco and we wish BP-SELCO the very best. We are watching the Chetwynd exploration with great interest and we hope, of course, that BP-Selco brings the Chetwynd deposit into a productive mine and that all the areas of the Province will benefit, including the ones named by the minister in his statement.

Of course, he will remember his and the Premier's commitment to the displaced miners in Buchans with regard to a gold mine being brought into production at Chetwynd. But, Mr. Speaker, there is something that bothers me very much about BP-Selco and bothers the people of Buchans and Central Newfoundland.

BP-Selco bought out the Abitibi Price mineral rights in this Province. The center of those mineral rights was Buchans, which experienced fifty years of non-stop production. Buchans was considered by many in this Province as the center of the mining industry.

BP-Selco have just done what I consider to be a very callous and insensitive thing. Without having the courtesy to tell the town council that they intended to shut down their operation in Buchans,

they have just indicated they intend to move their staff and their employees to Pasadena. We were hoping for a good corporate relationship with BP-Selco and it makes no sense for BP-Selco to move its operation out off the town of Buchans, the town that sustained the mining operations of Abitibi Price for fifty years. The miners are there. Their staff was there and their offices were there. It was an insensitive, callous thing to do.

You can imagine the devastating effect it had on the town of Buchans because Buchans was looking to BP-Selco. They believed that if there were any hope for a future it would be based on the mining possibilities at Buchans. As the minister has so often alluded, there is all kinds of mineralization and there is all kinds of low grade ore there.

BP-Selco did nothing to enhance their image as a company by callously shutting down their operation in Buchans and moving it to Pasadena. Mr. Speaker, BP-Selco has been made aware of that fact. It is worthy for all of Newfoundland to note BP's attitude in that particular situation.

SOME HON. MEMBERS:
Hear, hear!

MR. RIDEOUT:
Mr. Speaker.

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

MR. RIDEOUT:
Mr. Speaker, the First Ministers' Conference held in Halifax last week was, I feel, very significant from a fisheries perspective. At

those meetings, fisheries was a major agenda item, and, needless to say, a national forum such as this provides an excellent opportunity to outline major concerns as well as future strategy for the fishing industry in Canada.

The idea for a discussion on fisheries and agriculture came out of this year's annual Premiers' Conference, held in St. John's. At that time there was considerable discussion about the problems and opportunities in both sectors of primary food production, so much so, in fact, that fisheries and agriculture dominated a large part of the discussion at this Conference. The resulting communiqué on fisheries and agriculture indicated a high level of concern amount the Premiers about the serious problems which plague two of Canada's largest primary renewable resource sectors.

Mr. Speaker, once fisheries and agriculture was confirmed as an agenda item for the First Ministers' Conference, this Province took the lead in developing an overview of the Canadian Fishery with obvious emphasis on our provincial situation. I am pleased today to be able to report to this House on the proceedings at the First Ministers' Conference, especially on a proposed course of action and issues that will be dealt with in the future.

Making a presentation to the First Ministers gave us an excellent opportunity to make all of Canada aware of the importance of the fishery to the Newfoundland economy. For example, Mr. Speaker, it accounts for over 30 per cent of our goods' producing

sector, and provides employment at peak production for over 30,000 people, more than 20 per cent of our labour force. Also, it is the only source of employment for thousands of people not only in Newfoundland, but in parts of Quebec, the Maritimes and British Columbia. From a national perspective, it is important to remember that Canada is the world's largest exporter of fish products, and we have not yet reached our full potential. Fish products account for 1.4 per cent of Canada's exports, and Newfoundland accounts for 24 per cent of the total fish exports from Canada.

Mr. Speaker, the First Ministers' Conference also provided an excellent opportunity to highlight the problems in the fishery sector during 1985. While the offshore sector performed reasonably well, the inshore fishery experienced one of its worst years in nearly a decade. The resulting decline in landings and earnings by both fishermen and plant workers demonstrates very clearly the need for a national, long-term approach to dealing with catch failures in the fishery. Our fishing industry, particularly the inshore fishery, is very delicately linked to climatic conditions, and such things as ice and cold water temperatures can spell disaster, as was the case this year. So, Mr. Speaker, although the fact is not as well known, the fishing industry is affected by the vagaries of nature in the same way that the agricultural industry is affected.

Although we are very pleased with the federal government's participation in a short-term job creation programme to assist fishermen affected by this year's

failure, we have to realize that the unemployment insurance programme cannot meet the needs of those fishermen who, for reasons beyond their control, experience a disastrous fishery in any given year.

In the longer term, Mr. Speaker, what would be more effective, and therefore more desirable for the fishing sector, would be some form of catch insurance or income stabilization programme. For this reason, then, I believe we should explore the possibilities of a programme which, given time, would be self-supporting. The rural economy of Newfoundland depends just as strongly on the local fish plant and individual fishermen as rural economies in other areas depend on agriculture and the family farm. Drought and grasshoppers, ice and cold water; all are natural phenomena, and all have a similar impact. Whether the victim be a fishermen or a farmer, the result is still the same: unemployment, loss of income, and deprivation. Since this problem is as serious in agriculture as it is in fisheries, hopefully, we can move collectively towards some system of catch insurance or income stabilization, and the earlier, the better.

Apart from the problem of income stabilization, there are other areas that demand our immediate attention. One is a comprehensive quality assurance programme for the fishing sector. Another is the serious problem relating to foreign overfishing on the Nose and Tail of the Grand Banks. Finally, an appropriate strategy for the export marketing of fish products needs to be fully developed.

In the area of fish quality assurance, there is full recognition of the need for comprehensive quality standards for Canadian fish products. While progress has been made in this regard, national and international consumers must eventually be assured of our consistently superior fish quality, since there is no designation of Canadian quality standards at present. In anticipation of increased demands for guaranteed quality in a competitive market, the Province of Newfoundland and Labrador is proposing that Canada implement its dockside and final product grading system immediately. The First Ministers' Conference provided us with the opportunity to again remind the Government of Canada as well as the general public that we can produce top quality products regardless of the technology used to harvest, handle or process the raw material.

Mr. Speaker, another major item relating to the fishery that was dealt with at the Halifax Conference was resource management, and especially Canadian sovereignty. We are all aware that sovereignty over our resources is critical, just as we are aware that Canada's ineffective and partial sovereignty over fish resources on the Atlantic Continental Shelf is creating major problems for the industry in this country. No one needs to be reminded of the 1985 effort by certain countries in harvesting beyond their quota limits for such species as Northern cod. Again we stress the absolute need to have the 200 mile zone further extended to include the whole of the Continental Shelf. I might add also, Mr. Speaker, that this is in line with an 1980 recommendation by the

Economic Council of Canada in their study entitled Newfoundland, From Dependency To Self-Reliance.

Mr. Speaker, the final item presented by the Newfoundland Government relates to jurisdiction. The basis for this presentation was again the Premier's Conference of last August. At that time, the communiqué, issued at the closing of the Conference, suggested that as in agriculture, it is important that provinces, as managers of their economies, have a greater jurisdictional presence in the management of the fishery resource. As this House can appreciate, provinces simply cannot undertake long-term economic and social planning without more control over the harvesting sector of the fishery. The rationale for this position is sound: It is based on the fundamental principle of resource management that those living nearest the resource are the principal beneficiaries of that resource. Moreover, Mr. Speaker, it is sound economics. We were encouraged to note that the provinces generally support this position, and at least one province pressed vigorously for provincial quotas.

At the end of the First Ministers' Conference, Mr. Speaker, there was a concensus agreement on the major fisheries issues, which require immediate attention. These issues are again: Income stability; further development of our trade opportunities; implementation of a comprehensive quality assurance programme; further development of recreational fisheries; aquaculture; and the further processing of fish products within Canada.

It was encouraging to note as well, that the Prime Minister requested a follow-up status report on fisheries activities within six months. In light of this, I have already suggested to my federal counterpart, the Hon. Tom Siddon, that the Atlantic ministers discuss this at our meeting scheduled for Ottawa on December 10.

Finally, Mr. Speaker, I would like to suggest that we have created a very real national awareness of some key fisheries issues, and we are hopeful that concrete action will be taken on a collective basis in the near future.

MR. TULK:

Mr. Speaker.

MR. SPEAKER (McNicholas):

Order, please!

Before recognizing the hon. the member for Fogo, I would like to welcome to the Speaker's Gallery Mr. Joseph Kruger, President, and officials of Kruger Incorporated.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, we, on this side of the House, welcome the attempt by the minister to give us some information, or, at least, the perceived attempt by the minister to give us some information as to what is happening between the provincial and the federal governments, and particularly what happend at the First Ministers' Conference, which was held in Halifax last week.

He points out to us in his first

paragraph that fisheries was a major item on the agenda. We say to him that, indeed, that should very well be the case.

He also goes on to point out to us that they made all of Canada aware of the importance of the fishery to the Newfoundland economy. I would suggest to him that unless we are going to see some different action on behalf of his federal colleagues, that it is high time we stopped having the love affairs we have seen in Halifax and in Ottawa, and other places in this country, between various Tory ministers and the Tory Prime Minister, and took some real action in regard to the fishery, rather than just paying lip service to it.

Let me point out a number of areas, Mr. Speaker, where the minister has failed and has just tried to gloss over something. It is a good PR job that he is trying to do today, and I suppose that is part of his job, but he points out to us, Mr. Speaker, "the resulting decline in landings and earnings but both fishermen and plant workers demonstrates very clearly the need for a national, long-term approach for dealing with catch failures in the fishery."

Mr. Speaker, there is absolutely nothing new in that. That is nothing new that the federal minister has not been aware of, and the Prime Minister has not been aware of, and indeed governments before them have not been aware of for some time passed. But if this year's lack of action that we have seen by this government and the federal government is any indication of what we are going to see happen in the Newfoundland fishery, then I would suggest to him that the

stabilization plans and so on that he is talking about, is about as far away from the fishermen of this Province as I am today from the moon.

Mr. Speaker, he mentions the fact that the fishing industry should be on the same par in Canada as the agricultural industry. Well, Mr. Speaker, there is obviously nothing in this world that is further from the truth than to say that it is. Now the minister has not said that it is, but it is very obvious in this country it is not.

For example, if you have a failure in the agricultural industry, then immediately the federal government and provincial governments in those Provinces will rush in with all sorts of help for the farmers and so on. In the meantime, in Newfoundland we have this year seen a total disaster in the inshore fishery. We have seen that happening since June or July, and in spite of the protestations of the Minister of manpower, labor, Career Development and Advanced Studies (Mr. Power) or whatever else he does over there, we still see that those people are still today not working and that they probably will not be working for some time to come.

Mr. Speaker, let me ask him about the unemployment insurance programme. Let us ask the minister to give us some real details. We have passed in this House unanimously a resolution asking that the discrimination in the unemployment insurance programme regarding fishermen be done away with. The minister makes the point that we have to realize that the unemployment insurance programme cannot meet the needs of fishermen. I agree,

great stuff! But what has happened to that commitment?

I have to remind the Premier of this again. The Premier and that minister, and every minister and every member over there went around this Province last year and said, "Give us a majority now that we have a Tory Government in Ottawa, a PC Government in Ottawa," let me be kind to him today, "a PC Government in Ottawa and we will solve the problems."

The member for Torngat Mountains (Mr. Warren) in his usual showy or snuggles fashion, when you are not even buying snuggles in Canada, had a resolution passed in this House on unemployment insurance which was unanimously supported, unanimously passed, that the discrimination be done away with. We in our report this year did the same thing with unemployment insurance programmes and suggested that the discrimination be done away with. Again we see the minister today presenting us with another little platitude that he informed the federal minister and the Prime Minister, and of course the Premier was up doing the same thing, that he informed them of all those things, but what commitments did he get?

MR. REID:

What about the factory freezer issue?

MR. SPEAKER:

Order, please!

MR. TULK:

Give him a truck, give him a dinkie, Mr. Speaker, and keep him quiet. What commitments did he get from the federal minister and from the Prime Minister that those discriminations would be done away with? Let me ask him about

foreign overfishing. It was brought up in this House last year. We saw them in Ottawa looking good. The Premier made an attempt to be a fighter again. But what is happening? Let us ask the minister to come in with some real concrete Ministerial Statements to tell us what is happening, to prevent the West Germans or whoever from overfishing again this year. What is happening? Is there anything or are we just going to get more of the same as what we have here?

He talks about dockside grading. I want to tell him that that was a programme implemented by a former Liberal government and was supposed to be in full swing by 1986. Have the Tories now put that on the shelf as well? Mr. Speaker, let me ask him all those questions.

Mr. Speaker, consensus agreement, he says here, on a number of issues. I want to tell the minister that, while the Prime Minister may wish to carry on with holding himself and his Tory buddies, his Tory Premiers, up in front of the Canadian people as agreeing and loving each other and making us believe, through the public media, that consensus agreement is there, that is still not good enough.

Let me ask him about NFDC, the Northern Fisheries Development Corporation.

MR. TOBIN:

(Inaudible) factory freezer trawlers in Newfoundland.

MR. SPEAKER:

Order, please!

MR. FLIGHT:

Listen to the gofer.

MR. TULK:
G-o-f-e-r.

MR. TOBIN:
Explain that one.

MR. SPEAKER:
Order, please!

MR. TULK:
Mr. Speaker, NFDC was originally proposed by the Kirby Task Force. It was put in the restructuring agreement. Are his Tory buddies about to break yet another clause, Clause 15 in this case, in that restructuring agreement? Are we going to see an NFDC put in place from a government who are out trying to sell every Crown corporation that they can sell in this country? Is that what is happening?

