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**VERBATIM REPORT**  
*(Hansard)*

*Speaker: Honourable Patrick McNicholas*

Monday

9 June 1986

The House met at 3:00 p.m.

MR. SPEAKER (McNicholas):  
Order, please!

Statements by Ministers

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

MR. RIDEOUT:  
Mr. Speaker, I am pleased today to be able to announce increases for the price of fish paid to Labrador fishermen who are served by government owned and operated plants in Northern Labrador.

SOME HON. MEMBERS:  
Hear, hear!

MR. RIDEOUT:  
Mr. Speaker, since our goal is to emphasize quality wherever possible, these increases will pertain only to number one quality fish. The price for salmon will be increased by five cents a pound, the price for char will see an overall increase of eight cents a pound, the price paid for trout will be increased by five cents a pound, and the price to fishermen for shucked scallops will be increased by twenty-five cents a pound. Based on last year's production, these increases will put considerable extra money into the hands of fishermen. The price for groundfish will be in accordance with the Canadian Saltfish Corporation and union negotiated prices.

Mr. Speaker, despite the fact that these plants have been averaging losses of \$500,000 annually over the past number of years, the escalating costs to fishermen, especially in the North, must be recognized and addressed. In

addition, a new marketing agreement has been arranged with a local company to purchase outright most of the production from these plants for 1986. This arrangement has put us in a position, not only to increase the prices paid to fishermen, but to help decrease the losses associated with the operation of these plants as well. M.C.B. Limited of St. John's, which is owned and operated by Mr. Harvey Best, submitted the most acceptable marketing proposal of the five offers tendered.

Finally, Mr. Speaker, I want to inform the House that four vessels have been awarded collection charters for the 1985 season. These vessels are employed to collect salmon and char from remote fishing stations and deliver it to the freezing plants in Nain and Makkovik. The vessels chartered this year are owned and operated by Mr. Tim MacNeil and Mr. Lester Mitchell of Makkovik, and by Mr. Tom Rose and Mr. Gordon Diamond of St. Anthony.

SOME HON. MEMBERS:  
Hear, hear!

MR. W. CARTER:  
Mr. Speaker.

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

MR. W. CARTER:  
Mr. Speaker, I thank the minister again for giving me a copy of his statement prior to the House opening. We welcome the increase in the price of salmon, char, trout and shucked scallops. We are not sure if these increases are as much as they should be. When you realize the price being paid for fresh salmon today, a

five cent a pound increase certainly does not seem like all the money in the world. Mr. Speaker, the minister in his statement talks about the price of groundfish. He says the groundfish price will be in accordance with Canadian Saltfish Corporation and union prices. Well, therein, Mr. Speaker, I think, lies the story, and maybe the minister should make note of some of the things I am about to say and have the matter investigated.

It is rather strange, Mr. Speaker, that the price set by the Canadian Saltfish Corporation for the price of fish is so much below that being now paid in Nova Scotia. I have figures here to indicate, for example, that the Canadian Saltfish Corporation's price on extra large fish, over twenty-six inches in length, is eighty cents a pound, that is for the salt bulk fish. I am told that the fishermen in Nova Scotia get \$1.25 a pound for the same fish going to the same market. I know the minister will probably have an explanation or will try to rationalize that difference, but in light of the fact that that difference exists I think that the producers, the fishermen, should be given an explanation.

For example, in Newfoundland, according to the Canadian Saltfish Corporation's latest price, which was issued last week, they are recommending a price of twenty-six cents a pound for fresh, gutted head-on cod. The Nova Scotia fishermen receive - these are the figures I have - fifty-two cents a pound. That is just twice as much. Again, I know the minister will try to rationalize it and maybe he can, but certainly I believe that in light of the

disparity between the prices paid to Newfoundland fishermen and those paid to Nova Scotia fishermen I think, Mr. Speaker, an explanation is in order. In other prices the difference, of course, is identical. For example, in Newfoundland under the Canadian Saltfish Corporation's 1986 price list for large and medium size fish, that is fish from seventeen inches to twenty-six inches, the salt bulk price being paid to fishermen is seventy cents a pound and the price paid Nova Scotia fishermen would be \$1.15 a pound.

MR. SPEAKER:

Order, please!

The hon. member's time has elapsed.

The hon. Minister of Finance.

DR. COLLINS:

Mr. Speaker, in the absence of my colleague, the hon. Minister responsible for Energy (Mr. Marshall), I am pleased to inform this hon. House that Newfoundland and Labrador Hydro has today raised \$100 million in the Canadian capital market. The issue of debentures is for a term of ten years, at an interest rate of 9 7/8 per cent, and was priced at 99.75 per cent of the principal amount to yield 9.92 per cent. The debentures are guaranteed by the Province of Newfoundland.

The issue, which is Hydro's first borrowing in Canada since 1983, was arranged by Dominion Securities Pitfield Limited, McLeod Young Weir Limited, Merrill Lynch Canada Inc. and Richardson Greenshields of Canada Limited. The issue has been well received by the underwriting syndicate.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, we are happy to see that the Newfoundland and Labrador Hydro Corporation is still able to borrow in the Canadian capital markets. We would like the minister to indicate at some point, however, just what it is costing the Province because of the reduced credit rating of the Province. We had a downgrading by one of our rating agencies last year and when you get into an issue of \$100 million, this has surely cost the taxpayers of this Province a fair amount of money. So, at some point in time, we would like to hear from the minister just what it is costing the Province, which stands behind Newfoundland and Labrador Hydro. Even though the Province is not borrowing directly, what is it costing the taxpayers of this province, either through our Crown corporations or in our direct borrowing, because of the reduced credit rating?

#### Oral Questions

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, in July of 1975 the Public Service Commission transferred back to Departmental Selection Boards the hiring for those positions for which there was supposedly a high turn over. I would like to ask the Premier was this a delegation of authority from the Public Service Commission? And was it intended that the same degree of integrity,

the same standards and the same criteria, namely, hiring on merit, be applied by these Departmental Selection Boards in the same way as by the Public Service Commission?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I think the answer to that question is yes, Mr. Speaker.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition?

MR. BARRY:

Mr. Speaker, last Thursday, and I believe on Wednesday as well, but on Thursday, on page 2754 in Hansard, the Minister of Public Works (Mr. Young) said The Public Service Commission had had transferred to it the responsibility for filling these four positions at the Kelligrews MED Centre. Checking with senior officials of the Public Service Commission today, that Commission indicates that there has not yet been any such referral. Will the Premier indicate whether he is prepared to accept a minister of the Crown standing up and telling this House one thing when the reality is, in fact, something else?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, as I understand it the minister said that he instructed his officials in the Department of Public Works to allow the normal processes to occur, which is for the Department

of Public Works to refer the positions to the Public Service Commission for normal processing. But if it has not been referred right now, there might some reason why the officials have not referred it and I will undertake to get the information for the hon. gentleman.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker, I refer to the Premier since he has obviously forgotten what the minister said. On June 5, 1986, page 2754, right hand column of Hansard, does the Premier recall the minister saying, 'Mr. Speaker, it is being done by the Public Service Commission'? Does the Premier recall the minister making that statement?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Mr. Speaker, I do not recall the minister making it but obviously he made it. That is what the minister said, that it is being referred. He has given it to his deputy minister or assistant minister to refer. The minister does not refer things to the Public Service Commission, his department does. So, the minister gave instructions for his department to refer it to the Public Service Commission. Why it has not been referred to this date I will find out for the hon. member.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker, on television last week, I think it was Thursday, the Premier said that he did not agree with the statement of the Minister of Public Works and Services. Would the Premier indicate just exactly where the disagreement lies?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
This is foolishness. This is foolish stuff. I am not going to answer that, Mr. Speaker. The Leader of the Opposition is trying to make something out of nothing.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker, we have now reached an interesting stage in this Assembly where we have the Premier of the Province deciding he is not going to answer legitimate questions with respect to how hiring is being done in the public service. Will the Premier indicate whether he agrees with the statement by the Minister of Public Works and Services, as made in this House as well as outside the House, that he will give preference to the sons and daughters of political supporters over non-supporters? Does the Premier agree with that statement?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I have already answered that a number of times last week, here in the House and outside.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, the Premier has not answered that question. I ask the Premier again, does he agree with the Minister of Public Works and Services establishing as a criterion - with 40,000 young men and women unemployed - does he agree with one of the criterion being whether or not they are the sons and daughters of the minister's political supporters? Would the Premier have the courage to answer that question? He has not yet done it.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I have already answered that inside and outside the House last week.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

My question is for the Minister of Health (Dr. Twomey), Mr. Speaker. I have here a letter from the General Hospital which was sent, I believe, to all the management people at the General Hospital. The substance of the letter is that the hospital is giving to each one of its management people

a \$100 gift certificate in order to have a time out in recognition of, I guess, the job they been doing as management people. Since this has been a cost somewhere in the range of \$20,000 for the total there, I would like to ask the Minister of Health, as the department responsible for these hospital boards, whether or not he approves of this particular perk being given to the management people?

MR. SPEAKER:

The hon. the Minister of Health.

DR. TWOMEY:

Thank you, Mr. Speaker. I do not exercise control over any hospital board in this Province. It was a decision, I understand - I heard about it last week - where the board decided to give a \$100 gift certificate to members of their executive staff and management.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Menihek.