FFTs, Mr. Speaker - now watch them. Just watch them rise up over there. FFTs, Mr. Speaker, where is the fight on that now? Is that gone? What is happening to that? The Premier and the all party-committee, what is happening to them? Are they lying over there and is this just another piece of paper cut out to say, "All right, they are in Ottawa and we are in Newfoundland and we love each other," and, in the meantime, the people of Newfoundland, the fishermen and the fish plant workers, can go hungry and be damned?

SOME HON. MEMBERS:
Hear, hear!

Oral Questions

MR. SIMMONS:
Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:
I have a question for the Minister of Social Services. I refer to the report on the treatment of young offenders. I appreciate, as the minister indicated to the House yesterday, that the report has not yet been dealt with by Cabinet. However, I am sure he will realize that most of the recommendations in the report require no decision whatsoever from Cabinet but rather lie totally within his mandate and prerogative as minister. It is in that area that I wish to direct his attention. Insofar as he has a mandate, insofar as he does not need authority from Cabinet, i.e., for the expenditure of funds for new facilities and so on, insofar as the recommendations lie within his mandate, and I submit that a large majority of the recommendations do, can he assure the House that he has already taken action? He has had the report now for the best part of a month. Can he assure the House he has taken action on those matters which lie within his realm of authority? In particular, can he assure the House that the practice of confinement of young people to isolation cells for every other half hour has stopped? Can he assure us that he is taking steps to identify and to discipline, and suspend if necessary, those persons who are responsible for those unsavoury practices which were identified and documented in the report?

MR. BRETT:
Mr. Speaker.

MR. SPEAKER:
The hon. the Minister of Social Services.

MR. BRETT:

Mr. Speaker, I said yesterday in this House, at least I think I did, on a number of occasions, and I said it outside of the House on a number of occasions that we were prepared to implement as quickly as possible, as quickly as we can, all the recommendations that can be implemented. Now how many more times have I got to say that? That is about ten times. Every recommendation that can be implemented will be implemented. Some can be done immediately, some will take a little bit longer to do.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

I thank the minister for saying it. I take his word it was the tenth time. I heard it the first and the second and third time. I wish he had heard me as well because that was not my question. My question very specifically was: Can he assure us that the practice of confinement of those young people for every other half hour in isolation cells has stopped? Not will it, might it, would it, is it possible to stop it- has it stopped? That is the question I put for the second time. Has that particular practice stopped?

Secondly, has he already taken steps, through an internal investigation or otherwise, to identify those persons who allowed those unsavoury practices to be perpetrated amongst young people? Has he taken those steps? These are two very specific questions, Mr. Speaker. I will put them to

him again if he did not quite understand them the first time.

MR. BRETT:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Social Services.

MR. BRETT:

Again, Mr. Speaker, I must advise the hon. gentleman that all of the recommendations of the report will be implemented as quickly as possible. Some can be done immediately, some others will take more time. Now I can play this game all afternoon.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

The minister may think it is some kind of a game, but I am asking a very important question about the welfare of some young people. A report has told us, Mr. Speaker, that these people were confined for every other half hour. Now it just requires one decision from the minister who is dodging the question, saying it is going to take time. I appreciate some of the recommendations, Mr. Speaker, will take time. This one takes no time at all.

The minister knows it is wrong and I ask him for the third time has he taken steps to have that practice stopped? Now, they can be as low, they can be as crude, and they can be as callous as they want, but they are not going to prevent questions on this particular issue. The minister says he wants an award. He knows

full well, Mr. Speaker, that this report was triggered by a tragic fatality, not any initiative on his part.

MR. SPEAKER:
Order, please!

I called you to order to ask you to pose your question.

MR. SIMMONS:
Mr. Speaker, I ask him, for the third time, has that practice of confining these young people every other half hour been stopped? I ask him, Mr. Speaker, in supplementary, if he has consulted with the Department of Justice with a view to determining whether charges ought to be laid against persons who allowed those practices to be perpetrated on those young people in violation of the Charter of Rights and in violation of law in some respects?

MR. SPEAKER:
The hon. the Minister of Social Services.

MR. BRETT:
I should remind the hon. member again that I am the minister who asked for the report.

MR. BAKER:
Why?

MR. BRETT:
And I would assume that he understands that.

MR. SIMMONS:
I understand that.

MR. BRETT:
I have explained why on several occasions. The hon. member was right, it was triggered by a tragic event, but I asked for the report. There is nothing wrong there.

MR. SIMMONS:
We know that.

MR. BRETT:
Now, may I repeat it once again? I do not know if the hon. member can understand English or not. All of the recommendations that can be implemented immediately will be implemented.

MR. SIMMONS:
Has this one been implemented?

MR. BRETT:
I said if it can be, then you would have to assume that it is being-

MR. SIMMONS:
Not would be, has it been?

MR. BRETT:
The ones that will take more time, of course, will be done as time goes on. Now, that is three times.

MR. SIMMONS:
A supplementary.

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

MR. SIMMONS:
By the minister's own admission this practice is still going on. Now, that is shameful, absolutely shameful. He wonders why we called for his resignation yesterday. It is because he has demonstrated in the past four or five months that he is incompetent, he is insensitive to the young people of this Province.

SOME HON. MEMBERS:
Oh, oh!

MR. SIMMONS
My supplementary, Mr. Speaker-

MR. SPEAKER:

A final supplementary, the hon. member for Fortune-Hermitage.

MR. TOBIN:

A point of order, Mr. Speaker.

MR. SPEAKER:

The hon. member for Burin-Placentia West on a point of order.

MR. TOBIN:

Mr. Speaker, there are rules and regulations in this House. The sanctimonious member for Fortune-Hermitage (Mr. Simmons) can get up as often as he likes and question the justice system in this Province, or the Minister of Social Services (Mr. Brett), as to what is happening. But the fact of the matter is he is up on a supplementary question, the same question three consecutive times, with a preamble each time longer than the initial question. I think that matter should be dealt with.

MR. SPEAKER:

To that point of order, I understood the hon member was just about to ask his question.

The hon. member for Fortune-Hermitage.

MR. SIMMONS:

Mr. Speaker, on a supplementary.

MR. BAIRD:

He is like a spoiled child.

MR. SIMMONS:

I see the gentleman for Humber West (Mr. Baird) has dined well again today.

MR. SPEAKER:

Order, please!

MR. SIMMONS:

I do not know what the urgency is

over there to keep undermining questions on this issue. If I were you guys, I would want the truth to come out.

MR. TOBIN:

Ask a question! Ask a question!

SOME HON. MEMBERS:

Oh, oh!

MR. SIMMONS:

I am having difficulty with the clown behind the clown.

PREMIER PECKFORD:

It takes on to know one.

MR. SIMMONS:

That is why the two of you are together.

MR. SPEAKER:

Order, please! Order, please!

MR. SIMMONS:

Mr. Speaker, has the RCMP, I ask the minister, been asked to investigate certain matters identified in the report which are clearly in violation of law? I give to him, for example, as cited in the report, the matter of incarceration of young people, without cause, beyond the term of their sentences. Has the RCMP been asked to investigate matters which are in violation of law with a view to determining whether people in his department ought to be brought to justice on these matters?

MR. BRETT:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Social Services.

MR. BRETT:

At this point in time, Mr. Speaker, we do not see any reason

to call in the RCMP in this report.

MR. FUREY:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for St. Barbe.

MR. FUREY:

Mr. Speaker, I have a question for the Minister of Social Services. I asked him yesterday a very important question about detention and he answered, I believe, 'The report indicated that that happened to one person, at one time, and there is no indication that that has continued.'

Now, let me quote from the report, page 118, 'The present practice for all' -

MR. SPEAKER:

Order, please!

Would the hon. member please pose a question?

MR. BARRY:

Oh, Mr. Speaker!

MR. FUREY:

You are not allowing a preamble? This is outrageous!

MR. BARRY:

A first question and less than thirty seconds into the question, Mr. Speaker, this is outrageous.

MR. SPEAKER:

Order, please!

MR. FUREY:

Mr. Speaker, my first question -

MR. MARSHALL:

A point of order, Mr. Speaker -

MR. SPEAKER:

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

MR. MARSHALL:

- as a result of Your Honour's ruling and the reaction of the hon. the Leader of the Opposition, Your Honour is the presiding officer in this House and his rulings have to be respected. It is not open for anyone, when Your Honour makes a ruling, to get up the way the hon. Leader did. I refer Your Honour to Beauchesne, page 38, with respect to the Speaker. "He calls upon Members to speak and in debate all speeches are addressed to him. When he rises to preserve order or to give a ruling he must always be heard in silence. No Member may rise when the Speaker is standing. Reflections upon the character or actions of the Speaker may be punished as breaches of privilege."

Mr. Speaker, when Your Honour or any Speaker makes a ruling, it is not open for any member of this House to get up and challenge Your Honour's ruling, which is what was done just a moment ago.

MR. SPEAKER:

Order, please!

To that point of order, there is no point of order. I would like to mention to the hon. member that I gave him time and listened to his preamble, but then he was about to quote from something. This is question time, not a time to make a preamble and then quote from something else. So the hon. member has the floor.

MR. BAKER:

Your Honour should also think of the answers being given.

MR. FUREY:

Mr. Speaker, the minister said one thing yesterday, the document says quite another. The present

practice for all youth is to be locked down in their cell for a minimum of a half hour every waking hour. Now this constitutes isolation without cause and it contravenes Section 12 of the Charter of Rights and Freedoms. Can the minister tell us if this insidious practice has stopped? If it has stopped, when did it stop?

MR. SPEAKER:

The hon. the Minister of Social Services.

MR. BRETT:

Mr. Speaker, we are attempting to correct any wrongs that exist in the system, which is why we had the report done, Mr. Speaker. We intend to carry out all the recommendations made in the report as soon as we can, the ones that can be carried out.

MR. FUREY:

Mr. Speaker.

MR. SPEAKER:

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

MR. FUREY:

Now the minister said, Mr. Speaker, that he does not know whether the replacement of these two institutions is a number one priority with the Peckford government. Now, can the minister tell this House whether money has been approved to immediately construct two new institutions for young offenders in the Province of Newfoundland and Labrador?

MR. SPEAKER:

The hon. the Minister of Social Services.

MR. BRETT:

The hon. member is going to have to wait for the budget to find out that one.

MR. W. CARTER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Twillingate.

MR. W. CARTER:

My question is to the Minister of Social Services as well and it concerns this report - certainly we have a copy of it - that was made recently. The report, Mr. Speaker, specifically mentions a young girl who was kept in isolation half an hour every hour, every day for six days for, I believe, six months. Will the minister tell the House who was responsible for that action in his department, whether the person has been fired, and if so, when?

MR. SPEAKER:

The hon. the Minister of Social Services.

MR. BRETT:

Mr. Speaker, that is another of the weaknesses pointed out in the report and that also will be corrected.

MR. W. CARTER:

Mr. Speaker, a supplementary.

MR. SPEAKER:

A supplementary, the hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, surely on a matter so important - this report is like something you would read coming out of South Africa or pre-war Germany or South America; a young girl kept in isolation for half an hour every hour for six months is cruel and inhuman - the minister should be able to tell the House now, Mr. Speaker, what action he has taken to ensure that that practice is not being followed now.

MR. SPEAKER:

The hon. the Minister of Social Services.

MR. BRETT:

Mr. Speaker, I do not know how many times hon. members opposite can keep on asking the same question. Mr. Speaker, I have answered that question, because it is the same one. I have told the hon. members over and over and over that whatever weaknesses were pointed out in that report, the ones that could be corrected immediately have been corrected, and the ones that can be corrected tomorrow or the next day or next month or whenever will be corrected. They will all be taken care of. I do not know how else I can answer that.

MR. W. CARTER:

I have a final supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Twillingate.

MR. W. CARTER:

The report, Mr. Speaker, also mentions the fact that lay staff are in the position of dispensing medications and drugs.

MR. SPEAKER:

Order, please! This is a final supplementary, so there should not be any need for a preamble.

MR. W. CARTER:

Is the minister aware of that recommendation, of that part of the report which states that lay staff are dispensing drugs and medication? Can he tell the House if that practice is still being followed in the institutions referred to?

MR. SPEAKER:

The hon. the Minister of Social Services.

MR. BRETT:

I have the same answer, Mr. Speaker. That is another weakness that was pointed out and that has also been corrected.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

The Premier, Mr. Speaker, should be quiet after the comment he just made that he would build fifteen instead of two. That kind of callous attitude should be seen and not heard.

Mr. Speaker, my question is for the Minister of Social Services (Mr. Brett). Yesterday, the minister indicated that he had had this report since sometime in November, and he indicated that he would be bringing it to Cabinet for discussion soon. Now in view of all of the things that he said about emergency action, and after the questions put to him by my colleagues, why was not a report, detailing such atrocities as we have seen and such an absolute want of humanitarian concern for the young, brought to Cabinet immediately it was in his hands? Why has he not had the sense of urgency about this that it deserves? Why has he not taken some of the actions that have been proposed by my colleagues in the questions that have been put? Why did it not go to Cabinet before? Why has he not taken the action that was necessary? Why has he delayed so long? And are the atrocities still going on that are mentioned in this report? Answer the question.

MR. SPEAKER:

The hon. the Minister of Social Services.

MR. BRETT:

Mr. Speaker, if the hon. member only knew how fast I acted on that report. Mr. Speaker, I acted on that report immediately, as soon as I got it.

SOME HON. MEMBERS:

Hear, hear!

MR. TULK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Fogo.

MR. TULK:

That report is still not public and we have seen no action at all from that minister. Now another remark shows the minister's attitude. Let me ask the minister about the callous remark that he made yesterday evening, that he should have been given an award. Now what reward was he suggesting? Was he looking for the Order of Canada for complacent ministers? Just what was he looking for? What was he looking for? Was he looking for an award for his good nature, or was he looking for an award for his callousness towards those young people? What a statement for a minister to make. Will he explain that statement?

SOME HON. MEMBERS:

No answer!

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I would like to ask the Premier a question. Now the Premier has lost touch with reality, we all know that, but what we are dealing with now are young people who, yesterday and Tuesday and Monday and the other days since that report has been in the hands of the minister, are being locked up for one half hour out of every hour of every day. Has the Premier so lost touch with reality that he has forgotten his own words where he said that the measure of any government should be how it looks after its disadvantaged? When is the Premier going to start living up to those words?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

We have lived up to those words every year since 1979. As I said yesterday, Mr. Speaker, we have increased the budget for the Department of Social Services somewhere between 132 and 140 per cent. We have provided additional money for the Minister of Social Services not only in the correctional area, but in the day care area, in the special needs area where we take everybody on an individual basis, and everywhere. The Minister of Social Services, as soon as he got that report, has taken action and will continue to take action. We will leave no stone unturned to ensure that these recommendations are adopted where they are legitimate and where we find they are legitimate, and in most cases they will be legitimate. We accept full and absolute responsibility. The minister asked for the report

because he was worried about certain concerns in the department when he took it over. He has taken every action legitimate action. We take the whole matter very, very seriously. We are acting on it on an emergency basis. We will continue to do so until everything is put in tip-top shape.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the Leader of the Opposition.

MR. BARRY:

Increased money on Social Services basically comes about because there are so many more people on social assistance as a result of his incompetence, Mr. Speaker.

PREMIER PECKFORD:

On a point of order, Mr. Speaker.

MR. SPEAKER:

Order, please! A point of order, the hon. the Premier.

PREMIER PECKFORD:

If this is a supplementary question then there is not supposed to be a preamble and a speech and another emotional outburst by the Leader of the Opposition.

MR. SPEAKER:

To that point of order, the hon. the Premier is correct.

Would the hon. the Leader of the Opposition please pose his supplementary?

MR. BARRY:

Yes, Mr. Speaker. Would the

Premier agree that increased expenditures on social assistance primarily come about because of his lack of job creation and the increased numbers on social assistance since he has been on power, Mr. Speaker.

PREMIER PECKFORD:

No, no.

MR. BARRY:

Look, for heaven's sakes stop playing games! Mr. Speaker, he says he is prepared to take action. Now I am asking the Premier have you read that report? Have you read page 118 of that report where it says that young people are being locked up right now?

MR. PATTERSON:

On a point of order, Mr. Speaker.

MR. SPEAKER:

Order, please! On a point of order, the hon. the member for Placentia.

MR. PATTERSON:

Mr. Speaker, I think the Leader of the Opposition is trying to convince this House that he is concerned with young people. I understand that his firm is appearing before the Board of Commissioners of Public Utilities supporting Newfoundland Light and Power for an increase in rates. Is that true or false?

MR. SPEAKER:

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

The hon. the Leader of the Opposition, a supplementary.

MR. BARRY:

The Premier, I will ask him, has he read page 118 of that report which says, it is not one

incident, but the practice to lock up young people for one half hour out of every waking hour of the day, Mr. Speaker? Now, Mr. Speaker, one day of that -

PREMIER PECKFORD:

This is supposed to be a supplementary, Mr. Speaker.

MR. SPEAKER:

Order, please!

As I understand it, the hon. member has asked his question and is now about to continue making comments.

MR. BARRY:

I am going to ask the Premier, Mr. Speaker, if I might finish the question -

MR. PATTERSON:

You are not stable. Sit down.

MR. BARRY:

You should be in a stable.

MR. SPEAKER:

Order, please!

MR. BARRY:

Mr. Speaker, I would ask the Premier is he aware what even one day of this treatment can do to a young person? Why is he not prepared to give a commitment to this House that he will today see that practice stops in those institutions?

MR. BRETT:

It is stopped! Do not be so stupid. Sit down!

MR. TULK:

Then why did you not say so?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, as I have indicated to the Leader of the Opposition, it is unfortunate that he would try to construe what we have done over the last four or five or six years. Since 1979, as everybody around the Province talks about cutbacks here and there and everywhere else, in Education and Health and the Department of Social Services -

MR. BARRY:

Everybody except the juveniles.

PREMIER PECKFORD:

- we have increased their budgets by anywhere from 40 per cent to 140 per cent. In the Department of Social Services, as it relates to this report, Mr Speaker, we have taken action, are taking action on all the recommendations, and will take action. We are serious about this report. The minister is serious about this report. We will leave no stone unturned to ensure that the discrepancies and the inconsistencies and the abuse that is now, or has been, in that system is rectified. We are going to take every action that is possible for this government to take to rectify any wrongdoings or any improprieties or any ways in which the process is not working properly. We are going to do it. I can give the Leader of the Opposition and every member in this House that assurance. We are going to take every single step, as the minister said, and no stone will be left unturned to do that.

MR. BARRY:

That is not what you said in 1979.

PREMIER PECKFORD:

May I finish? There are a multiplicity of recommendations. We are moving ahead on all the recommendations as fast as is

humanly possible, still recognizing that we have to eat and we have to sleep. Outside of that, Mr. Speaker, we are going to continue to do everything to rectify the situation as it relates to the correctional problems that are in the system that have been made known in that report. That is why the minister asked for the report, that is why we are acting on the report, because we are not satisfied with the present system that is in place. We will do it. If we have to put in more money to correct it, we will. If we have to change personnel, we will. We will do all of those things, Mr. Speaker. We are going to do them rationally, we are going to do them sensibly, but where they are rational, where they are sensible, they will be done and have already been done.

MR. FLIGHT:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Windsor - Buchans.

MR. FLIGHT:
I want to say to the minister, Mr. Speaker, that it is obvious that the thrust of all the questions from the Opposition these past two days has been based on the concern that specific, identified, atrocious actions taken against defenseless children would be stopped and not that all the recommendations would be met.

MR. SPEAKER:
Order, please!

I would like to remind the hon. member this is Question time. He started his remarks by saying that he had something to state to the minister and he continues to make

a speech. Would the hon. member please ask his question?

MR. FLIGHT:
Mr. Speaker, that was a preamble that I have seen most members in this House get away with, that length of a preamble. I want to ask the minister, the defenseless young children who were being subjected to the atrocious treatment outlined in that report, are those young, defenseless children still being treated in that atrocious manner? Yes or no. Are they still receiving the atrocious treatment that was pointed out and identified in that report and not whether or not he is going to implement the recommendations of the report?

MR. SPEAKER:
The hon. the Minister of Social Services.

MR. BRETT:
Mr. Speaker, not only have I answered that question five or six times, the Premier got up and answered it as well. Now I am going to answer it for the hon. the member for Windsor - Buchans, who was obviously still smarting from the scalding he got on television last night from Andy Wells.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
Order, please!

MR. BRETT:
I would like to tell the hon. member the same thing as I told all his colleagues over there, that all the recommendations in the report that can be implemented will be.

MR. FUREY:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for St. Barbe.

MR. FUREY:

Mr. Speaker, if I understand correctly from the Premier and the Minister of Social Services, these detention practices have stopped. That is what I understood both you gentlemen to say. Can you tell us when these detention practices stopped?

MR. BRETT:

When did you stop beating your wife?

MR. FUREY:

When did I stop beating my wife? Is that what you said?

MR. SPEAKER:

Order, please!

MR. FUREY:

Did the minister actually say, 'When did I stop beating my wife?' This is a very serious issue. I do not know what my wife has to do with that. I would never drag your wife into this House with that kind of slur.

MR. SPEAKER:

Order, please!

MR. FUREY:

Now, can you tell us when this particular recommendation was implemented? The Premier implied that, yes, there are no more detention practices such as this and the minister, yes, there are no more detention practices such as this. When did that come into effect?

MR. SPEAKER:

The hon. the Minister of Social Services.

MR. BRETT:

Mr. Speaker, all the weaknesses that were identified in all the recommendations that were made will be carried out as soon as possible.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

I would ask the minister, Mr. Speaker, since this report says there is a practice - not just one incident - of detaining individuals one half hour or every waking hour of every day, has the minister issued a directive, has the Premier issued a directive, has any action been taken to stop this detention practice and, if so, when was it stopped and how was it stopped?

MR. DECKER:

Mr. Speaker.

MR. SPEAKER:

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

MR. DECKER:

Mr. Speaker, my question is to the Minister of Social Services and Rehabilitation.

MR. SIMMS:

Just the minister of SS.

MR. DECKER:

The Minister of SS? I stand corrected, Mr. Speaker. I stand corrected as if that would make a difference. It is possible that at this very minute children are being held in isolation without due cause. And it could be anybody's child, let me remind hon. members. We are talking

about children. We are not talking about seals, we are talking about innocent children. Right at this very minute, the minister leaves no doubt in my mind, Mr. Speaker, that this is happening now.

MR. SPEAKER:

Order, please! I understood the hon. member asked a very legitimate question, but after that he started making a speech.

MR. DECKER:

The minister leaves no doubt in my mind that this is still happening. Now my question is quite simple, Mr. Speaker: Since it has not stopped, when will it stop? That is a specific question that, unless the minister is completely daft, completely unconcerned about this, he can answer and he alone can answer. And that is no joke.

MR. SPEAKER:

Order, please! The hon. the Minister of Social Services.

MR. BRETT:

I would suggest, Mr. Speaker, that the hon. member is -

MR. BARRY:

No government in Canada should ever be like that.

MR. SPEAKER:

Order, please!

The hon. the Minister of Social Services.

MR. BRETT:

I suggest the hon. member is becoming very emotional.

MR. DECKER:

Yes, I am emotional, very emotional, because we are talking about children.

MR. BRETT:

I would like to assure the hon. member that there is -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. BRETT:

Mr. Speaker, do they want to hear the answer or do they not? Well, shut your mouth and listen then.

The answer to your question is no.

MR. K. AYLWARD:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Stephenville.

MR. K. AYLWARD:

A question for the Minister of Social Services. A quote from the report, "All youth are linked together, giving little attention to special needs, circumstances or underlying problems. Youth are discharged without having the benefit of a written individualized goal or plan." I ask the minister, what does he think that they were doing over there if they did not even have a plan or did not even know what was written up? Does he know what they were doing over there in taking care of these people? Can he answer that question? That is the only question I have. Does he know what they are doing over there and has he checked before the report?

MR. SPEAKER:

The hon. the Minister of Social Services.

MR. BRETT:

Mr. Speaker, I have the exact same

answer. This is just another one of the many weaknesses that were pointed out. Do you want me to tell you again? That is another one of the recommendations that will be implemented as soon as it is feasible to do so.

MR. K. AYLWARD:
Mr. Speaker.

MR. SPEAKER:
A supplementary, the hon. member for Stephenville.

MR. K. AYLWARD:
What about if the report had not come out until next year? Would you have checked there to see if there were any problems or would you just wait for the report? All I am asking you is if you had checked before the report on any of these problems, and tried to correct any of those problems before the report came out?

MR. SPEAKER:
The hon. the Minister of Social Services.

MR. BRETT:
Would the hon. member expect me to ask for the report before I became the minister? I was not appointed minister until February 28, and it was very quickly after that that I asked for the report. Just how fast could I act?

MR. SPEAKER:
Order, please!

The time for Oral Questions has elapsed.

SOME HON. MEMBERS:
By leave! By leave!

MR. SPEAKER:
Leave has not been granted.

Petitions

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

MR. BARRY:
Mr. Speaker, I have a petition on behalf of 167 residents of Cavendish in the district of Trinity-Bay de Verde. The petition reads: "We, the undersigned citizens of Cavendish in the electoral district of Trinity-Bay de Verde, hereby petition the House of Assembly to see that action is taken to protect the people and property of our community from injury and damage as a result of flooding from spray which is being created because of the improper design and construction of a seawall in our community by the Department of Transportation."

Now, apparently the Department of Transportation did some work and we assume they were doing their best to try to improve conditions by putting out boulders and fill to try and set up a seawall to protect the road. But in fact what has happened, Mr. Speaker, is that apparently the boulders have moved out further from the shore than the design contemplated, and the effect is that the way these boulders now lie on the bottom provide sort of a natural conduit for carrying the sea spray, that formerly used to come in and bounce off rocks or the wall that was there and go back towards the ocean, now channel to shore so you have these tremendous sheets of spray, Mr. Speaker, that go up to six or seven hundred feet, go across a public highway, go across the road that anybody using the Trinity South highway has to cross by, and is a very dangerous situation. Traffic on the road

has to stop. More likely what they do is when the spray comes over and blinds them by hitting the windshields, the cars have to pull over onto the shoulder of the road. This is a great hazard for pedestrians if there are pedestrians in the area. There are a number of homes in the area, I think about fifteen as well as the Anglican church being affected by the spray. The spray is continuously beating on those homes, beating on the windows of those homes and, Mr. Speaker, they cannot see out through the windows. The clapboard and so forth is eventually going to deteriorate, we would think fairly quickly, and, Mr. Speaker, there is a need, not only because there is damage to property being caused, but because there is the risk of injury to human life because of the interference with traffic. Indeed, when pedestrians are going along by the road, there are great sheets of water coming over the road; young children could be imperilled. Mr. Speaker, this is something that, in a fairly high degree of urgency, requires the attention of government. So I would table this, Mr. Speaker, and I would ask that it be referred to the department to which it relates, namely, the Department of Transportation.

Orders of the Day

On motion, the following bills were read a third time, ordered passed and their titles be as on the Order Paper.

A bill, "An Act To Amend The Fisheries Loan Act". (Bill No. 21).

A bill, "An Act To Provide For The

Registration Of Psychologists". (Bill No. 12).

A bill, "An Act To Amend The Fishing Industry Advisory Board Act, 1975". (Bill No. 11).