MR. FENWICK:

Mr. Speaker, in the General Hospital Management Act, whenever it was passed, one of the sections indicates that the hospital has to present a budget to the Department of Health, to the minister, is that not correct, and that that budget has to approved?

My question to the minister is this: One of the sections indicates that if there is a change in the financial position of the hospital they are required to come back to the Department of Health, to the minister, for an approval either upward or downward in their budget. Since they have

not done this or it seems from the minister's answer they have not, does this mean then that the minister is approving budgets in which \$20,000 perks are available to management people in the hospital?

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

DR. TWOMEY:  
Thank you, Mr. Speaker. First of all I think that the amount you have mentioned is incorrect. I believe it is less, about \$8,000 or \$9,000 less. Have I approved it? It has been approved by the board. Furthermore, I made further enquiries and the money has not come from payments made to the General Hospital Corporation by the government. It has come out of money that has been given to the board by other people or from other sources.

MR. FENWICK:  
Mr. Speaker, a supplementary.

MR. SPEAKER:  
A final supplementary.

MR. FENWICK:  
Let me see if I can get this right. Do you mean when the hospitals are out there advertising for extra money, that some of this extra money that they have raised is now going for these perks and it is not the government's money? Is that what you are saying? Is it that actually those public appeals are not for essential equipment, as we have been told but are actually for lining the pockets of the management people?

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

DR. TWOMEY:

I cannot tell you if it comes from a foundation or from other gifts given to the hospital.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker, I would ask the Premier, in light of the fact that the Minister of Public Works on Thursday promised to give to this House information concerning the date when the competition for the jobs at the Kelligrews MED Center was cancelled by him, would the Premier undertake to have that information supplied to the House tomorrow?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
I will as soon as possible, Mr. Speaker, and hopefully tomorrow.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker, the Premier is aware that the House is in the process of getting close to coming to the end of the Order Paper.

MR. J. CARTER:  
We will stay here all Summer.

MR. BARRY:  
Yes, we will stay here all Summer unless we get answers to these questions.

MR. SPEAKER:

Order, please!

MR. BARRY:

It does not take that long to get a date from the Department of Public Works, Mr. Speaker, and we would ask the Premier to give a commitment that he will do it tomorrow. I would ask the Premier will he also obtain the date of when the departmental selection board passed in its recommendations to the minister for the permanent employees to be hired for this position? The Minister of Public Works and Services promised the member for Bonavista North (Mr. Lush) on Friday that this information would be supplied and it has not yet been given. It was also promised on Thursday.

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, it was promised on Thursday and promised on Friday. I am sure that the Minister of Public Works, if he was here, perhaps would have the information today. But I will check it all out for the Leader of the Opposition and try to get the information as soon as I can. If I can get it before six o'clock I will get it, if I can get it by tomorrow I will get it. I will get it as fast as it is humanly possible to get it.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, the Premier gave us the same undertakings before Christmas last year with respect

to giving us information on other matters and we are still waiting for the information. I would like to ask, Mr. Speaker, the Premier will he also obtain for this House a copy of all written correspondence relating to the hiring of these employees for the MED Centre, including memoranda written by the minister and responses to this memoranda by the public employees of the Department of Public Works?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I will get whatever information I can on the matter for the hon. the Leader of the Opposition. No problem.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, I would like to ask the Premier whether the Premier will establish whether there was a memorandum.

MR. PATTERSON:

Ask a sensible question.

MR. SPEAKER:

Order, please!

MR. BARRY:

- would the Premier establish whether there was a memorandum from the Minister of Public Works ordering that certain departmental employees not be allowed to sit on the departmental selection board?

MR. SPEAKER (McNicholas):

The hon. the Premier.



PREMIER PECKFORD:

I do not know anything about that. I will have to check that out for the Leader of the Opposition. I guess the minister is in his right if he wants to take certain decisions like that, but I will check it out for the Leader of the Opposition.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Would the Premier undertake to check out the reason why the Minister of Public Works ordered these public employees not to sit on any further departmental selection boards? Would the Premier establish whether this was in fact because the minister did not like the selection, on merit, which these departmental employees made?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
I will have to check it out, Mr. Speaker. Yes.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker, will the Premier establish whether in fact the minister had not been consulted with respect to which employees originally were to sit on the board? Would the Premier establish why it is that after approving that certain employees

sit on the board that the minister would subsequently order that these employees not be allowed to sit on any further selection boards?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
I will check it out, Mr. Speaker.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
In addition to the checking out of these matters, will the Premier give an undertaking to inform this House once he checks it out?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Mr. Speaker, I have already answered that. I have answered that about four times.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
No, Mr. Speaker. To the last three questions all the Premier said was that he will check it out. I want to ask the Premier will he check it out and will he inform this House?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
I have answered that, Mr. Speaker.

MR. BARRY:

A final question, Mr. Speaker.

MR. SPEAKER:

A final question, the hon. the Leader of the Opposition.

MR. BARRY:

The Premier did not answer that question. I would like to ask the Premier has he given instructions to the Minister of Public Works to stay out of this House until the heat is off him on this question?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I do not intend to answer that. We do not operate that way over here. If the Leader of the Opposition has some of his members kept out of the House for certain days, that is his problem. Over here we do not mind listening to the questions from the Leader of the Opposition.

MR. FUREY:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for St. Barbe.

MR. FUREY:

Mr. Speaker, I have a question for the Premier. The Premier stated last week in the House that the code of conduct for ministers with respect to hiring temporary employees should be merit, experience and performance. I would like to ask the Premier whether or not he believes the Minister of Public Works, by his own admission twice on public television across this Province, breached the Premier's very code of conduct for hiring?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, that is the same old stuff that we had last week.

MR. FUREY:

A supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. FUREY:

Mr. Speaker, I would like to ask the Premier is he condoning what the Minister of Public Works and Services has stated twice on public television, that patronage is acceptable in his department? Is the Premier condoning that by saying that he has already answered it, by ducking out from underneath it?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

It was already answered, Mr. Speaker.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, the Premier stated in Hansard last week, speaking in this House on the government's hiring system, 'It is a fair, democratic system for hiring people for the various departments of this government.' In view of the Minister of Public Works and Services' statement that he hires those people who vote Tory and who have Tory leanings, who voted for him in particular, does the Premier stand by that statement that the hiring process of government, especially for temporary workers, is democratic

or does he condone the political porkbarrelling of the Minister of Public Works and Services?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

The same question was asked by the previous questioner, Mr. Speaker.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

The Premier can stonewall all he likes. The fact of the matter is that outside of this House he said

MR. PECKFORD:

It is the same question.

MR. TULK:

Do you want to get in the Chair as well?

Mr. Speaker, I want to ask the Premier, specifically, what it was that he was referring to when he said outside of this House that he disagreed with the Minister of Public Works and Services in the way that he was handling the hiring of people in his department? Will he answer that question or is he going to try and sit there and stone-wall and allow the corruption to go on in this government that is presently going on?

MR. PATTERSON:

Make him withdraw, Mr. Speaker.

MR. BARRY:

Right on! Right on!

MR. SPEAKER:

Order, please! Order, please! I

ask the hon. member to withdraw this term 'corruption!'

MR. BARRY:

Why? Why, Mr. Speaker?

MR. PECKFORD:

Did you hear the Leader of the Opposition?

MR. TULK:

Mr. Speaker, whatever I have said that the Speaker wants me to withdraw, of course I withdraw it. Let me ask the Premier the question in another way. He has said, and we have in front of us again, some of the things that the Premier has said about hiring in the public service, and he has said that -

MR. OTTENHEIMER:

On a point of order, Mr. Speaker.

MR. SPEAKER:

Order, please! A point of order, the hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

Mr. Speaker, for the past fifteen minutes I think a number of the rules in Beauséjour have been totally ignored.

MR. FUREY:

Do we have a democracy here?

MR. OTTENHEIMER:

Democracy does not mean ignoring the rules, as the hon. gentleman thinks. He seems to think that he is the fount of democracy and only his views count. However, there are parliamentary rules of which the hon. gentleman is not the author. They are in Beauséjour, page 129, and one says, In putting a question a member must confine himself; to certain things and, 'A question written or oral must not: - there is a 'not', which may not

be in the edition the hon. gentleman has - (c) multiply, with a slight variations, a similar question on the same point. (d) repeat in substance a question already answered. Those are quite straightforward, Mr. Speaker, and I think that in the interests of the conduct of public business they should be enforced.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, we see it now! We see a Premier, we see a Minister of Intergovernmental Affairs, a former Speaker of this House-

MR. DAWE:

What fantasy are you going to weave now?

MR. SPEAKER:

Order, please!

MR. BARRY:

And we saw the Minister of Transportation (Mr. Dawe) being the first exponent of the new Peckford doctrine, the new Peckford port barrelling doctrine, Mr. Speaker. The Minister of Transportation was the first exponent of that and now we have the Minister of Public Works (Mr. Young) following his guidelines.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

Would the hon. member please speak to the point of order?

MR. BARRY:

If I have the protection of the Chair so that I will be able to speak in silence, Mr. Speaker.

MR. SPEAKER:

Order, please!

MR. BARRY:

Mr. Speaker, we have a Premier who for years has carried on the pretence of an open government.