A bill, "An Act To Amend The Insurance Companies Act". (Bill No. 6).

A bill, "An Act To Amend The Management Accountants Act". (Bill No. 48).

A bill, "An Act To Convey Certain Trusts And Properties In The Province From Crown Trust Company To Central Trust Company". (Bill No. 47).

A bill, "An Act To Amend The Public Utilities Act". (Bill No. 51).

A bill, "An Act To Amend The Memorial University (Pensions) Act". (Bill No. 53).

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MR. TULK:

On a point of order, Mr. Speaker. The Government House Leader, I know he is perfectly -

MR. SPEAKER:

Order, please!

MR. TULK:

Oh, all right. Wait until the Chairman comes in, then I will make my point.

MR. MARSHALL:

Mr. Speaker, let the hon. member make his point.

MR. SPEAKER:

All right. The hon. the member for Fogo.

MR. TULK:

Let me say to the hon. gentleman that while he indicates certain things which he is willing to do in this House, he comes in and tips that bottom up, as usual. I understood from the Government House Leader that we were going to do "An Act To Amend The Workers' Compensation Act, 1983", and that we were going to move down through the Order Paper. We are on the The Workers' Compensation Act right now, yet he goes into Third Readings and into Committee of the Whole. Is it possible for us to get out of the Government House Leader just what his plans are for the running of this place, or is he going to try to keep it topsy-turvy and play the kind of nonsense that he is now going on with.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

I could respond. I have had to interface with a person who obviously knows very little about the rules of the House.

MR. TULK:

I know the rules as well as you.

MR. MARSHALL:

I told the hon. gentleman we are going down through the Order Paper, which is what we are doing. But, Mr. Speaker, in case the hon. gentleman does not realize it, there are various proceedings -

MR. TULK:

Tell me what they are.

MR. MARSHALL:

Does the hon. gentleman want a response or does he just want to heehaw again in his oafish way? If the hon. gentleman will allow me to respond, I will respond. There are various proceedings on bills, Mr. Speaker. We had the Third Readings and all we are doing now is in Committee stage, which will take just a few moments and then we will get back onto it. It is all part of the proceedings. When you say you are going to go down through the Order Paper, that is exactly what we are doing. We are bringing them through the proceedings of the House.

On motion, that the House resolve itself into a Committee of the whole on said bills, Mr. Speaker left the Chair.

Committee of the Whole

MR. CHAIRMAN (Greening):

Order, please!

A bill, "An Act To Amend The Youth Advisory Council Act." (Bill No. 8)

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

A bill, "An Act To Amend The Department Of Finance Act." (Bill No. 56)

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

A bill, "An Act to Amend The Liquor Corporation Act, 1973." (Bill No. 55)

Motion, that the Committee report having passed the bill without

amendment, carried.

A bill, "An Act To Amend The Financial Corporations Capital Tax Act." (Bill No. 37)

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

A bill, "An Act To Style The Department Of Development As The Department Of Development And Tourism". (Bill No. 9).

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

MR. MARSHALL:

Mr. Chairman, I move that the Committee rise, report progress and ask leave to sit again.

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

MR. CHAIRMAN (Greening):

I should like to welcome to the gallery the Mayor of Conception Bay South, Mr. Fred Coates.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the member for Terra Nova.

MR. CHAIRMAN:

Mr. Speaker, the Committee of the Whole have considered the matters to them referred and have directed me to report Bills Nos. 8, 56, 55, 37, and 9 passed without amendment, and ask leave to sit again.

On motion, report received and adopted, Committee ordered to sit again on tomorrow.

Motion, second reading of a bill, "An Act To Amend The Workers' Compensation Act, 1983". (Bill No. 19).

MR. DECKER:

Mr. Speaker.

MR. SPEAKER:

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

MR. DECKER:

Mr. Speaker, I just have a few words to say on this to finish up. Before I finish my debate on this particular bill, Mr. Speaker, I want to say that as a member of the House it is quite normal that I would get all kinds of complaints about various things, for example, the unemployment insurance, social services, the old age assistance and so on, and I am not the only member who has such complaints, all the other hon. members I am sure would receive similar complaints like the ones I received.

But of all of the complaints that I have the most difficult ones to deal with, Mr. Speaker, are ones which pertain to the Workers' Compensation Commission. I will not catalogue those complaints because I am trying to expedite debate on this particular bill. I am sure that all hon. members know exactly what I am saying because they had similar complaints.

What I am saying, Mr. Speaker, is that unnecessary hardships are being brought to bear upon Newfoundlanders because of the callousness and the lack of concern which is portrayed by this Workers' Compensation Commission. There is a problem there. The hon. minister is aware that the problem is there. I would suggest, Mr. Speaker, that he,

like I, knows that there has to be an awful of investigating done into this Commission. I would submit that the minister is going to have a difficult time reforming this Commission because of the callousness of the people in his party, Mr. Speaker.

I am offering my commitment to the hon. the minister today, Mr. Speaker, to tell him that I will support him wholly and solely in any attempt that he would make to reform this Commission. I would support him if he would go along with this amendment, which my hon. friend from Bonavista North (Mr. Lush) has put, to make this bill worthy of this hon. House. That is all I am going to say on the bill, Mr. Speaker, because I think we want to expedite matters and get the bill through.

MR. BLANCHARD:

Mr. Speaker.

MR. SPEAKER:

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

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, in closing the debate on Bill 19, "An Act To Amend The Workers' Compensation Act, 1983," there are a couple of comments I would like to make with respect to some points that have been brought out during the debate on that bill which may not really have any great deal of relevance to the actual bill itself, but certainly have relevance to the act in general. Of course, we are not talking about the act in general. We are talking about amendments to certain sections of the act which, as I said, in introducing the bill, Mr. Speaker, for Second Reading, are really by way of

housekeeping.

Mr. Speaker, I want the record to show that I am not in any way arguing with the type of things that have been brought out or the type of concerns. They are really concerns by the hon. members opposite in particular. The hon. the Leader of the Opposition (Mr. Barry) has made some reference to some problems that exist. I am not sure but I do not think it is with the act itself. I believe them to be, Mr. Speaker, with perhaps the administration of the act, or perhaps policies of the Commission.

The hon. the member for Bonavista North (Mr. Lush), in his own good way, brought out his own concerns. I want to say, Mr. Speaker, that I have shared those concerns in the just over seven months that I have been Minister of Labour. There have been a number of concerns of people who have had the unfortunate experience of suffering an accident in the course of their employment and who have had difficulties - and some of them serious difficulties - in not only pursuing a claim, but in having the claim continued after the claim has been agreed upon.

Mr. Speaker, the Workers' Compensation Board receives in the course of a year several thousand claims. I am sure whatever we do, whatever legislation we have of a nature of a Workers' Compensation Act, such as the hon. member said just a few minutes ago, the member for the Strait of Belle Isle (Mr. Decker) - legislation such as the UIC Act and the Canada Pension Plan Act and the Workers' Compensation Act that we are discussing now - there are bound to be certain claimants who will

undergo difficulties. That is not to say, Mr. Speaker, that I condone the kinds of problems that I am hearing of and the same kinds of problems that the hon. members opposite have brought out here.

Let me not forget to inform hon. members opposite that every member on this hon. side of the House are well aware of those complaints too. I have raised them. We are all aware of those complaints, Mr. Speaker, and we are determined to get to the bottom of these issues and to try to find a solution to them.

I would not want, Mr. Speaker, to overlook the text of the amendment or the message in the amendment that has been proposed to the bill by the hon. the member for Bonavista North (Mr. Lush). However, we may be attempting here, Sir, to treat with a band-aid what might perhaps be a serious wound. If the numbers of complaints that we are having are determined to be well-founded, maybe an independent tribunal for appeal is one of the directions to go. It may be a small part of the direction, or knowing that the legislation is very complicated legislation, everybody will agree that Workers' Compensation Acts are complicated legislation all across the country and I think to take amendments out of context, without looking at the totality of the thing and really what we are trying to correct, by saying that the full answer to this is the appointment of an independent appeals tribunal, I do not think fully addresses the problem.

I attended a convention in Western Canada during the Summer where all ministers responsible for Workers' Compensation legislation in Canada were present. I raised the whole

serious question, I would like to tell the members opposite. I raised the serious question that I felt if I am charged in a court of law and I am found guilty and I know in my mind I am innocent, I would like to feel that there is a fair appeal process. I would not feel that I would be getting a fair appeal if my appeal was going to be heard by the same judges who rendered their decision in the initial case.

A number of serious concerns were raised by others, not from this Province, but about the same process. There were also concerns as to what kind of an appeal process we ought to have. In one province where there is an external appeal process and in five short months, after the appeal was put in place, there was a backlog of some 1,500 cases to be heard by the appeal tribunal.

I suggest to you that creating an appeal -

MR. SIMMS:

You are not supposed to make sense now.

MR. BLANCHARD:

I suggest to you what the hon. minister had to say to me makes all kinds of sense, Mr. Speaker. It also had nothing to do with the act, of which he is well aware. He agrees with me.

Mr. Speaker, I want to assure you I am truly looking for an answer to assist those people. It is the second biggest problem that I have had in my district since my election in April. I am truly looking for an answer but I am not sure of an appeal process where the experience in one other Province has shown that there was a backlog over a five month period

of 1,500 cases. I do not know if that really answers the concerns of those people who are going to be out there, where perhaps through methods of administration or policies of the existing commission, claims have been either delayed or refused, rejected or, where a claim has been initiated and where payment has been discontinued because, as the Leader of the Opposition (Mr. Barry) said, somebody felt that a person should be rehabilitated back into the work force, perhaps before they were able to go back into the work force. I am not certain that type of process represents the full answer to it.

Mr. Speaker, I said in the House, I am not sure if it was earlier in this session, I think it was earlier in this session, but, if not, it was sometime in the Spring session, in answer to a question, I was fully cognizant of certain problems that exist over administration of the Workers' Compensation Act and Regulations.

There is a procedure, Mr. Speaker, set forth in Section 114, subsection (2) of The Workers' Compensation Act for the establishment of a committee. "The Lieutenant-Governor in Council shall, at least in every five years from the commencement of this act, appoint a committee of at least three members which shall review, consider, report and make recommendations to the Lieutenant-Governor in Council upon such matters respecting this act and regulations and the administration of each as the committee deems fit and upon any other of those matters which the Lieutenant-Governor in Council or the minister may refer to the committee."

Mr. Speaker, it is just over four years or we are approaching the fifth year, I understand, since we last had a review of The Workers' Compensation Act and the practices, policies, and administration, if you will, of that legislation.

MR. SIMMS:

How long ago?

MR. BLANCHARD:

We are approaching the fifth year. The act requires one to be established not later than every five years.

Mr. Speaker, I have already discussed this with my Cabinet colleagues. I will shortly be presenting my ideas and thoughts as one minister to my Cabinet colleagues with respect to the establishment of a committee. We will be carefully examining what the terms of reference to be put to this committee will consist of. I am quite certain, Mr. Speaker, we will want the committee to carefully examine the administrative practices. I am not holding the Workers' Compensation Commission culpable by saying this, that we will examine what they are doing. We are not going to blame them before they are determined to be guilty. Maybe they think that everything they are doing is proper. Maybe there are ambiguities or maybe they feel that to do certain things or to depart from certain practices that have been long established, they may be acting outside of what the regulations require them to do or the act requires them to do.

Likewise, while I am not blaming them, I want to repeat I do not, in any way, condone poor or unsympathetic treatment of persons

who have been the unfortunate victims of accidents in their workplace. Mr. Speaker, I am not in any way, shape or form saying I disagree, on the face of it, with the type of amendment or with the process of an external appeal.

Mr. Speaker, I want to let the hon. members opposite know, that I disagree with a claimant having to go back and appeal to the same persons who rendered the original judgment. I do not think that represents a fair appeal.

I think some sort of mechanism is needed, whether it goes the precise route as what has been proposed here or not, but I think one has to be devised. I would suggest to hon. members that we would let the process take its course, not a lengthy course. Perhaps, Mr. Speaker, the kinds of complaints that have been heard by members opposite, as well as by members on this side of the House are sufficiently urgent that we might ask a committee to make a report in two stages.

The legislation as it is, I think, is excellent legislation. We have kept abreast. Our benefits under the legislation, Mr. Speaker, I would like to say, are second only to one Province and that is the province of Alberta, where they have a good strong Progressive Conservative administration that have kept abreast of the law and have kept their payments in tune with what is happening.

AN HON. MEMBER:

Hear, hear!

MR. BLANCHARD:

Our legislation is good but maybe we need to have a report. The legislation can be secondary. Maybe we need the committee to

examine first and foremost the administrative practices and policies of the board and make some determination as to whether alterations have to be made.

Mr. Speaker, perhaps to go with the amendment at this stage, where we are merely looking at correcting some housekeeping defects or some administrative defects, if you will, in the Act. That is primarily what Bill 19 is intended to do. To alter that to the extent that has been suggested at this stage is, perhaps, to give some band-aid treatment to it. I feel that we ought to wait for a broader look at the Act, which is contemplated by Section 114 of the Legislation.

Mr. Speaker, for the record, the hon. Leader of the Opposition (Mr. Barry), I think, mentioned a concern, and I think it is a genuine concern. He said that with respect to Clause 3 of the Bill, where we propose to integrate Canada Pension Plan payments with Workers' Compensation payments, that that would take away some benefits from accident victims to which they are intitled at present. Mr. Speaker, I want to assure members opposite that we are not taking away something. The administrative practice has been to integrate those at the present time. No claimant has received more than he would be intitled to receive if he were receiving total temporary disability under Workers' Compensation. That amendment is brought in there simply to clarify - to make it crystal clear - and the main reason for doing that, Mr. Speaker, as I said earlier, is to ensure that there is not a disincentive created to rehabilitating people back into the work force.

Mr. Speaker, I do not propose to belabor this Bill any further. I would like to close the debate on this, Mr. Speaker. While I get full cognizance to the points that have been raised, and I assure you they will be taken into consideration in whatever we do with the Act, I want to close the debate on this bill, Mr. Speaker.

Thank you very much.

On motion, a bill, "An Act To Amend The Workers' Compensation Act, 1983" read a second time, ordered referred to a Committee of the Whole House, presently, by leave.

Motion, second reading of a bill, "An Act To Amend The Day Care And Homemaker Services Act, 1975."

MR. BRETT:
Mr. Speaker.

MR. SPEAKER:
The hon. the Minister of Social Services.

MR. BRETT:
These are four amendments to the Day Care and Homemaker Services Act. Three of them are fairly minor - housekeeping - but the first one is something which day care advocates and other people have been looking for for quite some time. Clause 1: The amendment would permit co-operative societies registered under the Co-operative Societies Act to be licensed under the Day Care and Homemaker Services Act, 1975.

While it may not sound very major, it is something that, as I indicated, some members of the public have been after for quite some time.

Clause 2: This is pretty much housekeeping. This amendment would provide that the Day Care and Homemaker Services Board shall, when requested to do so, provide the Director of Day Care and Homemaker Services with advice respecting day care and homemaker services.

About all that does, Mr. Speaker, is broaden the scope of the legislation.

Clause 3: This amendment would provide that the Board may issue temporary licences for periods not to exceed six months, subject to such terms and conditions as the Board considers appropriate.

Anybody who applies for a licence to operate a day-care centre, of course, has to meet certain standards. The application is considered by the Board and a licence is subsequently issued or rejected. In some cases, an application may be put on hold because of some minor physical detail. Most people, if they were going into this new, the day-care session would probably start with the beginning of the school year and it seems kind of unfair, sometimes, to hold off on the issuing of a licence for some minor regulation which they may not have complied with. All this amendment does is give the Board the authority to issue a licence on a temporary basis while awaiting some minor change.

Clause 4: This amendment would remove from the Board the authority to make regulations and vest it in the Minister of Social Services.

The old Act read that the Board may make regulations. Obviously, that is not correct, regulations

should be made by the minister. I move second reading, Mr. Speaker.

MR. FUREY:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for St. Barbe.

MR. FUREY:
Mr. Speaker, I just have a few brief comments on this particular bill. The minister is right. This is a housekeeping bill with a number of amendments, as he stated, put forward by the Day Care Advocates Committee.

I just want to digress for a minute to factory freezer trawlers and the whole business of if you say something long enough, you will believe it. I heard the hon. the member for Carbonear (Mr. Peach) over there the other day criticizing the amendment which I had put forward during Private Members' Day concerning establishing supervised and adequately financed facilities.

We looked at the FFT resolution. We agreed with the general thrust, but we tried to take that corpse and put some blood into it by adding our amendment, as we did on this particular issue dealing with day care. The record shows that this government voted against our amendment, which said that we should add "that the government immediately establish a system of properly supervised and adequately financed family daycare homes in our Province, instead of paying lip service to recommendations made to the government by the Advisory Council and other groups and that such a day-care system be beneficial to every resident in the Province."

It is interesting the minister

points out, and rightly so, that Clause 1 was promoted by the Day Care Advocacy Committee, but I should point out to him that that particular amendment - and I think he is probably aware of this anyway - that I proposed, was taken from the Status of Women Council's report to the Royal Commission on Unemployment and Employment. I should point out to him that that amendment was very strongly put forward and supported by the Newfoundland Day Care Advocates' Committee, as well. I think nine and one-half months ago or nine months ago, something like that.

We agree with the general thrust of these amendments, but I want to read into the record a few other things. The member for Carbonear (Mr. Peach), I think, pointed out during debate on Private Members' Day that there was a federal - and the minister can correct me if I am wrong - a federal/provincial task force dealing with financing of day care across this country, of which Newfoundland was a member. Is that correct?

AN HON. MEMBER:
(Inaudible).

MR. FUREY:
I just want to read into the record some of the comments made by the Canadian Day Care Advocacy Association, Mr. Speaker. I think Jane Bertrand was co-chairman of the CDCAA, and she said, "We were outraged to hear the Conservative Government plans no new child care assistance at a time when more and more Canadian parents across this country are struggling to earn an adequate living while raising families." Now, that gives rise to a very serious question. What is the purpose of a federal/provincial task force if

they are telling the Canadian Day Care Advocacy Association there is no money for this project anyway? I wonder if that is just another little paper charade, a little mugs game that is being played by the federal Tories and the provincial Tories across this land?

They wanted to propose an act which would provide federal/provincial cost-sharing to allow the development of a comprehensive system of high quality child care services. This is what the Leader of the Opposition was talking about the other day. He was saying it is not good enough just to have child care anymore, we want quality child care and accessibility right across the Province. This proposal, which was put forward by the Canadian Day Care Advocacy Association, Mr. Speaker, insists that day care be left under the provincial jurisdiction. They also wanted direct funding provided for licenced child care programmes.

I also want to read into the record that the Conservative Party nationally was against this. It is interesting. John Gormley, one of the MPs up there, acknowledged the difficulty of providing stable child care services while depending on parents' fees, but none of the Tories, not one single national Tory acknowledged -

DR. COLLINS:

Are you going to table that?

MR. FUREY:

Do you want me to table it? It was tabled the other day, but I will table it again - John Gormley acknowledged the difficulty of providing stable child care services while depending on parents' fees, but none of the

Tories would endorse direct funding for child care programmes. That is where the Tories stood.

At least, the Liberals, nationally, under Madame Lucy Pepin, said that the Liberal Party would acknowledge, and always has acknowledged the necessity of child-care services, and assured the Canadian Day Care Advocacy Association that the association and the Liberal Party would give consideration to the proposed child care financing act; in other words, they would bring it to their caucus, and she believes generally that the Liberals would promote the thrust of that kind of an act being brought before the Parliament of Canada, a financing act where they could directly fund into the Province a block of money, then the provincial minister could marry that money with his department's allotted money, and then direct fund and supervise licenced day-care centres.

It is interesting too, that the local representative from CDCAA here in Newfoundland, which is an umbrella group of parents and child care advocates, said a number of things that we raised in the House the other day, Mr. Speaker. Some of those again are that there are 15,000 children under the age of five who need care when their parents work in this particular Province. We have less than 900 licenced full-time day-care spaces and that is out of the minister's own report, out of the Department of Social Services. That means that only 6 per cent of our pre-school children are in licensed facilities. The other 94 per cent are farmed out elsewhere. My great fear, and I am sure this is

the fear of the Minister of Finance (Dr. Collins) too because I know he is a deeply caring man about young children, is that it is not good enough anymore to drop our children off wherever we can drop them off and have them parked in front of televisions and cartooned to death all day. That is not good enough anymore.

This is why we proposed our amendment, seeking quality and accessibility under a supervised and licensed day-care system in this Province. Mr. Speaker, we on this side, generally support the thrust of this particular bill and the amendments, as outlined by the minister. We do not think it really goes far enough. We would like to see it go further, as proposed by our amendment, which was voted down by the other side, and by logical extension means that the government, by voting against that amendment, was voting against the position of the Newfoundland Day Care Advocacy Group and was voting against the position of the Newfoundland Status of Women when they put forward those recommendations this Fall to the Royal Commission on Employment and Unemployment. The record should note that. Thank you, Mr. Speaker.

MR. BRETT:

Mr. Speaker.

MR. SPEAKER:

If the minister speaks now he closes the debate.

The hon. the Minister of Social Services.

MR. BRETT:

Mr. Speaker, I will be very, very brief. I find it kind of strange that the hon. the member for St. Barbe speaks about the federal

government. It appears to me that we had a Liberal Government in Canada for the last twenty or thirty years, whatever it was, and suddenly everything that is wrong in day care is because of the present government in Ottawa which has only been in a few months. Anyway, Mr. Speaker, as I said, I will just be a minute or two.

I would be the first one to acknowledge that we have not come far enough and the old saying, "Much has been done, much remains to be done." I acknowledge that. I would like to believe that we have come a long way in the last few years. As a matter of fact, prior to 1977, I think it was, there was not one single solitary red cent spent on day care in this Province. As a matter of fact, it was not until 1975 that the Day Care Act was proclaimed. In the 1976-1977 budget, for the first time, there was a nickle spent on day care and it was then \$156,000. With the coming of the present government, in 1979, we increased that amount up to \$250,000 and today or this year we will be spending almost \$900,000. So, while I acknowledge we have a long way to go, I think it is fair to say that we have come a long way.

Back in 1977-1978 we had 710 licensed spaces and today we have double that amount, 1,462. So, albeit it slow, we are moving and we intend to move ahead as fast as is humanly possible.

AN HON. MEMBER:

(Inaudible).

MR. BRETT:

No, I cannot because I do not have the figures with me right here and now. But I will be happy to get that for the hon. member. It is

in the budget.

I move second reading, Mr. Speaker.

On motion, a bill, "An Act To Amend The Day Care And Homemaker Services Act, 1975," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 18)

Motion, second reading of a bill, "An Act Respecting The Preservation Of The Historic Resources Of The Province." (Bill No. 7)

MR. MATTHEWS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Culture, Recreation and Youth.

MR. MATTHEWS:

Thank you, Mr. Speaker.

I would just like to begin by saying that the purpose of the bill is to revise the Province's legislation respecting the preservation of the Province's historic resources and to provide for the continuation of the Provincial Heritage Foundation to aid in the preservation of buildings and other structures in the Province that are of architectural or historical significance.

We have a number of buildings in the Province that are of very significant historical importance and there are some very significant archaeological finds that are coming on stream and, particularly, in Labrador. The Act Respecting The Preservation Of The Historic Resources Of The Province, we feel needed some amendments and additions, I guess, for one reason more than another,

for protection.

In Article 1 of the Act, Mr. Speaker, the title of the Act has been changed and broadened in scope to reflect the full mandate of the Historic Resources Division of the department. Definitions under this Act have been clarified and expanded to eliminate inconsistencies and omissions in the previous Act. Of particular concern were the definitions for archaeological investigations, archaeological objects, historic resources, provincial cultural property, and provincial historic sites, of which, of course, we are very proud. There are others that we have identified that we hope will soon come onstream.

It is a five-part bill, Mr. Speaker. Part one, Article 5, provides a mandate for the minister to acquire historic resources for the Province, and is similar to Clause 7 (b) of the previous act.

Under part two of Historic Resources, Clause 37 of the previous act which dealt with the establishment of an archaeological commission has been dropped since the appointment of a curator of archaeology at the Provincial Museum has made this particular provision redundant. So that is another significant thing. What I am trying to do, Mr. Speaker, is just highlight some of the provisions of the bill itself.

Under Historic Sites, part three of the bill, there is a new clause establishing a provincial registry of historic resources as outlined in the Cabinet submission concerning the proposed Newfoundland and Labrador Heritage Foundation.

Article 17, Mr. Speaker, creates a new category of registered historic sites and it is designed to recognize sites of local or regional importance which are owned or operated by a third party, for example, local heritage groups, town councils, service clubs or private individuals.

Article 18 provides for the protection of provincial historic sites and registered historic sites.

Mr. Speaker, as well, under part five of the bill we have a new clause, Article 31, which will allow the minister or designated employee to issue a stop work order when some activity is likely to result in the immediate destruction of an historic resource. We have had some concerns about this in the past and we are just trying to protect those sites.

Also, in Article 34 penalties under the Act for any destruction have been considerably increased to reflect the rapidly increasing value of archaeological objects on the international market. There has been a problem in the Province as well with some of our archaeological artifacts and whatnot being removed. It has caused some problems. So, Mr. Speaker, I would like to finish my remarks on the bill.

MR. SPEAKER:

Before recognizing the hon. the member for Stephenville, I would like to report that there are three questions for debate at the adjournment at five-thirty. They are all addressed to the Minister of Social Services (Mr. Brett). The first by the hon. member for Fogo (Mr. Tulk), the second by the hon. member for Port de Grave (Mr.

Efford), and the third by the hon. member for the Strait of Belle Isle (Mr. Decker).

MR. SPEAKER:

The hon. the member for Stephenville.

MR. K. AYLWARD:

Thank you, Mr. Speaker.

Again it is a pleasure to speak to legislation that will hopefully improve the situation pertaining to the preservation of historic resources of this Province.

It is legislation which is more of a housekeeping nature but it kind of helps establish on paper what should be there for the preservation of the resources of this Province. There are are a number of concerns I have.

Over the last number of months I have been contacted by certain individuals who are not pleased with the way they were handled when they tried to contact the proper people in the departments to donate historic artifacts to the Province. I think that people who try to do this and who are attempting to donate should be shown more respect in that manner.

There is also an aspect that we should look at in the sense of divers around the Province who do a fair bit of diving work. They are very responsible people but there is a thought that we should have some type of legislation or some type of laws that could protect, or shall make them show some responsibility when they are around these historical artifacts, etc., or historical monuments, or whatever. That may be something to consider down the road. The divers in this Province are responsible.

MR. BARRY:

It does apply to registered provincial territory. Right now it is within three miles of land, but some of them are outside the three mile limit I guess. Is there federal legislation that protects the rights outside the three mile limit? Is that in effect now?

MR. MATTHEWS:

I think there is.

MR. K. AYLWARD:

It is a concern that should be expressed in the future. It is good to see that these amendments are being put in there to put legislation forward that will help preserve the historic resources of this Island. There are many places around this Island that should be considered in promotion as we have a very good and long and vast history. I am hoping there will be more amendments that will come forward that will give more teeth to historic resources in this Province in the sense of going out and doing them up more, putting more funding forward to build them up better, and to put them in their prior conditions.