SOME HON. MEMBERS:

What is the point of order, Mr. Speaker.

MR. BARRY:

This is exactly what I am referring to. For the last several days, when a serious issue has come up for which the taxpayers of this Province and the Opposition are entitled to obtain information by questioning -

MR. DAWE:

That is not a point of order.

MR. TOBIN:

Is this a speech?

MR. SPEAKER:

Order, please!

MR. BARRY:

When a serious question comes up for which the Opposition is entitled to obtain information for the benefit of the public, we now have the Premier and the former Speaker trying to stonewall and prevent the Opposition from asking questions even though the Premier is refusing to answer them. We have now come to the sorry state in this Province where despite the fact that we have a Question Period we have a Premier who is afraid to answer questions.

PREMIER PECKFORD:

He is not on the point of order.

MR. SPEAKER:

Order, please!

MR. BARRY:

We have a Premier who is afraid to answer questions. That is where we are in this Province today.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. BARRY:

And the spurious point of order raised by the Acting House Leader -

MR. DAWE:

Sit down, boy.

MR. SPEAKER:

Order, please!

MR. BARRY:

You should not frighten the Speaker like that.

MR. SPEAKER:

I am prepared to rule on that point of order.

MR. BARRY:

Do you mean I cannot finish my remarks on the point of order?

MR. SIMMS:

You were giving a speech.

MR. SPEAKER:

I do not mind the hon. the Leader of the Opposition completing his remarks, but he was not speaking to the point of order. If you would like to speak to the point of order, I am quite prepared to hear you.

MR. BARRY:

Maybe Your Honour did not get all the statement by the Acting Government House Leader (Mr. Ottenheimer). What the Acting Government House Leader is saying is that because there are questions dealing with the same issue, he says worded in a

different fashion, that somehow this is improper. Mr. Speaker, it may be improper in a unitarian state, a one party system, it is not improper, as Your Honour would know from speaking with some of the members of the Commonwealth Parliamentary Association, it is not uncommon in any part of the democratic world where we have a two party system. It is not uncommon for members to ask questions and to keep asking question until they get answers, and we are not getting answers because the Premier is afraid to give them. The Premier is a hypocrite and is afraid to give answers. He does not have the intestinal fortitude of a ten cent codfish, Mr. Speaker.

MR. DAWE:

You got less.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

MR. SIMMS:

Sit down, boy.

MR. SPEAKER:

Order, please!

To that point of order, I would like to read again what the hon. member said, and I will quote Beauchesne again on page 129. "A question oral or written must not: (e) multiply, with slight variations, a similar question on the same point".

"(d) repeat in substance a question already answered, or to which an answer has been refused."

Now, as far as I am concerned, today there were a number of repeated questions and I must say

that that point is well taken.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Let me ask the hon. gentleman a question that I do not believe he has been asked. He certainly has not answered it, so let me ask him what I do not believe he has been asked. We heard the Premier disagree with the Minister of Public Works and Services, and we heard the Premier say that he does not believe in hiring for political patronage purposes. Let me ask him if he is man enough to stand by his convictions. What is he going to do about that disagreement that he has with the Minister of Public Works and Services? Is he going to do anything or is he going to allow the morality of his government to slide further than it already has?

MR. BARRY:

Right, right. You disagreed, now what are you going to do about it?

MR. SPEAKER:

Order, please!

It appears to me that that is exactly the same question.

MR. TULK:

Mr. Speaker, that question has not been asked.

MR. BARRY:

Oh!

MR. SPEAKER:

As far as I can understand that question has been asked on numerous occasions.

MR. BARRY:

It has never been asked. It has never been asked.

MR. TULK:

A point of privilege, Mr. Speaker.

MR. SPEAKER:

Maybe the hon. gentleman would like to ask it in a different fashion. As far as I can see it is the same question.

MR. TULK:

Mr. Speaker, let me put the question differently. Let me ask a different question. I hold in my hand a sheet that was put out by the government of this Province that said, "A government must be publicly accountable to the people of the Province, and especially the taxpayers of this Province." Does the Premier believe that it is publicly accountable to the people of this Province to allow the Minister of Public Works and Services to use the taxpayers money for his own political purposes?

MR. BARRY:

Right, right!

MR. TULK:

Now, Mr. Speaker, has that been asked?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I answered all of the questions last week. I indicated to members opposite that we hire on the basis of experience, on the basis of competence, on the basis of a whole range of things, and that criteria are set down for the hiring of both temporary workers and permanent workers. That is the way we hired in the past, that is the way we hire, and that is the way we are going to hire in

the future. That answers all the questions the hon. members have.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Let me again refer to the document that the Premier has put out here. 'To the general public: Part of the responsibility of the Province is to hold a good stewardship of the taxpayers' money.' Does he believe that a government should hire people who are their political cronies, or the sons and daughters of their political cronies? Does he believe that that is good stewardship of the taxpayers money in this Province?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, one of the reasons why we are over here and they are over there is that we do practice good stewardship.

MR. SIMMS:

We even hire Liberals!

MR. K. AYLWARD:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Stephenville.

MR. K. AYLWARD:

Just one quick question to the Premier. Does the Premier fully support the Minister of Public Works and Services on his statements of the last few days concerning hiring and, if he has already answered the question, would he tell the rest of the

people of the Province because they cannot seem to hear him? All we want to know is yes or no? Do you support him or do you not?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I have answered that, Mr. Speaker, many times.

MR. EFFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Port de Grave.

MR. EFFORD:

Thank you, Mr. Speaker. My question, Mr. Speaker, is to the Premier. Now let me refer to one sentence from Hansard of March 31, 1981, where the then Minister of Transportation (Mr. Brett) tendered his resignation. "Matters have arisen over the past number of days which have cast doubt as to my ability to perform my ministerial functions and which reflect on the government of the day." I ask the Premier, since he has said very clearly on public television, and to the public news media and to the people of this Province, that he does not condone the actions as stated by the Minister of Public Works -

MR. OTTENHEIMER:

A point of order, Mr. Speaker.

MR. SPEAKER:

A point of order, the hon. the Minister of Intergovernmental Affairs.

MR. OTTENHEIMER:

When the hon. gentleman takes his seat I will make my point of order.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. OTTENHEIMER:

Mr. Speaker, the hon. gentleman who, during his brief tenure in the House, has made it a speciality, and indeed about his only contribution, to endeavour to suggest abuses by ministers and to launch into what are very close to personal attacks, first on the hon. Minister of Social Services (Mr. Brett) and now on the hon. the Minister of Public Works, irrespective of that, the sections on page 129 of Beausheue, to which you referred a few minutes ago, are again with impugny being ignored.

MR. SPEAKER:

To that point of order, I just could not satisfy myself what point the hon. member was trying to make. The only comment I will make is that his preamble was very long, so maybe he would get to his question.

MR. EFFORD:

Mr. Speaker, my question to the Premier is he has stated very clearly to the public news media, to the people of this Province, that he does not condone what the Minister of Public Works has done. If that is the case, will the Premier of this Province, stating that to the public news media and to the people of the Province, now ask the Minister of Public Works to resign since he has openly admitted to the wrongdoings in his department?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, that is exactly the

same as questions we had before and therefore it is out of order.

MR. EFFORD:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Port de Grave.

MR. EFFORD:

Mr. Speaker, this is not a question that has been asked before. I would like to ask the Premier: In light of all the answers that he has not given, what does the Minister of Public Works have on the Premier of this Province that he cannot ask for his resignation?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

I figured that was coming. If I do not take a decision that the hon. member likes, of course, then the Minister of Public Works has something on me.

MR. EFFORD:

Well, it sure looks like it.

MR. PECKFORD:

Let me tell you, Mr. Speaker, if the hon. the member for Port de Grave wants to stay on that low road, he will be alone. I am not joining him.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, will the Premier indicate to this House whether he has now changed his philosophy with respect to the House of



Assembly and with respect to Question Period, and has he now decided that when issues relating to a minister arise that he will not answer the questions of the Opposition? Is this the new approach of his administration with respect to openness in government?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Mr. Speaker, I answered all of the questions that they were raising last week. I indicated how the government hires permanently, which is through the Public Service Commission, which was set up under a PC administration for the first time in the history of this Province, and how we hire temporary workers. I have answered those questions. If I want to ask for the Minister of Public Works and Services' resignation, I will. If I do not want to, I will not. That is for me to decide, and I will decide if I do or if I will not or whatever in my own good time.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker, that is fine and we thank the Premier for that information. Now what we would like to know is what are the criteria by which his ministers will be judged by him? Has he now decided that in making up his mind in his own good time as to whether or not to ask for the resignation of a minister that he is going to lower the standards, and he is not going to ask the question of

whether or not the minister, as he has admitted in this House he has done, has abused the position of trust in which he was placed?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
Mr. Speaker, I will use all the reputable criteria that any leader uses.

MR. BARRY:  
A supplementary, Mr. Speaker.

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

MR. BARRY:  
Mr. Speaker, the Premier has not addressed the issue which the minister has admitted, at no point in time. I challenge the Premier, will he tell us where he has answered this question: Does he agree that the political affiliation of the parents of young men and women should be a factor, just one of the factors possibly, but should it be a factor at all in hiring by the Minister of Public Workers and Services?