So on that note, I think I will let this legislation pass on its merry way and the minister can end the debate. Thank you.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

It is one thing to have historic sites identified and protected, but it is another thing to have them maintained and this is where, of course, the perennial battle

for the dollar comes in. I remember one I raised in this House before. I do not know what has ever happened to it. There is an old stone barn out in Brigus - I think it was before the minister's tenure - which, at least one time, was very close to thumbling down. It was a very unique building. It probably goes back one hundred years or so anyhow, if not longer, and it would be unfortunate if we lost that, for example.

We lost the water wheel out - which Bight is it? I am sorry. My memory is going now - by Clarendville, what is the name of the Bight, it is not Ming's, I know that, I think it might be Deep Bight. We lost that because there was nobody that took responsibility for purchasing it and maintaining it.

DR. COLLINS:

The hon. member was not born in the stable in Brigus was he?

MR. BARRY:

Not in that particular stable, Mr. Speaker. However, I thank the minister for his suggestion.

With respect to my colleague's comments, the member for Stephenville (Mr. K. Aylward), there are a lot of divers who are very interested in diving on wrecks. As a matter of fact, there are tours now. I do not know if the minister is aware, Mr. Speaker,-

AN HON. MEMBER:

Did you hear that?

MR. BARRY:

The minister is not aware right at this moment. I do not know if the minister is aware that -

MR. RIDEOUT:
(Inaudible).

MR. BARRY:
Would the Minister of Fisheries (Mr. Rideout) go sit down and stop interfering with this tremendous debate we have going. I do not know if the minister is aware that there are tours being brought into the Province for the purpose of diving.

MR. PATTERSON:
I would go for a tour of the bottom if you were (Inaudible).

MR. BARRY:
Well I know the member for Placentia (Mr. Patterson) has never been beyond the low water mark, Mr. Speaker, except a few times that that Town of Placentia has been flooded. That is the only time that has gotten below the low water mark. So he would not know, Mr. Speaker, about that. His membership in this House and his speech in this House are not the high water mark in this House either.

Mr. Speaker, there are divers coming into this Province for holidays or vacation just to get access to the wrecks that are around. We have very clear water.

MR. BAKER:
There are a lot of wrecks over there.

MR. BARRY:
It is somewhat cold. Yes, they could come in and dive on the members opposite if they are looking for wrecks, I suppose.

Off Bell Island, for example, when I go back and forth to visit that part of my constituency, I regularly meet divers on the Bell Island ferry who are going over on

a Sunday afternoon to dive on the ore carriers and the other vessels that were torpedoed during the Second World War.

MR. TOBIN:
Did you do any diving?

MR. BARRY:
I have done a little bit, Mr. Speaker, but I cannot say I am ready for the wrecks off Bell Island.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please!

MR. BARRY:
Mr. Speaker, all members opposite are in the process of taking a deep dive in the next election.

These sites that we have around the Province should not only be protected but they should also, once the protection is in place, be well advertised. There should be some way in which to encourage tourists by making these known.

I know we already have a map showing the wrecks around the Province, not just the political wrecks. You have a map of the Island of Newfoundland and the border of that map, Mr. Speaker, is virtually littered with sites where ships have gone down. It is very interesting to see some particular places that have obviously been the graveyard for ships because there is wreck upon wreck piled up there. We should not over emphasize that these divers have been irresponsible. Many of them appreciate very much the value of keeping these wrecks in the state that they are. I am sure there are some irresponsible individuals that tend to make off

with artifacts.

Mr. Speaker, we had an interesting case out on the West Coast, the member for Stephenville (K. Aylward) might have been aware of this, where a young man went diving on the West Coast and came up with, I think it was a ship's chronometer or navigational instrument, I am sure.

DR. COLLINS:
An astrolabe.

MR. BARRY:
An astrolabe, I think that is what he found, that dated back to the sixteenth or seventeenth century, Mr. Speaker. I do not know if that young man ever managed to retain any interest in that. I think he was forced to give it up. I think by the federal government, but I am not sure. I think the offshore legal case, if it has done nothing, it has established probably Newfoundland's right to the wrecks out to, I think, the twelve-mile limit which was three miles, but since the territorial sea was extended out, I think Newfoundland's right to legislate and to have ownership of wrecks within that area is probably now something that has been confirmed by that case. We may have an interesting legal case if we ever find any other things of value in the future.

We have already had the Red Bay wrecks. That was worked out by agreement between the Province and the Government of Canada but there was some concern, I might say, for a time as to whether the artifacts were going to be whipped off to Ottawa and that is all the Province might see of them. I know there are places around the Province where very interesting

wrecks and artifacts have been found and where they have been taken away from the area and various communities are quite peeved by the fact that they were not able to end up in a little museum that might attract the occasional tourist to the community.

We are supportive of this measure but we would stress that there is a need for ensuring that we do have money as well as legislative, that money is going to be necessary in order to ensure that these historic sites are preserved and protected.

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
Thank you, Mr. Speaker.

I have a number of concerns about this legislation and it divides into two broad categories. One is the diving problem that has already been mentioned, and I want to expound on that to length right now, and the other is the concerns from the archeological community which has looked at this legislation and has pointed out some major holes in the particular legislation itself.

We will start with the divers. One of the major problems that we have today is that there are a lot of divers exploring wrecks in this Province who, quite frankly, have given absolutely no encouragement whatsoever to turn in the objects that they find themselves. To refer to the fellow who was in the Port aux Basques area - not on the west coast - Wayne Mushrow, who found the astrolabe which dated

back several hundreds of years, which was valued in the hundreds of thousands of dollars by the way, that individual got for his efforts a visitation by the RCMP and harassment for actually going in and having the nerve to find something like this.

Eventually, two years after, he was given a cheque or sent a cheque for \$500 as compensation for it. He was so insulted that he sent the cheque back. Then after the cheque has passed in the mail several times he finally donated it to the local museum.

MR. BARRY:

How much was it?

MR. FENWICK:

It was \$500 he was offered for the astrolabe and it was valued conservatively at about \$100,000 if you will excuse the expression 'conservatively'. The fact is that that particular incident has turned off more divers in this Province and has encouraged them not to report what they find so that we are now seriously in danger of losing many of our archaeological finds because the divers themselves see no incentive whatsoever to turn them in. There is not even a bit of recognition for them when they are taken and put in a museum. Some of them would like to see a little plaque underneath it; "this was discovered by so and so who was diving in such a place." They figure that at least that would be some recognition for the work they have put in. At the same time, since a lot of these are valuable, they feel that it is extremely important that some form of arbitration procedure be put in so that they could be compensated somewhat for the work that they have put in and for the very

valuable finds that they have had.

At the same time this particular piece of legislation says that any archaeological object must be turned over to the Crown. They seriously question whether that has to be. There may be something that is very important we would like to see turned over. We may be, like other places in this world, where people may have 10,000 silver coins of a particular kind and they find another one. The Province may not want that particular silver coin but just keeps on hoarding it because that is what the legislation says. In these instances the divers - and I think quite rightly - say, well "why can they not retain possession to it, why can they not be the people to benefit by the asset that they have actually found?"

The problem with this bill is it does not address those diver's concerns. What is happening because of that is the divers are doing a number of things with what they find. The first thing they are doing is squirreling it away in cupboards, hiding it, because obviously with the enforcement position of this act they can have a bunch of police jump in on them at any time in order to confiscate it. So they are hiding it in cupboards. In some cases the actual objects themselves are being damaged because they are not being kept in the proper humidity and temperature and so on. In other cases they are being lost. The kids start playing with them. This is information that I have received from the divers themselves and representations that they have made.

So, Mr. Speaker, what we need in this particular piece of

legislation is something that comes to the reality of what is happening today. We are losing, very quickly, all the kinds of archaeological resources that we should have in our museums because one, we do not have a procedure for compensating and recognizing these divers and two, we have Gestapo-like - well I take that back because that is quite frankly a bit too harsh - but we have extreme powers given to police in order to investigate -

AN HON. MEMBER:
But we should.

MR. FENWICK:
But the problem is that it does not reflect the reality that is out there. Things are being found and they are either being hidden away or, even worse, they are going out in the black market, out into other parts of Canada and out into the world where there is a market for these things. It is certainly illegal but the thing is the way the legislation is drafted there is nothing at all for the divers to look to and say, "This is the kind of thing that would at least give us some recognition and some compensation for what we have done," and that is a major deficiency in this particular piece of legislation. That is a major problem with it.

Going back to the other problem - and there are a number of other ones - I have a letter with me which I will table because I intend to read parts of it. The letter is date September 9, 1985 and it is from James Tuck who is -

AN HON. MEMBER:
No!

MR. FENWICK:
Well, I think it is appropriate.

The guy is a practicing archaeologist. He should have some input into a particular piece of legislation that controls -

AN HON. MEMBER:
(Inaudible) seen that.

MR. FENWICK:
The minister has a copy of it, Mr. Speaker, because I sent him a copy of it when I got it back from Mr. Tuck. I also know, from the minister, that he intends to ignore completely any of the recommendations he made since I asked him that yesterday. I am hoping that he will get up and at least say he is making some recognition of it and perhaps change it in Committee stage.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please!

MR. FENWICK:
Anyway, Mr. Speaker, here are some of the concerns that he has - it is the only copy of the letter so I will put it down in a minute. In Part two, Section eight - I do not want to get too specific because in the Committee stage we can get more specific about it - what he says is that particular provision 'does not have words to the effect that the site should be restored to a condition which will prevent erosion or other deterioration which would be preferable. It might be desirable to leave some sites open for public inspections. Others might be proposed to return to original condition and who is to decide what is reasonably possible.'

So this is one of his concerns on it, that there is no provision for those kinds of input into that

particular site.

In Part II, Section 8,(5)(c) he says, 'The time of return to the Province should be specified and prevent the present abuse of the system whereby specimens have been out of the country for more than ten years, hence not available to researchers working within the Province. Provisions for extended loans should be made, but this should only occur in exceptional circumstances. Mention should also be made of the excavators responsibility to conserve all material recovered. The Province is unable to do this, and even if facilities were available, conservation must start the moment objects are removed from the burial environment. Much has already been lost through negligence in this matter.'

Now, these, to me, seem to be very serious concerns and a reasonable critique of the particular legislation that I am assuming the minister, if has a copy of the letter, which I know he does, is going to incorporate at Committee stage but, to this point, he has not indicated that he will.

He also has some additional concerns. On Part II, Section 10, Subsection (2) he said, 'They should include a provision for excavation by persons in the direct employ of a permit holder. Field assistance are normally employed in archaeological excavations, yet that is not made clear in the legislation, itself.'

He is also worried about Part II, Section 11, Subsection (2) saying, 'It is unrealistic and unenforceable and results in a certain amount of paranoia among people who have had collections for a number of years. Moreover,

a test of this provision, particularly if the material was acquired on private property, might result in the entire Statute being set aside.'

He has some additional concerns, Mr. Speaker, and I am not going into the detail, but one of his major ones is that he says, "Considering the emphasis placed on archaeological work, maybe we should be looking for an equivalent foundation for the protection of our archaeological heritage' as well as the one that is already set out there in the particular act, itself.

I am going to table the letter and I recommend it to the minister who, of course, already has a copy of it. I would like to suggest that this shows, since the individual concerned is probably the foremost archaeologist in the Province and has done more in terms of investigating at Boyd's Cove and at Red Bay and other places, that this individual had not even seen this piece of legislation prior to the time that I mailed it to him last Spring. He has had no input whatsoever into the drafting of these provision, or even criticizing them, other than what we were able to do by sending out the thing and getting a letter back from him.

AN HON. MEMBER:
Why should he?

MR. FENWICK:
I am tending to suggest that if this government is expecting to put in place legislation which is sound and does not have to be amended every two or three years because we find major flaws in it, then it is worthwhile, it seems, to at least consult the people who will be regulated by it, to at

least ask them what they think of the legislation. If they something that is foolish or that you do not agree with, fine, you can turn it down, but at least ask them.

I am wondering why we end up with legislation here on which two of the major groups, the divers who find a lot of our treasures and the archaeologist who dig up a lot of our treasures on land, were not consulted on the drafting of this legislation, to the point that they did not even know what was going on, and, secondly, that their concerns and the major problems they encounter, which are destroying a lot of our archaeological treasures because they are being spirited away, why their concerns are not incorporated in it?

On that basis I do not believe the bill goes far enough in terms of recognizing the problems we have and dealing with them on a reasonable basis. I await the minister's comments to see what his answer will be to those.

MR. MATTHEWS:

Mr. Speaker.

MR. SPEAKER (McNicholas):

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

The hon. the Minister of Culture, Recreation and Youth.

MR. MATTHEWS:

Mr. Speaker, I would like to speak

MR. FLIGHT:

Speak. Speak.

MR. MATTHEWS:

The hon. the member for Windsor - Buchans (Mr. Flight) does not have

to worry about me speaking, because we are permitted to speak on this side. We are not pushed back into our seats when we rise to our feet, as happened to him today.

I would like to close debate on the bill, Mr. Speaker, by thanking all three hon. members for their comments as they pertain to the bill. I appreciate their remarks. I must say, for the most part, the remarks by all three were pertinent.

I would like to say, however, that the member for Menihek (Mr. Fenwick) is very fortunate, probably more fortunate than most members of the House, in that he has someone he can run off to to do a critique on a bill and send a letter he can table. But I appreciate the comments that the hon. the member for Menihek made, and the accompanying letter, which I have a copy of, and I can say to him that each article which has been referred to by Dr. Tuck, that I could refute just about 100 per cent of it, if I chose to do so. I will keep it for future reference in case we do decide to make future changes.