MR. SPEAKER:  
The hon. the Premier.

PREMIER PECKFORD:  
That is the same thing as we heard for the last thirty minutes.

MR. SPEAKER:  
Order, please! The time for Oral Questions has elapsed.

Answers to Questions  
for which Notice has been Given

MR. SPEAKER:

The hon. the Minister of Forest Resources and Lands.

MR. SIMMS:

Mr. Speaker, I would like to answer a question on today's Order Paper from the hon. the member for Stephenville (Mr. K. Aylward). The answer to the question is (a) the stumpage fees charged in the Cold Brook area of Stephenville is \$8.52 a cord for pulpwood and \$7.70 per 1,000 for sawlogs. And (b), is the Coal Brook forest access road going to be upgraded as it is in desperate shape? Mr. Speaker, I have already answered that question in a letter to the hon. member and I am sure he is familiar with the situation.

#### Orders of the Day

Motion, second reading of a bill, "An Act To Revise The Law Respecting Insurance Adjusters, Agents And Brokers." (Bill No. 45)

MR. RUSSELL:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Consumer Affairs.

MR. RUSSELL:

Mr. Speaker, it gives me great pleasure to say a few words pertaining to this piece of legislation. The bill itself appears to be a little bulky but, indeed, most of it outlines the technicalities with which we intend to implement the principle of this piece of legislation.

In essence, Mr. Speaker, the purpose of this piece of legislation is to create a licensing programme for insurance agents, adjusters and brokers,

etc. It will replace two previous bills, one called the Insurance Adjusters Act, which came into force in the 1960s, and another piece of legislation referred to as the Life and Accident Insurance Agents (Licencing) Act which came into effect in the 1940s. Certainly, since that time, as all hon. members know, matters pertaining to various kinds of insurance and regulations and requirements and performance of those who are involved in the insurance industry have changed considerably.

As I mentioned, Mr. Speaker, the purpose is to set up a licencing system. It will give the Superintendent of Insurance, who will be responsible for the administration of this act, a wider range of responsibilities and duties. We will have a step licencing system, if you will, wherein a student who is interested in getting involved in the insurance business will serve a kind of apprenticeship and, once he has done this, he will graduate, if you will, to a full-fledged insurance agent or broker or adjuster or whatever the case might be.

In the regulation part of the act, Mr. Speaker, there is an intention to develop a class licencing system. What is meant by that, of course, is that if someone is going to get involved, say, in the class of insurance known as life insurance, then it is hoped that by a proper training programme, a proper educational programme, a proper examination, if you will, that that person will be more expertise in the life insurance class than if he were becoming involved in liability insurance, say, or marine insurance, or whatever it might be.

The primary goal, Mr. Speaker, of this legislation is to, as I said, ensure more the technical competence of life insurance agents, adjusters and brokers than anything else. But we have to look at the companies, the corporations which sell insurance, as well, to make sure that they have the proper expertise and the proper licences to carry on their business.

Those provisions in this act will also outline the licencing of corporations and the partnerships as well. And the main purpose, of course, for licencing corporations is to provide an appropriate body to accept the responsibility, if you will, as the principal in agency law for the individual who sells insurance or who adjusts a claim.

Mr. Speaker, a considerable amount of time and energy has gone into drafting this piece of legislation. Consultations have been held with the industry, and, indeed, over the past two or three years, there has been consultations with the insurance industry on this piece of legislation. They did have some concerns in certain areas but I am pleased to say that in the main we have managed to resolve these matters with them and, as I understand it, they are reasonably happy and, indeed, have done some lobbying, if you will, with some members opposite to try and ensure that this piece of legislation is passed during this session.

Of course, there is an appeals procedure. If a company or an insurance agent has his licence taken away or suspended, or whatever, he has the right to make an appeal to a committee who will hear the appeal and render a

decision. And certainly if the appellant, I suppose, is not happy with the decision of the Appeal Committee, then he can appeal the matter to the court, as is everybody's right, I guess, in this free society.

Mr. Speaker, that is basically the principle of what the bill will try to do. As I said, there are numerous terms in the bill. They have been taken, in the main, from some other acts and in consultation with the Insurance Acts of Ontario, Alberta and Nova Scotia and some others that are referred to, and if, when we get into the Committee stage of this bill some hon. members have a specific question on a specific definition or a specific clause, then I will certainly do my best to try to answer those questions for hon. members.

Mr. Speaker, that, in essence, as I said, is the principle of the bill: to set up a licencing system, to give the Superintendent a little more authority and responsibility in this area, to revise two acts that are kind of old at the present time, and hopefully to provide better protection to the consumer in the long run by having better qualified insurance agents, adjusters, brokers, people and companies and corporations that are involved in the insurance industry.

Mr. Speaker, it gives me great pleasure to move second reading.

MR. BARRY:  
Mr. Speaker.

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

MR. BARRY:

Mr. Speaker, we, on this side of the House, can support the principle of this bill. It is a fairly detailed bill and we will have to look at it more carefully as we go through Committee stage. As I understand the minister, it is merely an act that will consolidate existing legislation to a certain extent, the present Adjusters Registration Act and so forth, and it is designed for the protection of the public. There are some, I think, good provisions in here with respect to ensuring that the adjuster maintains the confidentiality of information received and so forth. I should state that as a lawyer there could be some possible conflict which I should declare, in that we act for insurance companies from time to time. This is an act of general applicability to the insurance industry. I understand that the insurance industry generally supports this. Are there any companies or individuals who are opposed that the minister is aware of? Has there been any opposition raised with the minister with respect to this? I am not aware of any, but maybe the minister could indicate if there has been.

MR. RUSSELL:

May I?

MR. BARRY:

Sure! By leave now, if he wishes.

MR. RUSSELL:

Mr. Speaker, by leave, just a couple of seconds.

MR. SPEAKER:

The hon. the Minister of Consumer Affairs.

MR. RUSSELL:

Some of the companies had a minor piece of concern, I suppose, in a

way. If I could use, perhaps, an example, sometimes you get persons saying, 'If my employee' - I am talking of an automobile adjuster now - 'is not available, I will do it.' So we have said to him. 'Look, if you are holding yourself out to be an adjuster by doing that, then you have to be licenced and meet the same qualifications as anybody else.' It would be the same as me saying, well, I am not really a lawyer, but if you want me to do this for you, I will, which would certainly be wrong for me. There has been that kind of thing, but nothing of major significance.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. BARRY:

This will be the sort of thing that we will look at as we go through Committee stage, if there are any specific problems like that. As a matter of principle I think it is a good thing that we have this new legislation which is quite detailed. We may question whether everything that is in the regulations should be set out in the regulations and whether we should not have some specific sections dealing with matters such as the grounds on which licences can be revoked and so forth, or prescribing the requirements for the issuing of special licences. Maybe these are matters that should be dealt with in the legislation itself, but we will listen to the minister on that point and we will have the opportunity during Committee stage to deal with it more thoroughly. An adjuster is an important element to the process.

The court cases that arise in the matter of insurance law often are

decided on the basis of the facts, and it is the insurance adjuster who usually plays a very large role in establishing what the facts of a particular case are. Also, of course, in addition to adjusters we have agents and brokers dealt with here, and they have a very responsible position. In many cases, the validity of insurance policies can turn if an occurrence happens and the insurance company wants to look at it very closely. The information which has been given on the application form, for example, is very crucial at times, whether the individual has properly given all information which would enable the insurer to properly evaluate the risk. If you have a poor agent, it may be that the proper instructions were not given; it may be, as is often the case, the agent fills out a form and has the individual sign it. Well, if that agent does not know what he or she is doing, there is a risk that the insurance could be voided.

They are positions that involve a lot of responsibility, and I think it is good that the minister is looking at the requirements for the licencing of these individuals and we are prepared to support this legislation.

MR. SPEAKER:

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

The hon. Minister of Consumer Affairs and Communications.

MR. RUSSELL:

Mr. Speaker, I do not have much else to add. There was one point that I, perhaps, did overlook in my original remarks, and that has to do with multi-company representation. After three years - we have kind of said three years

and, I suppose, that could be open for opinion - after a person is a full-fledged insurance agent, if you will, insurance generally, then, as there is in existence now in some other provinces, he will be able to represent multi-companies and not just represent one company alone. There are certain technicalities in this Bill, and will be in the regulations, where he will have to meet certain criteria whereby, if he is representing company B and he is kind of licensed under company A, then certainly company A cannot be responsible for what he does pertaining to company B and that kind of thing. That is a kind of deviation, because in this Province at the present time there is no such thing as multi-company representation, and that is, perhaps, another important part of this Bil that I forgot to mention. There are a number of technical points, definitions and other things that perhaps we can get into in Committee stage on this Bill. Mr. Speaker, it gives me great pleasure to move second reading.

On, motion, a bill, "An Act To Revise The Law Respecting Insurance Adjusters, Agents and Brokers," read a second time, ordered to a Committee of the Whole House on tomorrow. (Bill No. 45)

Motion, second reading of a bill, "An Act To Amend The Labour Standards Act." (Bill No. 21)

The hon. the Minister of Labour.

MR. BLANCHARD:

Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to present for second reading Bill No. 21, An Act To Amend The Labour

Standards Act. This Bill will bring about improvements and protection in benefits for Newfoundland workers which I shall describe in more detail, Mr. Speaker, as I go through the Bill.

Clause 1 of the bill, Mr. Speaker, deals with an amendment to Section 37 of the act. Section 37 of the current act presently gives a written wage claim by an employee first priority over the claims of other creditors of an employer. Now Clause 1, Mr. Speaker, of the new bill would allow a representative of the employee, such as the employee's trade union or any representative, a person claiming to represent the employee, a right to file a written claim on behalf of the individual employee or a group of employees. This change, Mr. Speaker, is particularly significant where a claim is laid for a large number of employees, such as a mining operation or a fish plant operation.

Mr. Speaker, many employees in the Province's hospitality industry have their wages supplemented by tips and gratuities. Now, these payments do not form part of the wages and as a consequence are unprotected, Mr. Speaker, by the Labour Standards Act.

Clause 2 of the bill amends the act to ensure that the employees have statutory entitlement to their tips and gratuities. So it would form part of their wages.

MR. CALLAN:

How about their income tax?

MR. BLANCHARD:

Income tax purposes, too.

Mr. Speaker, Section 40 of the current act provides for maternity

leave of seventeen weeks and preserves the job of the employee upon the completion of maternity leave. Experience with the present provision indicates that some employers have interpreted this provision to permit them to dismiss the employee before she commences her maternity leave.

Clause 3 of this bill is intended to prevent such interpretation and give effect to the actual intent of the legislation.

Mr. Speaker, by the passage of the provision contained in Clause 4 of this bill, this House will place Newfoundland workers among those having the most progressive adoption leave provisions in Canada.

Now, Sir, up until this time there has been no provision in the legislation for adoption leave. We are introducing a provision now for adoption leave which will give adoptive parents virtually the same rights and privileges as natural parents.

In its present form, members will note, Mr. Speaker, that the bill states in the proposed new section 42 (1), subsection (2): "Adoption leave consists of a period of not more than seventeen weeks," etc.

Now, Mr. Speaker, I intend to lead in with an amendment to that section during the Committee stage which will state clearly what the intent of the department is and what the intent of the law is, that a person can have seventeen weeks maternity leave not 'up to seventeen weeks.' I mean by saying up to seventeen weeks.

MR. W. CARTER:

That is what is there now.

MR. BLANCHARD:

That is right. That is what is there now. Well, I will lead in with an amendment during the Committee discussion of the bill which will make it clear that the employee will be entitled to seventeen weeks.

MR. TULK:

Seventeen weeks (inaudible) amendment.

MR. BLANCHARD:

That is right. Now, it will be subject to negotiation between the employee and her employer. She may not want to take or the adoptive parent may not want to take the full seventeen weeks for whatever reason.

MR. TULK:

Is it at her discretion?

MR. BLANCHARD:

It is at her discretion. If she makes an application for seventeen weeks adoption leave, then the law requires that she be provided with seventeen weeks adoption leave.

MR. W. CARTER:

She or he?

MR. BLANCHARD:

Well, either parent, the adoptive parent I ought to say, Mr. Speaker.

As I have stated, there is flexibility for them to negotiate the period. One of the things that we have to remember in this particular change that we are making here and in the full seventeen weeks is that it brings in harmony our law respecting adoptive leave with the laws governing unemployment insurance. We had planned, Mr. Speaker, for a provision for adoptive leave which would be, I think it was eight weeks we had thought of. I do not

know where that particular provision came from. Somebody plucked it out of thin air and the original bill said eight weeks. But we have come to realize that it would be somewhat discriminatory against Newfoundland workers if they were not entitled to apply for and receive the same kind of adoptive leave as in maternity leave for a natural birth.

So, Mr. Speaker, the rest of the bill, Clauses 5, 6, and 7 are just consequential amendments necessary for the Director of Labour Standards and the Labour Standards Tribunal to enforce the new tips and gratuity provisions. I am not going to belabour those provisions, Mr. Speaker. That covers I think what I have to say at this moment.

Sir, I am pleased to propose Bill 21 for second reading.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

Order, please! The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, first of all let me say that we on this side of the House support this bill in principle. We have no problems with it at all. It is a liberal bill, small 'l' liberal, and, of course, if you are a liberal, you have a liberal philosophy.

MR. FUREY:

And you have a liberal minister.

MR. TULK:

Oh, the Minister of Labour, in his own mind, is a liberal. There is no doubt about that.

MR. FUREY:  
We know.

MR. TULK:  
There is no doubt about where the Minister of Labour stands in regards to his philosophy.

MR. FENWICK:  
He may, indeed, be called a socialist.

MR. TULK:  
No, he is not quite that bad. He is able to make some decisions. Some of our socialist friends are not. At least he makes some decisions.

So let me say to the minister that we have no problems at all in supporting the principle of this bill because it is a liberal bill. Of course, it is just justice for the people who get tips that they should be able to do more or less whatever they want to do with them.

Maternity leave, I think it has come to be accepted by everybody in the Western World as almost a right for people. In this Province, I suppose, it was established first by the Newfoundland Teachers' Association. Surely it is the right of every person to be able to do that and nobody should be able to fire somebody just simply because they need maternity leave.

On adoption leave, I am pleased to see that the minister says not up to seventeen weeks because we know full well what people would try to do with that. They would try to interpret the legislation to mean one week or even, I suspect, some people would try to get away with two or three days, if they could, and then perhaps deduct people's wages for it, or perhaps even

dismiss them. So I am pleased to see that the minister has seen that mistake in the drafting of this bill and that, indeed, we will now see the seventeen weeks become a minimum.

I say to the minister that we have no problems with this bill whatsoever because it is a liberal bill. I did not say that half-heartedly. I think it reflects the minister's own thinking. Of course, what we are talking about is equality for people and that is the principle of this bill, that is what it talks about, people's rights, their equality before the law and their equality in a country.

I would only wish that we could see equality dished out as it is being dished out in this bill to more of the people in this Province, such as the people we saw this Spring on the picket lines in this Province trying to get equality with their own peers. I would hope that we could get clear of seeing the - decorum, I have been told about it so often - I would hope that we would see the minister over the Summer exercise what are his supposed great skills at mediation and his great skills at conciliation to see that equality is not only given in this legislation, as indeed it is - it is a step towards equality - but rather than

DR. COLLINS:  
Worker's Compensation has -

MR. TULK:  
- see -

DR. COLLINS:  
- done a lot -

MR. FUREY:



Tell care bear to be quiet.

MR. SPEAKER (Hickey):  
Order, please!

MR. TULK:

Mr. Speaker, there is the problem that the Minister of Labour (Mr. Blanchard) has. He is a liberal-minded person and he is being constantly interrupted and told by the somewhat likeable Tory in the doorway and the Tory in the front seat, who perhaps is also a likeable fellow but does very little to liberalize the laws in this Province.

SOME HON. MEMBERS:

Oh, oh!

MR. TULK:

No, I am not talking about that gentleman at all. I would say to the Minister of Labour that he should take more steps along a similar line as he has taken in this bill, that he should over the Summer use what are supposed to be his skills to see that, indeed, the NAPE members who are government employees in this Province gain equal rights in terms of wages, rather than having the President of Treasury Board (Mr. Windsor) and the government carrying those newspaper ads that are being paid for by the taxpayers of this Province.

I will say to the hon. gentleman now, without any fear of contradiction from this side, that we would much sooner see him, the Minister of Labour and the President of Treasury Board (Mr. Windsor) as well, than we would see the present gentleman who sits there. Because as I said, I believe the hon. gentleman, and he has demonstrated it with this bill, is a small "l" liberal. I would suspect he would prefer to

be a big "l" Liberal but he certainly has liberal tendencies and we would love to see a minister as President of the Treasury Board who would see that the NAPE workers in this Province get a fair deal, rather than the kind of confrontationalist attitude that we are seeing from the present President of Treasury Board.

I understand Mr. March in his last few statement said that a weak effort was made by the Minister of Labour. That is correct. The Minister of Labour cannot say that he stood by his liberal principles in the face of the Tory Opposition that came from the four front benches there and from the President of Treasury Board.

MR. BLANCHARD:

I made an agreement -

MR. TULK:

You made an agreement with whom?

MR. BLANCHARD:

- to change legislation and he did not need to have strike to get it changed.

MR. TULK:

You made an agreement with who?

MR. BLANCHARD:

Mr. March.

MR. SPEAKER:

Order, please!

MR. TULK:

And what happened? The people over there would not let you put it into effect.

MR. BLANCHARD:

(Inaudible.)

MR. TULK:

That is exactly what happened. I

know and everybody else in this Province knows that the Minister of Labour (Mr. Blanchard) is a very unhappy gentleman and he would like to see equality for government workers in this Province in the same way as he sees equality in this bill. He loves equality because he is a small 'l' liberal. He would love to be, I suspect, a big 'L' Liberal.

I suppose if ever it came to the point, we would have to accept the hon. gentleman on this side, would we not. If ever it came to the point, we would have to accept the hon. gentleman on this side because he is a small 'l' liberal. I say to him that if we are going to see more of this type of legislation and more equality for people in this Province, then he has to learn to stand up, regardless of what it does to his political future, he has to learn to stand up to the four Tories that are over there and the one Tory that sits over there.