AN HON. MEMBER:

Dr. Tulk?

MR. MATTHEWS:

Dr. James Tuck, yes.

AN HON. MEMBER:

(Inaudible).

MR. MATTHEWS:

No, not Dr. Beaton Tulk.

MR. TULK:

Unlike the member I can probably get a doctorate.

MR. MATTHEWS:

Yes, you can get a doctorate if you went down to some United States university and could buy it. I would say that would probably be the only way you would get it.

But otherwise, Mr. Speaker, I do not want to get into this kind of a debate. I just want to thank the hon. members for their contributions that they have made to it all. We were referred by the way earlier, Mr. Speaker, to about being a number of wrecks on this side. I would just like to say that the other side is only influenced by one Rex, and we think they are very unwise to do that.

SOME HON. MEMBERS:

Hear, hear!

MR. MATTHEWS:

Mr. Speaker, I take pleasure in moving second reading.

On motion, a bill, "An Act Respecting The Preservation Of Historic Resources Of The Province," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 7).

Motion, second reading of a bill, "An Act To Amend The Public Service (Pensions) Act." (Bill No. 10)

DR. COLLINS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, this is a very important bill. I am sure I could speak on it for several hours. However, it is not a wide application, but nevertheless it

is very important for those to whom it applies.

There are two main provisions in the bill. The first is regarding the refund of pension premiums. This bill will permit those public servants who leave the Public Service, if they wish, to leave their premiums in the pension fund. The current arrangement is that if the public servant leaves the Public Service they must be reimbursed for their premiums. This will permit them to leave their premiums in so that if they are re-employed in the Public Service, they will get credit without any difficulty for their prior service. This is a benefit to them in terms of their ultimate pension benefits.

If they wish, of course, they do not have to, they can apply and get a refund of their premiums but I have no doubt that most individuals in that situation, if they have an expectation of going back into the Public Service, if they are out just for a period of time, they will leave their premiums in.

The second point is regard to early retirement, Clause (2) will allow the Lieutenant-Governor in Council to bring in regulations and under those regulations specified categories of public servants may take early retirement. At the present time the arrangement is that early retirement with full pension benefits is at the age of fifty-five and after thirty years service. This will now permit the specified categories of public servant to take early retirement at the age of fifty-five, but only with twenty-five years of service.

The Lieutenant-Governor in Council

will be able to specify which ones and it is not the intention at the present time that all public servants would be so specified but there are in certain instances good reasons why categories of public servants should be so permitted.

The other provisions of the act are to make the act, shall we say, sexually neutral, it takes out the 'hims' and puts in the 'hes' and 'shes' and that type of thing.

MR. MATTHEWS:
Persons.

DR. COLLINS:
Persons. So, with those few remarks, I move second reading.

MR. FENWICK:
Mr. Speaker.

MR. SPEAKER (Hickey):
The hon. the member for Menihek.

MR. FENWICK:
Mr. Speaker, I take great exception to Clause 2. The Minister of Finance (Dr. Collins) and I have gone over this, we have had some phone calls on it and so on.

What is not apparent here, Mr. Speaker, is that the classes of employees that are talked about here, that are proposed, but have not been listed or have not been given any examples on, are people like deputy ministers or heads of departments. It is not meant for employees in the public service who happen to have particularly strenuous jobs and an argument could be made for reducing the amount of time they have to spend in service in order to give them an early pension.

This is meant as a means of

flicking out a few deputy ministers who have overused their usefulness, or some department heads that people want to get rid of, and so on. This is intended to take the public service pension plan, into which everybody donates on an equal basis from the poorest paid clerk in government service to the deputy ministers and so on, and make a double tier. There is the Cadillac system, if you will, for the deputy ministers and heads of departments so that they can be flicked out at an early age with a much higher pension, and then there is the grunt class, if you want, in which all the rest of the civil servants who have to put in their full number of years in order to get a full pension. I think that this is a horrible way to discriminate. When you read it you cannot see it there; you have to ask the minister for it, and that is why I asked for some examples when he was explaining the bill. But, of course, he was too cowardly at that point to put that forward, because he knew that if we put that forward in a way where it was clear the classes that we were talking about, it would be clearly seen to be discriminatory against everybody else in the public service.

I find that that is a very onerous article, a very onerous clause to put in there. It is a sneaky way of putting it in, because the minister himself did not explain it to us, and I think he has an obligation to get up and tell us what the heck is going on with this particular clause. I do not like to see us having first-class citizens in terms of pensions and second-class. With those comments, Mr. Speaker, I will sit down.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, generally we can support this legislation. The interest rate that is set out there for the accumulation of interest if an employee decides to leave the money in seems to be somewhat low, a 5 per cent interest rate. Would it not be fair to provide for an interest rate which is equivalent to the rate of government borrowing, the cost of money to government from time to time or something of that nature, rather than set a 5 per cent interest rate. This will discourage, I think, individuals from taking this option. That is in Section 6 (1), as I understand it there now, the 5 per cent. You used to see that written in it all the time in all legislation, but it seems to be unrealistically low interest rate for today's inflationary period. So I ask the minister if maybe in Committee of the Whole he would take a look at that interest rate and see whether there could not be some sort of a sliding scale formula applied that would be tied into the cost of money to government from time to time.

Also, Mr. Speaker, I understand - maybe the minister could address himself to this - that an employee, if he retires, and takes out his money at the present time, if he goes back to work with government, he can buy back his pension. Am I correct there? If he had the self-discipline to retain that money that he takes out, when he goes back to work for government in a year or two years time, he could pay the same amount

or approximately the same amount and purchase back his position in the government pension scheme. I guess what the problem is that individuals, all of us, when we tend to get our hands on a lump sum of money, we do not all have the discipline to maintain that in a savings account or our own RRSP or wherever to use it for pension purposes should we eventually go back with government. It is a form of forced saving that an employee would be using upon himself by leaving his money in.

I think the minister should take another look and see whether the interest rate being applied here is adequate. It seems to me it is not adequate. Apart from that, Mr. Speaker, maybe the minister can indicate to what extent there has been consultation with the unions that are representing public employees. Have they been consulted, do they feel that this is a progressive step? Or are they being ignored? Is there the usual lack of consultation with representatives of the employees?

MR. SPEAKER (Hickey):

If the minister speaks now he closes the debate.

DR. COLLINS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Speaker, in response to the hon. member for Menihek, the objective here is not actually to get rid of public servants, certainly not against their will because there is no obligation on the part of any individual to take up the option available to him if he is in a category that is designated for early retirement by

the Lieutenant-Governor in Council. So there is no obligation there, but it does permit, if the person is in that category, to take that action.

The hon. member, I would say, does have a point to this extent that there may be certain categories that are originally designated and then there are other categories who would like to be designated. But I do not think that the Lieutenant-Governor in Council is going to designate a category and just leave it at that. I think that as experience is obtained with this new initiative there will be other categories very, very likely designated. It is something that has to be done with an element of care.

In terms of the hon. the Leader of the Opposition's (Mr. Barry) comments, I will look at that interest rate. I might say that the only change in that particular section there was just a few words to change a 'shall' to a 'may'. So there really was not a great deal of attention, to my knowledge, given to the rest of that section there. I believe there are technical reasons why a 5 per cent was retained, but I will certainly undertake to look into that and bring it up in Committee.

In regards to consultation, yes, there was consultation with the management group and with other groups in the public service over this. There have been no significant problems with it. I think this has been looked upon by the public servants as a progressive move.

So with those remarks I move second reading.

On motion, a bill, "An Act To Amend The Public Service (Pensions) Act", read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 10).

Motion, second reading of a bill, 'An Act To Amend The Newfoundland and Labrador Housing Corporation Act'. (Bill No. 20).

MR. MARSHALL:
Mr. Speaker.

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

MR. MARSHALL:
Mr. Speaker, in the absence of the Minister responsible for Housing (Mr. Dinn), this is a relatively simple, but important bill. The St. John's Housing Corporation when it originally developed the area which is North of Empire Avenue retained title on a leasehold basis of 999 years with the rental is \$1 a year demanded. The reason why they did it was because in those particular days the St. John's Municipal Council did not extend into that area and this was a way in which they controlled the land use in the area. It is obsolete now and it is not necessary. The purpose of this bill is to change those particular leaseholds to freehold deeds so that the people will hold their property in freehold rather than 999 years with a rental of one dollar a year demanded.

MR. FLIGHT:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Windsor - Buchans.

MR. FLIGHT:

Thank you, Mr. Speaker. We are disappointed that the minister is not here to introduce his own bill. We do not know where he is. He was here all afternoon, Mr. Speaker.

We agree with the hon. House Leader insofar as the amendment to the bill is concerned. We have no problem with that. It is very simple and overdue and we have no problem supporting it. But, Mr. Speaker, I am going to take advantage of the principle of the amendment to say a few words on Newfoundland and Labrador Housing.

There is no question, Mr. Speaker, that depending on where you live in Newfoundland, one of the things that affects a person's way of life the most is Newfoundland and Labrador Housing and the way they perform and the functions that have been given them to perform by the Government of Newfoundland.

Mr. Speaker, to start with there is a desperate shortage in Newfoundland of the type of units that are provided by Newfoundland and Labrador Housing. It is nothing short of scandalous, Mr. Speaker, the housing conditions that certain people in certain areas of this Province find themselves in. Windsor, a town that I represent, is an example. A backlog of applications, Mr. Speaker, eighty or ninety applications are on file. The Housing Corporation allocating two or three or four and allowing two or three or four new apartments to come on stream per year is scandalous. We do not know why, Mr. Speaker, and the councils concerned and the people concerned continue to press Newfoundland and Labrador Housing to build more houses but, for some reason, they

are not prepared to take advantage of the funding that is available from the federal government - practically 100 per cent funding for those programmes. Yet, they will not take advantage and provide decent housing for the people who so desperately need it.

Mr. Speaker, we saw the ineffectiveness of Newfoundland and Labrador Housing when they allowed the RRAP Programme, a programme that was a very valuable programme, particularly again to rural Newfoundland and St. John's where it was a job creation programme, when homes are being renovated, buildings supplies are being sold, people are working. There was an important enough reason, Mr. Speaker, but there are thousands and thousands of Newfoundlanders who benefited from the programme in the first instance, improved their homes, brought a substandard house up to a decent standard and the Minister responsible for Newfoundland and Labrador Housing simply caved in, did not say a word, Mr. Speaker, when Ottawa decided to slash that programme, when his federal buddy in Ottawa decided that they were not interested in the living standards or conditions of the ordinary people. The minister just sat back and never said a word and, as a result, RRAP all but disappeared in Newfoundland - a tragedy!

Mr. Speaker, one of the biggest concerns I have is the method of selecting tenants for these houses that the minister is allowing. The minister has created in communities that have Newfoundland and Labrador Housing selection committees. These selection committees are appointed. Mr. Speaker, it is terrible the way that they assume their sense of

responsibility. We have come down to a point now where you have a selection committee paid a per diem, x number of dollars per meeting, Mr. Speaker, and you have an employee of Newfoundland and Labrador Housing situated in a town like Grand Falls whose job it is to inform the selection committee on a point system as to who should or should not get housing.

I know cases, Mr. Speaker, where meeting after meeting only one member of the selection committee attended the meetings. The employee of Newfoundland and Labrador Housing, Mr. Speaker, selected, in advance, the tenants who were going to go into those houses. The decision was not based on need. It was not based on the criteria outlined in the guidelines for selecting tenants. It was based on the personal whims of an individual, an employee of the Newfoundland and Labrador Housing Corporation. The Minister of Forestry grins and well he might because he knows exactly whereof I speak.

So, Mr. Speaker, we are very concerned about that. The minister should take a look at these committees. He should take a look at the method by which we select tenants.

With that, Mr. Speaker, I note it is 5:30 p.m. and I will adjourn the debate. The Speaker, I am sure, is waiting to go into the Late Show.

MR. SPEAKER (McNicholas):

The motion to adjourn is deemed to have been put. There are three questions to be debated at the adjournment: The first is by the hon. the member for Fogo (Mr. Tulk), then the hon. the member

for Port de Grave (Mr. Efford), and then the hon. the member for the Strait of Belle Isle (Mr. Decker). They are all addressed to the hon. the Minister of Social Services.

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, the minister, I presume, is in the House somewhere.

Mr. Speaker, this whole question that was asked of the Minister of Social Services (Mr. Brett) yesterday - and I guess the same basic question was asked by every person on this side of the House - has to do, of course, with the minister being responsible for his department's actions. We heard the minister say to the press and, indeed, even in this House, that he was not surprised by the report; he suspected much of what was in it all along - those are his words - that there were no real surprises.

In other words, the minister told us that he knew that those kinds of horror stories that we heard yesterday and saw in the report, he knew that those horror stories were going on. He knew those kinds of things were happening. He knew, Mr. Speaker, that there were kids being kept in isolation half an hour of every waking hour of their lives and he knew that that had been going on, at least in one case, for six months. He knew that Native offenders in this system had been treated in a most unfavourable fashion. He knew that young people whose offenses were not necessarily of a criminal nature were coming in contact with those people who were criminal. As a matter of fact, I think I can tell the minister that today in Whitbourne there are three or four

people with criminal sentences, who have been sentenced by the courts, who are being put with people of a nature to be influenced by them. I think that is happening even today in Whitbourne. The minister has failed to act. He knew those things, he did not need a report. I do not want to get into how the act was brought in because that is bringing up something - it was not brought in because the minister knew about those things; that is another can of worms that I will not get into. The minister knew that those things were happening.