I have contended that the Premier of this Province, when he came into this Legislature, was a liberal but, under the influence of the Minister of Finance (Dr. Collins), the Minister of Intergovernmental Affairs (Mr. Ottenheimer), the President of the Council (Mr. Marshall) and people like the President of Treasury Board (Mr. Windsor), the Premier has now become what my grandfather would refer to as a stinking Tory. He has become a stinking Tory. I want to warn the hon. gentleman that I am afraid that even though we have seen this liberal bill brought before this House, this bill that seeks equality for people in the workplace, in a couple of years, they will do the same thing to

him. They will bury him and we are going to be forced, if that is the case, Mr. Speaker, to take the Minister of Labour on full brunt and defeat him in the Bay of Islands.

MR. BLANCHARD:

That should be interesting.

MR. TULK:

We are going to have to do it. The hon. gentleman won the last time, I understand, by fourteen votes or sixteen or something like that, maybe eighteen but, -

MR. FUREY:

Fourteen.

MR. TULK:

- less than twenty. I suppose if he keeps bringing in this kind of bill, this bill, as I said, that seeks equality, that is a liberal bill, we may take some pity on him. I have to say to him that if he keeps allowing the President of Treasury Board to treat the workers of this Province as he treated them -

MR. BLANCHARD:

What has this got to do with the bill?

MR. TULK:

It has everything to do with it. This is a bill of equality.

- that if he allows the President of Treasury Board to ride roughshod over him, to ride roughshod over the workers of this Province, then we are going to have to go out and do something about it. We are going to have to see that he is dumped out of politics in this Province.

MR. PATTERSON:

Come down and run against me.

MR. SPEAKER:  
Order, please!

MR. TULK:  
Are you running again?

SOME HON. MEMBERS:  
Oh, oh!

MR. TULK:  
I thought you were too upset with Premier Peckford to run.

SOME HON. MEMBERS:  
Oh, oh!

MR. SPEAKER:  
Order, please!

MR. TULK:  
Well, we have got a fellow waiting just to knock off your 149 majority.

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

Can we come back to the bill that is before the House?

MR. TULK:  
Yes, Mr. Speaker, I am being distracted. It is terrible.

Mr. Speaker, I refer to those things because it illustrates, I say to the Minister of Labour, what it is that is wrong with this government and with labour practices in this Province. If the Minister of Labour were to do the kinds of things that he is doing in this bill, if he were to do the same thing in regards to labour relations and exercise the skills that he is suppose to have, as he has done in this bill, then he would indeed be a great Minister of Labour. As it stands right now -

MR. BLANCHARD:  
Do you mean I am not now?

MR. TULK:  
No, you are not. No. You have not achieved greatness. You supposedly achieved a modest degree of greatness as a deputy minister but even -

MR. FENWICK:  
We have to wait until he comes out of the closet.

MR. SPEAKER:  
Order, please!

MR. TULK:  
When he comes out of the closet, that is the correct. We hope he does not come out of the closet like the member for Menihek (Mr. Fenwick) did, half on one side, half on the other. He was not sure where he was until he was told on the weekend by Richard Cashin which way he could go.

MR. FUREY:  
He got nuked.

MR. TULK:  
But when he comes out of the closet - that is the correct term - he achieved a fair success, a modest degree of greatness as the Deputy Minister of Labour, although he has to be somehow responsible for that infamous bill. What is that bill called?

MR. FUREY:  
Bill 59, the essential employees bill.

MR. TULK:  
Bill 59, the essential employees bill. I can hardly believe he did.

MR. FUREY:  
He never wrote that.

MR. TULK:  
I can heardly believe he did.

I said you achieved a modest

degree of greatness as the Deputy Minister. You have had now, I think, a year or fourteen months or something like that as the Minister of Labour (Mr. Blanchard) and this is the first piece of good liberal legislation that the minister has brought forward. Of course we are going to support that and in it is a lesson for the Minister of Labour to learn in that if he brings forward more of the same kind of measures and if in September we can see him, as a result of his efforts, keep down bully boy from Mount Peal and see that NAPE and the government workers in this Province get equality - parity, that is what it means, the minister knows that. I know what he thinks should happen - if he can screw his courage up enough to take on those people, Mr. Speaker, and perform the same kind of deal that he has performed here, then I say to him that his greatness, as the Minister of Labour, will practically be ensured.

I fear for the hon. gentleman. I fear that we are going to see him bow under to the bully from Mount Pearl and that we are going to see the continuation of those ads over the Summer in an attempt by the government to gain the public support that they lost when they turned the police on the workers in this Province, or when he turned them on for two days and then took them off, back on, back off, you know. I fear that the Minister of Labour is going to fall under that pressure. I give him that warning both as a friend and as a person who had at least had some respect as a Deputy Minister.

Mr. Speaker, as I said, we support this bill. We have no problem supporting it in principle. I am

glad to see, as I say again, that the minister is going to bring in an amendment to the bill to guarantee that instead of up to seventeen weeks, the legislation is clear in that it means a minimum of seventeen weeks.

I am glad also to see that the minister has said that will be, of course, in terms of adoption leave for any person who desires adoption leave, regardless of whether it is male or female, that that is negotiable but, only negotiable insofar as the person who requires or wants the adoption leave. I would not want it to be negotiable in the sense that the employer in this Province could say, 'No, you cannot have it', because otherwise, the piece of legislation that he is now bringing forward would not be effective. So, having said those remarks, Mr. Speaker, we on this side concur with the minister on this one bill.

Again, I want to warn him to be a good Minister of Labour and to take on the Tories on the other side.

MR. FENWICK:  
Mr. Speaker.

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

MR. FENWICK:  
Thank you, Mr. Speaker. I only have a few comments on it and a couple of questions and suggestions. Primarily I would like to echo the comments of the member for Fogo (Mr. Tulk) that I am very pleased to see this kind of very progressive legislation. It is part way in the direction of what we want to see. Once we have formed the government, if we are looking around for a good Deputy

Minister of Labour, he may be available at that time and we will certainly be glad to see him back again.

MR. GILBERT:

He will be too old and decrepit by that time.

MR. FENWICK:

Purely on your qualifications, certainly not on your politics, that is for sure.

A couple of questions I would like to ask the minister to write down and have a look at: Clause 2 says that tips or gratuities are the property of the person to whom they are given. That is an excellent idea because I have heard of instances where the employers have managed to wheedle back the tips and gratuities and, essentially, rake them off.

I would like to ask the minister if this will preclude a situation that I have heard about on frequent occasions which I think is a reasonably decent situation and probably should not be interfered with. That is a situation where a waitress, who is usually the individual who gets the tips, ends up sharing them with a busboy who helps clean off the tables afterwards, and often, actually, has a way in which they are also shared, sometimes with a cook, in some smaller operations. Now, I have seen it happen and I have heard of it, and it does not seem to me an untenable situation. I was just wondering if this legislation would preclude that kind of thing being done, or has there been any thought about whether it would or not? Anyway, I will give you a few more concerns and you can address them.

Clause (3), 'that an employer may

not dismiss an employee for the reason only that the employee is pregnant and requests maternity leave.' I would like to say that I am extremely pleased to see that there. As a matter of fact, I am even surprised to see it there, not in a derogatory fashion, but I would have assumed that that protection was already there, but perhaps it is not there in this legislation yet. Is that what you said?

MR. BLANCHARD:

It is (inaudible).

MR. FENWICK:

Okay. Because certainly it seems to me that dismissing a person for becoming pregnant is a very shoddy way in which to treat an individual.

Another question: Clause (4) on adoption leave. I am not sure what the situation is with regard to adoptions in our Province right now, whether or not there are long waiting lists and whether people have to wait maybe several years for an adoption. In that case, I would suggest to the minister - and I am not sure if he has considered this, but with respect to the twelve consecutive months employment to be eligible for that leave, it seems to me that if I were in a position as a prospective parent and I wished to adopt a child, having gone ahead and processed the papers and made applications, and then six months or eight months later, the application finally had gone through, after I had gotten into a new job and only been there a couple of months, it seems to me that I would still require the time to get used to the child at home which, of course, is the intention behind this particular provision, I would suggest.

So I would like to suggest to the minister that maybe those 12 consecutive months employment before one has the right to the seventeen weeks adoption leave may be looked at and perhaps reduced to a much shorter period of time. I think it might be to bring this legislation in tandem with unemployment insurance regulations and that may be the reason for it, but still, I would also suggest that that should be no reason for us to allow the federal unemployment insurance regulations to govern our response to this particular situation. I believe a reasonably solid argument can be made that adoption, because of the long waits involved, is a pretty unplanned process, almost as unplanned as having a child can be in some circumstances. Speaking as the father of six of them -

AN HON. MEMBER:

(Inaudible).

MR. FENWICK:

Pardon?

MR. BLANCHARD:

Some kind of compensation (inaudible).

MR. GILBERT:

The assessment (inaudible).

MR. FENWICK:

No, I understand that is probably the reason for it, but I strongly urge that if we are talking about people filing papers for adoption and knowing exactly when that would occur, then this makes some sense, but if they are sitting there waiting for an adoption and it may be two months or it may be six months or maybe three or four years, then I would suggest they have very little control over when the adoption occurs. The requirement to have been employed

for twelve months prior to getting the leave may be an additional burden that is not really justified under the kinds of circumstances we are talking about. Anyway, I just thought I would mention it to the minister.