He knew that situation involving the Native people and he knew that there was nothing being done to educate those people. The tragic thing about that whole affair, Mr. Speaker, - and I put that to the minister as the member for the Strait of Belle Isle (Mr. Decker) did this afternoon. I put it to the minister that today it is somebody else's child, tomorrow it could be the child of anybody in this House or anywhere in Newfoundland that he is talking about. It is a most serious matter and the minister has failed to answer. We have seen everybody on that side of the House try to slough it off. It is a joke. When somebody asked the question in this House this evening whether they were going to build the necessary institution, the necessary buildings, the Premier said, 'We will build fifteen!' 'We will build fifteen,' he said, 'Why build two? What is the problem?' - in a fashion, Mr. Speaker, that does not belong to the Premier or the minister.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER (McNicholas):

Order, please! Order, please!

MR. TULK:

The minister is responsible for the actions of his department. That is the whole point of the question. He has accepted the responsibility. It would not be out of place to call this Premier, because of his attitude, Premier Dickens. It would not be out of place at all. Mr. Speaker, I say to the minister, it is scandalous what is going on, it is scandalous what has gone on, and what is even more scandalous is that the minister admits that he knew it and now fails to take responsibility for his actions.

MR. BRETT:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the Minister of Social Services.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

On a point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

Order, please!

A point of order, the hon. the Leader of the Opposition.

MR. BARRY:

The minister and the Premier are both going to need more boosting of morale than that faint show.

PREMIER PECKFORD:

To that point of order, Mr. Speaker.

MR. SPEAKER:

To the point of order, the hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, at least we can get a boost over here.

SOME HON. MEMBERS:

Hear, hear!

MR. CALLAN:

To the point of order, Mr. Speaker.

MR. SPEAKER:

To the point of order, the hon. the member for Bellevue.

MR. CALLAN:

I never did give much for ovations before anyone said anything. I hope the minister says something which deserves an ovation.

MR. SPEAKER:

Order, please!

There is no point of order. The hon. the member for Social Services.

MR. BRETT:

Mr. Speaker, I only have five minutes. I do not have very much to say. It will probably take five minutes, though.

In February of this year, Mr. Speaker, I returned to the portfolio of the Department of Social Services; I left back in 1978. Shortly after I went to the department, a public enquiry into a tragic death associated with the Whitbourne Boys' Home was released to the public.

The enquiry pointed to several weaknesses in the Juvenile Corrections Division of the department, with particular emphasis on the Boys Home and Training School at Whitbourne. In addition to that report, I also felt, as the minister, that there were some weaknesses in the system, probably some which were not even pointed out by the

enquiry. Subsequent to that, and as quickly as was humanly possible, I commissioned an independent assessment of the whole division, with particular emphasis on the two institutions. I asked that it be done by an independent body, people who had no connection with the Department of Social Services, and the committee was made up of a member of the Public Service Commission - I do not remember the names - somebody from Memorial University, the Chairperson was a Mrs. Orfenakous, who was superintendent of a similar institution in Ontario - there were four or five people. There was one person from my department, but that person was seconded from the department merely to act as secretary to the Committee.

The Committee's mandate was to assess the two institutions with respect to our programme and everything else that went on at the institutions, and also to advise us in the implementation of the Young Offenders' Act, which was new not only to the Province of Newfoundland but was new to every Province in Canada. That report was delivered to me. I cannot give the House the exact date, Mr. Speaker, but it was either the last week in October or the first week in November.

MR. CALLAN:

A month and a half ago.

MR. BRETT:

No, it is not a month and a half ago.

I immediately, Mr. Speaker, I immediately went through that report with a fine-toothed comb. I had a copy delivered to the Premier and I advised the Cabinet of the contents of the report, and

it was discussed in Cabinet.

In addition to that, I set up a working committee within the department, which will report to me every two weeks, to carry out every recommendation which is feasible so to do.

There are sixty recommendations, but nobody should run away with the impression that every recommendation was necessarily a sensible one, some of them were not. That working committee has been instructed to implement the report where it is feasible to do so. That was done as quickly as humanly possible and I have said over and over and over. I said it fifty times yesterday and I said it I do not know how many times today. Where it was suggested that there may have been cruelties - and I say where it was suggested - and it is not necessarily so because that detention unit is not being used indiscriminately. There could be somebody in the detention unit right now, but it is not been done indiscriminately. I think it is unfair for the hon. members to be playing on that sort of thing because a lot of the hon. members do not know to much about these types of institutions. I would suggest to this House, both sides, that if you were to visit institutions of that nature anywhere in Canada you might find some hair-raising experiences.

I am not making any excuses, Mr. Speaker, and I do not think that I owe any apologies to anybody. I believe that, as a minister, I recognized a problem and I moved as swiftly as I possibly could to do something about it. I really and truly believe that the people of Newfoundland and Labrador could not expect any more of anybody.

Mr. Speaker, if the next two questions are on the same line then I am going to get up and say, 'ditto.'

MR. SPEAKER:

The hon. member's time has elapsed.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the member for Port de Grave.

MR. EFFORD:

Mr. Speaker, I can understand why the Minister of Social Services (Mr. Brett) would talk in such a low voice. For this thing to go on in this Province in the twentieth century and to see the government and all the members on the opposite side applauding a man who has completely neglected his job; who has completely distorted fact to try to make himself look good; who has stood here on the floor of this House and said that he should be awarded a medal, despite fact that people have been put in detention, people have been doing without the proper care, young children's education has been neglected, they have been subjected to being with criminals and they have had absolutely no care in the institution whatsoever. The Minister of Social Services stood on this floor and said that he should receive a medal for it, and the Premier of this Province praise him for it and say he is proud the work that he has done.

Make no wonder when they put it on National TV and it goes across Canada this Province is laughed at. Such things should not go on in this day and age. If people in this Province think it is a great thing and the government of this

Province thinks it is great to drive those children to those hardships, well, Mr. Speaker, I want no part of it. Every time I have to go out in public I have to hold my head in shame. Somebody has to be responsible, somebody has to take the responsibility for what is happening to those children. They are not animals, they are not animals that you are going to put in a barn and take a whip and whip them into a stall, they are children that need care.

They are special children because most of them are probably foster children, most of them are on the streets most of the time so they end up in there through no fault of their own and it is the responsibility of the Minister of Social Services to hold his head high and to say that he has the responsibility for those people and that he must make sure that something is going to be done about it. This minister has been there since last February. He admitted that himself. He has know that the problem has been there since last February. Why did he not do something then? Why did he have to sit down and wait for a report to come in? The report outlines dozens of different things but he knew there was something there then. He knew those people were incompetent doing their jobs and he should have acted immediately. He is getting paid a salary to do it and he has a responsibility to do it to the people of this Province and he should have done it and now he should bear the consequences.

I do not care what you want to throw. Throw all the slurs you like. This man has got to be held responsible for what he did not do. You people can sit down there and you can make all the fun you

like. If you have children, it could be your own relatives, your own children in there next week and they would be subject to this kind of torture and this kind of neglect. I for one am not going to sit down in this Chair or walk around this Province and know that something like this could be allowed to go on.

SOME HON. MEMBERS:

Hear, hear!

MR. EFFORD:

It is time for the people of this Province to realize that and for the Premier of this Province to sit down with his arm under this chin and make fun at something like this and say he is proud of the way the minister has acted, I think it is a total disgrace. He should take the consequences that goes along with it.

SOME HON. MEMBERS:

Hear, hear!

MR. EFFORD:

If he pointed out very simply that out in Pleasantville and Whitbourne, the youth in Whitbourne are not required to attend school. Do you mean to tell me that it takes that kind of a thing to go through a study before the minister can act on it? Has he never visited that place and found out that that was happening?

MR. TOBIN:

Did you ever visit the home?

MR. SPEAKER:

Order, please!

MR. EFFORD:

I am not the Minister of Social Services and if I were the Minister of Social Services I would damn well visit those places

and make sure it was done right.

SOME HON. MEMBERS:

Hear, hear!

MR. EFFORD:

Tell the minister to fall out of it and let somebody take over the job who can do it.

MR. TOBIN:

You are going to be able to do it are you?

MR. EFFORD:

You have no worries about me. When I become the Minister of Social Services or whatever I will do my job properly. I will not have to hold my head in shame.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please! The hon. member's time has now elapsed.

MR. EFFORD:

By leave, Mr. Speaker?

SOME HON. MEMBERS:

No. No.

MR. EFFORD:

The truth cuts.

MR. SPEAKER:

Order, please!

The hon. the Minister of Social Services.

MR. BRETT:

Mr. Speaker, in reply to that, whatever it was - nothing more than an emotional outburst - I would just like to tell the hon. member that I happen to be very proud of the stand that I took.

SOME HON. MEMBERS:

Hear, hear!

MR. BRETT:

Secondly, Mr. Speaker, God forbid that that man should ever become the Minister of Social Services in this Province.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

A point of order, Mr. Speaker.

MR. SPEAKER:

Order, please! A point of order, the hon. the Leader of the Opposition.

MR. BARRY:

The Opposition House Leader (Mr. Marshall) a few minutes ago informed the minister that we have been informed as of today that there are at least three, maybe four, young people who are not under any sentence who are put in contact with criminal elements at Whitbourne.

MR. SIMMS:

That is not a point of order.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order, please!

MR. BARRY:

Is the minister going to answer that? Is he going to deal with that?

MR. SPEAKER:

Order, please! The hon. the Leader of the Opposition knows full well that he should sit down when I stand and call for order.

MR. BARRY:

I did not realize you were standing, Mr. Speaker.

SOME HON. MEMBERS:

Oh, oh!

MR. BARRY:

They are shouting too much, I could not hear you Your Honour.

MR. SPEAKER:

There is no point of order. The hon. the member for the Strait of Belle Isle.

SOME HON. MEMBERS:

Hear, hear!

MR. DECKER:

This week, Mr. Speaker, we saw a report that told us we have a juvenile prison system that is archaic, it is completely outdated and it is completely unbelievable. The report, Mr. Speaker, surprisingly gave members opposite a subject with which to have a great laugh, this report which tells us that we have a prison system for young people which stresses punishment as opposed to rehabilitation. Now, Mr. Speaker, who are those young offenders? They are children. Society, in its wisdom, recognizes that it is proper to treat children differently from the way you would treat hardened criminals, and so society, in its wisdom, arranged rehabilitation centres for children, and we have seen those homes which were for rehabilitation, made into instruments of punishment, which is totally contrary to the intent, Mr. Speaker.

Now, the hon. minister gets up and he says he has only been minister for so many weeks or months. The hon. the Premier gets up and tries to put blame on someone else. Now, how much longer is this government going to blame somebody else? We have had a Tory Government since 1971 in this Province. Is Joey Smallwood

responsible for this, Mr. Speaker?

SOME HON. MEMBERS:

Yes, yes!

MR. DECKER:

Who are they going to blame it on?

SOME HON. MEMBERS:

Oh, oh!

MR. DECKER:

It is high time, Mr. Speaker, for members opposite to realize that the buck has to stop somewhere and it has to stop in their laps, Mr. Speaker. They are responsible. They can laugh and they can cat call all they like, but the fact remains that we have an archaic system, which is treating juveniles as criminals, and there is nobody responsible but those members over there, who were elected to make it their responsibility.

We are told in this report about punishment as opposed to rehabilitation, Mr. Speaker. I wonder if the hon. minister is aware that the cat-o'-nine-tails went out many years ago? Or maybe physical beatings are still being practiced in those institutions, Mr. Speaker. I would believe anything after the attitude that I have seen portrayed here.

Mr. Speaker, I know that all those recommendations cannot be implemented immediately, and I sympathize with the hon. the minister in that regard. But there are some things that could be addressed immediately, Mr. Speaker, especially if it is true as regards the brutal practice of solitary confinement for one half hour of every hour.

The hon. minister gave the example about the girl who, for six

months, was kept in solitary confinement for one half hour of every hour. But she is no longer kept in solitary confinement, because the problem is now solved; she does not run away any more. I would be surprised if the poor child can walk any more, Mr. Speaker. They solved the problem, they beat her into the ground.

SOME HON. MEMBERS:
What!

MR. DECKER:
That is how they solved the problem, Mr. Speaker.

SOME HON. MEMBERS:
Shame! Shame!

MR. DECKER:
In this House today, Mr. Speaker, the question was asked of the hon. minister on many occasions, 'When did this practice stop?' His answers convinced me that the practice has not stopped. The minister was programmed. To every question he got up and he followed his programme. He was programmed to say that action will be taken in due course. I asked the minister a simple question: When will it stop? Four words, when will it stop? The hon. minister answered me by saying, 'No.'

Now, Mr. Speaker, I would submit that that was a completely inappropriate answer to a simple question, and that is why I am asking the minister now to give me a simple answer.

MR. SIMMS:
You are wasting your five minutes.

MR. DECKER:
I do not want five minutes, if he will say, December 6, tomorrow, at six o'clock. Just tell me when it will be stopped, Mr. Speaker.

What is he afraid of? Is this a cover-up? Is he afraid that something else is going to come to light? We deserve to know. We have a right to know?

MR. SPEAKER:
Order, please!

The hon. the member's time has elapsed.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
The hon. the Minister of Social Services.

MR. BRETT:
Mr. Speaker, I just want to answer the question of the Leader of the Opposition because there seems to be some misunderstanding with the Remand Center. It is common and it is required, that juveniles, who are awaiting sentencing, be kept at the Remand Center, and nobody should misunderstand. At the Remand Center they are not locked in a cell, but they have to be kept at the Remand Center until they are sentenced. It is possible that there could be three or four people at the Remand Center now awaiting sentencing.

MR. BARRY:
They could be sent home.

MR. BRETT:
Well, sometimes it is not possible to do that, Mr. Speaker.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please!

It has been moved and seconded that the House do now adjourn.

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