The final comment I would like to make is that we are now advancing, however haltingly, but haltingly along the direction I would like to see us go with respect to parenting leave, which is adoption leave, maternity leave and so on. I would like to suggest that the objective for the present Minister of Labour (Mr. Blanchard), especially after he becomes a mandarin in my administration when we form the government, is that we would like to look at the -

MR. OTTENHEIMER:

What longevity!

MR. FENWICK:

I think he would be pretty good then, too. We would like him to look at the situation in some of the Scandinavian countries. I believe, in Sweden, for example, there is a one year leave provision, or up to one year's leave provided for parents when they have a child or when they adopt a child, and the provision is switchable so that if there is a natural birth that occurs and the wife takes three or four months off, the husband, for example, can take the rest of the leave off. It is guaranteed leave. They have the right to apply for it. They have the absolute right to get it and, of course, they also receive whatever the Swedish equivalent of unemployment insurance is, as well. So I would like to suggest the minister that this perhaps is the direction we should be working in, because I think it is very

important that young babies and young children get the proper nurturing at that time and, since in most of our societies we are now looking at the majority of families actually in the position where both husband and wife work, we should make it as easy as possible to provide for this kind of important nurturing at the beginning of a child's life. At the same time, the provision of leave like that, of course, is a generator of employment in other areas, in the sense that there has to be other employees brought on to replace these individuals while they are on leave.

Having made those short comments on the bill, I would like to commend the minister for bringing it in. They are progressive moves and some that we would certainly wish to support. We are glad to see that the minister has come out of the socialist closet and is now a full-blown member of the Socialist International.

MR. SPEAKER:

Order, please! Before the hon. member speaks, I would just like to remind hon. members that second reading of the bill deals with the principle of the bill as opposed to clause by clause examination. That is more appropriately done in Committee. I do not wish to place any more constraints on hon. members than is necessary, but a lot of the questions that might be raised in second reading can more appropriately be raised in Committee and there will probably be even more time in order to do it.

The hon. the member for Stephenville.

MR. K. AYLWARD:

Thank you, Mr. Speaker. I just

have some short comments in supporting this legislation. For many years, a problem, I think, that has existed in the hospitality industry and other related industries has to do with gratuities and tips, and so on, involved with paying people to work. I am very happy to see that this problem is being addressed by this legislation as the wages of these people are usually very low. This addresses the problem of making sure that they get properly compensated for their good work. Again, tips and gratuities of any manner are a reward for good service provided. So I am glad to see that it is in there.

I am also happy to see the clauses on maternity leave. I think this is a good bill. It is very liberal, no doubt about it, and I am very happy to see it. I have a problem today which I cannot say too much about to the minister, but I must say this piece of legislation is a very good one to see.

Also, the fourth part of Clause (4) 'Would permit an employee who has been employed by an employer for at least twelve consecutive months to obtain up to seventeen weeks adoption leave,' I think that is very important. I know many parents who have been in the process of adopting young children, especially, and in that process they have had a hard time in trying to get the time needed to bring the child into the family. It is very important for the future of the family unit that this type of amendment be put into the bill, which will allow adoptive parents to have this right actually, to be able to bring young children into the family and help them become a part

of the family unit. I think it is very important, and it ends a type of discrimination. I am very happy to see it. I think it will improve the health and welfare of the family unit in a great way when it comes to adopting young children.

Also, before I conclude my remarks, I would like to bring to the minister's attention the Stephenville strike which is ongoing. I would like for him, as much as possible, to keep me updated. I must say he is doing it very, very adequately, but we need to keep putting that forth because it is still ongoing. It has been ongoing far too long. I think everybody wants to get it settled. So I want to make sure the minister takes note of that and keeps me updated.

But on the whole bill I must say I am very happy to see it today. It is long overdue, but we will give the minister full marks and full credit and full compliments on the whole thing. The minister makes it very tough, sometimes, to be in opposition, when he brings in a bill like this. But we support good bills, and if we can make any constructive comments, we will. Thank you, Mr. Speaker.

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

Motion, second reading of a bill, "An Act To Amend The Workers' Compensation Act, 1983." (Bill No. 39).

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, they are really working me here today. It is a long while since I have been up, but they are taking me right on.

Mr. Speaker, I am most pleased, I might say, to introduce Bill 39, "An Act To Amend The Workers' Compensation Act, 1983".

As hon. members will recall, Mr. Speaker, last December I think, in last year's session, I informed the House that I intended to consider at a very early date certain amendments to the Workers' Compensation Act, primarily of an administrative nature, and also to insert some provisions in that act dealing with an outside appeal process.

Now, Mr. Speaker, in keeping with that statement, the recent Speech from the Throne set forth government's intention to further amend the Workers' Compensation Act to do two primary things, number one, to streamline the administration of the commission, and two, to establish that external appeals tribunal to hear and make final rulings on appeals from decisions of the commission.

Of course, Mr. Speaker, introducing these changes to the parent act will require certain other consequential amendments to other sections of the legislation, as well. Of course, these are rather insignificant. These matters have been under review by government for several months. The bill proposes amendments to give effect to these two major changes in the administration of the system. In addition, the bill proposes significant changes in the investment powers of the commission, extends scope of coverage and allows for assignment of benefits where a court has



ordered support payments to spouses and dependents.

With regard to the first matter, Mr. Speaker, that of streamlining the administration of the commission, the legislation will provide for replacement of the current board of commissioners with a board of directors, and the board of directors, Mr. Speaker, will be made up of a part-time chairman and several part-time members. The part-time members will be representative of workers, employers and the general public.

Again, Mr. Speaker, for those hon. members opposite who have read the bill, they will note that this is at variance with what the bill states at the present moment. The bill in its present state states that the chairman would be on a full-time basis. Now, we have decided on a change, and again I will lead in with an amendment during Committee stage to propose that the board will all be part-time and there will be a chief executive officer, or executive director, whatever we choose to call him, who will be responsible for the day-to-day operations, sort of the permanent head of the administrative aspects of the board.

Mr. Speaker, the commission is a big operation. Because of its size and scope, it is important that the administrative structure conform to modern concepts which will allow it to be more responsive to the needs of the constituency which it serves. Traditionally, the Board of Commissioners has had a dual role: Firstly, they have responsibility for general administration of the agency, a role similar to a board of directors of a private or a Crown

corporation; and secondly, it is a quasi judicial role, hearing and ruling on appeals related to compensation benefits and employer assessments.

The functional separation of the two roles has always been somewhat obscure. The description of the two roles has never been clearer respecting the day-to-day operational responsibility of the Board of Commissioners vis-à-vis the staff.

From the beginning of the operation in 1950 until the early 1980s, the commissioners, including the Chairman, were involved in the day-to-day administrative activities and decision-making at all stages. While there was often confusion as to who was responsible for various aspects with a relatively small operation, uncomplicated claims and assessments, very basic benefit structures, limited programmes for injured workers, very few challenges from those affected by the decisions, the system has been, up until now, manageable.

Over the past several years, Mr. Speaker, certain changes have been made to streamline the operation. First, functional and clearly defined line departments have been established, and qualified management personnel have been put in place to head each department. Secondly, major functions, compensation benefits and programmes in finance and general support services have been put under the direction of executive directors. There are executive directors for each of the functional departments. An official board of directors has been created in the form of an executive committee.

While we did not have a formalized board of directors provided for in the legislation, Mr. Speaker, internally they have really set up a board of directors made up of the executive committee which consists of the board of commissioners plus two executive directors. There has been separation, to the greatest extent possible, of the policy and programme formulation function of the executive committee from the service delivery responsibilities at the departmental level. Commissioners have assumed the primary role of hearing and ruling on appeals and departmental decisions on claims and assessments. While in practice the board of commissioners is no longer directly responsible for the day-to-day activities at the department level, there is still a tendency to have department heads and executive directors report to all three commissioners with resulting confusion as to who is directly responsible. You can just imagine, if all the staff are going to report on a daily basis to a chairman and two commissioners, there has to be somebody who has to be boss. There has been confusion over that, as to whether the chairman of the board is really at a different level than the commissioners. Obviously, he is at a different level, but the staff had the feeling that most likely they had to report to all three commissioners, and that has been somewhat prevalent.

With a management team in place, there is no longer a need for commissioners to be involved in departmental administrative activities. Since the commissioners' primary role has been hearing appeals, with the establishment of an external

appeals tribunal the role of the commissioners is greatly diminished. The board of directors will have overall responsibility for (a) the general administration of the commission; (b) approval of policies and programmes relating to benefits, assessments, investments and any other matters of a general nature required to ensure the intent of the legislation is being applied to provide programmes and services to injured workers, and that these programmes and services are adequately funded through good financial management; and (c) to review legislation and recommend amendments or revisions.

The board will obviously delegate responsibilities for the day-to-day administration to the staff of the commission's line departments. The board of directors will not hear or rule on appeals on individual matters respecting a worker's claim or an employer's assessment. Appeals from the decision of the commission's staff on these individual matters will be heard and ruled on by the proposed appeals tribunal.

Now, Mr. Speaker, again the Bill in its present form provides that, as I said before, the chairman would be full-time and all other members of the board would serve on a part-time basis. As I stated earlier, they will be all on a part-time basis and there will be provision for the appointment of an executive director. It will consist of at least two members representative of workers, two members to be representative of employers and two members representative of the general public.

The reason for representation by

employers and workers is obvious because of their direct involvement in the Commission's operations. However, since the costs of compensation are passed on to the consumer by way of increased costs of goods and services, it is really an indirect form of taxation and, therefore, the general public will have representation on the board. All members of the board will be appointed by the Lieutenant-Governor in Council for fixed terms, subject to reappointment.

Now, Mr. Speaker, with respect to the external appeals tribunal, currently the Workers' Compensation Act provides for an appeal to the board of commissioners on any matter decided by adjudication or assessment staff of the Commission. There is no appeal from a decision of the board of commissioners other than the very restricted appeal to the Trial Division of the Supreme Court on matters involving, of course, a question as to the Commission's jurisdiction or a question of pure law.

There has been a perception, Mr. Speaker, among claimants and their representatives that the present system of appeals is unfair and biased. Now, I am not going to infer or lead you to believe, Mr. Speaker, that there has been anything really wrong or there has been a bias, but since there has been a perception of bias, we want to change it. It is something similar, I guess, to any of us who would go to trial and want to appeal our conviction. Obviously, we would not want to go back to the same panel of judges and make an appeal, we would want to appeal to a different panel of judges.

This is really what the external appeals tribunal will be all about; it will be separate and distinct from the board and, obviously, we will be trying to house them outside the Workers' Compensation Board, away from it in all respects.

After careful examination by government, the decision was made to propose amendments to the legislation to allow for the creation of this appeals tribunal. The tribunal will be the final decision-making authority on all matters concerning individual claims and assessments coming within the jurisdiction of the commission. It will function separately from the corporate operations of the commission, as I said. The tribunal will not be a policy-making body but, of course, it ought to have the right to recommend policy changes or formulation of new policy for consideration by the board of directors.

The chairman of the appeals tribunal will serve as an ex officio member of the board of directors of the commission. I expect, Mr. Speaker, when we lead in with the amendments at Committee stage, that the executive director, or whatever we would call him, will also be, ex officio, a member of the board of directors.

All members of the appeals tribunal will serve on a part-time basis. Initially there will likely be two representatives of workers, two representatives of employers and a chairperson and vice-chairperson not associated with other interest groups. Appeals will be heard by a panel of three persons.

AN HON. MEMBER:

Who will be doing all the appointing?

MR. BLANCHARD:

The Lieutenant-Governor in Council. Obviously, most other boards and commissions are appointed in that manner, with nominations, I would think, from the interest groups to be from the workers and from the employers.

Now, Mr. Speaker, I think I have covered the two, as I said, primary aspects of the bill, that of the streamlining, the going from a commission to a board of directors, and also the appeals tribunal. We turn to some other, perhaps, less important aspects of the bill, no less important, perhaps, but not of the same highlight.

The bill also proposes removing some restrictions on the investment powers of the commission. The act currently restricts investments of the funds of the commission to securities, such as bonds and debentures as defined by an act respecting trustees. These are bonds and debentures issued by the Government of Canada, provincial governments, Crown corporation, etc. Because of these restrictions, the commission finds it is not earning as high a rate of interest or return on its investments as it could if it had the right to have a more diversified portfolio, for example, investing in equities. Most other boards and commissions across Canada have the authority to invest in equities, and we think our board should have the same. Thus, the act is being amended to allow the commission to invest in equities as set out in the guidelines set by the Canadian

and British Insurance Companies Act. This is identical, Mr. Speaker, to the investment authority allowed under the Pensions Act of 1983.

Additionally, the act currently specifies that approval must be given by the Minister of Finance to purchase or sell any securities. This is a rather outdated provision, Mr. Speaker. The commission deals directly with investment dealers and, in order to achieve the best rate of return, must sometimes buy and sell on very short notice.

Seeking prior approval of the Minister of Finance, although we have great respect for the Minister of Finance, Mr. Speaker, getting his approval to invest on short notice is sometimes cumbersome and we hope to change that.

Also, Mr. Speaker, the current act specifies that the commission must place its funds on deposit in a bank as approved by the Minister of Finance.

Again, this is a somewhat outdated provision and the act is being amended to simply state that the commission may place its funds on deposit in any chartered bank. Obviously, Mr. Speaker, you must know that our excellent Minister of Finance agrees with those changes, and agrees that we ought to simplify these matters.

Extension of coverage: The bill also proposes an amendment to allow for regulations to extend coverage of workers' compensation to volunteers agreed in emergency measures work and, would you believe, Mr. Speaker, to members of the House of Assembly.

So my critic over there will realize now that he is going to be covered. You know, if the going gets rough, he will be covered by workers' compensation.

On assignment of benefits the current act allows for the assignment or attachment of compensation benefits only in cases where monies are owed for board and lodging. The Department of Justice has requested that the legislation allow for assignment or attachment of benefits to comply with court orders, where such orders, of course, are made for maintenance and support payments to a dependent spouse or children. The act is being amended to allow for assignment or attachment on that basis only, but on no other basis, except with the specific approval of the commission.

Mr. Speaker, I think I have covered all aspects of this bill. I would respectfully suggest that this bill is a very good bill. I am sure my colleagues on the opposite side of the House will agree with that, and recognize that this is done for the benefit of those people who have to make claims and who have had the problem of injuries in the work force. I have great pleasure now, Mr. Speaker, in proposing this bill for second reading.

Thank you very much, Mr. Speaker.

MR. TULK:  
Mr. Speaker.

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

MR. TULK:  
Mr. Speaker, let me say right off the top again - it will not work for you 'Cal'. Where you are

going, Workers' Compensation will be no good to you after three years.

AN HON. MEMBER:  
Who?

MR. TULK:  
I was talking to the member for LaPoile.

Mr. Speaker, let me say to the Minister of Labour, again in second reading we are speaking of the principle of the bill and, in principle, we have no quarrel with the bill, none at all. The board of directors of the commission is again, in principle, a very good idea. The appeal tribunal is the part that we would support, not 100 per cent but 200 per cent because the truth of the matter is that the appeal procedure that is presently in the Workers' Compensation Board is anachronism; it is so outdated as to be almost a subject for a Charles Dickens novel. There is absolutely no doubt about the anachronism of that process that we now put people through.

I could go through example after example after example that I found in the past eight years as a member of this legislature where you are required on numerous occasions to deal with problems that arise from workers receiving injuries in the workplace and by being told that they are really not allowed, not permitted, to make any of the decisions that concern their own physical well-being and their own future employment. But I will just use one.

I use the case of a gentleman in the town of Carmanville in my own district, a gentleman by the name of Mr. Marshall Collins. I do not

know if the minister is familiar with him or not, I think he might be, I think there might have been some correspondence to him on it, there have certainly been lots to the Workers' Compensation Board.

The gentleman had worked with Terra Nova Tel and he suffered from falling off a telephone pole. He injured his back some years ago and was consequently put in the hospital and partially cured. After a number of years that injury reoccured, and he went back to the Workers' Compensation Board.

MR. BLANCHARD:

We are fixing that now.

MR. TULK:

Well I hope you are fixing it. There are a couple of things about this bill that may not be the fix that the minister believes it to be. Perhaps he can explain why it is but let me say to him that, on principle, yes it is there.

This particular person, as I said, worked with Terra Nova Tel, fell off a light pole, injured his back, and then the injury reoccured. He went back to Workers' Compensation and at first was told by them that he had no recourse at all and that Workers' Compensation did not belong to him. That was appealed and then they told him, 'yes, if you take certain medical treatment, then you are entitled to Workers' Compensation until such time as that treatment is over.'

The type of treatment that was recommended by one doctor was that he have a spinal infusion. I think that is the common phrase that is used for it. Everybody in this Province knows that under the present medical situation that

exists in the Province, the present medical knowledge that is in the Province, with spinal infusions, you have a 50/50 chance of being cured, shall we say, or a 50/50 chance of ending up in a wheelchair.

The gentleman refused as I believe was his right to refuse. He refused saying that he believed, on the advise of another specialist, that if he wore a certain type brace, then there was no need for him to have an operation and, indeed, he might go back to work at some point in time. The Workers' Compensation Board said, 'No, you cannot do that.' The strange thing is that the appeal was put in place. He appealed to people employed by the Workers' Compensation Board. I forget the exact makeup of it right now. Now that is one appeal level. He was turned down by people who had made the decision beforehand.

He then went to the Board of Commissioners, yes, an appeal board made up of the Board of Commissioners. The same people who had made the decision in the first place and in the second place, made it again the third time, employees of the Workers' Compensation Board.

MR. BLANCHARD:

They are employees of the Commission.

MR. TULK:

Yes, they are employees of the Commission.

So again, of course, the gentleman was told, 'No, no'. You know, the strange thing about this peculiar case is that the gentleman said, 'No, you go to hell'. That is basically what he said. 'I will

do what I believe is best for my body'. He wore the brace for six months and is now back on the job with Terra Nova Tel.

Yet when he appeals the decision after that to the Workers' Compensation Board saying, 'I made the right decision, you did not', they refused to pay him for the period of time that he was off work wearing a brace. The reason is simple. It is that the same people, as I said before, who made the decision in the first place, made it in the second place and made it in the third place. Nothing would change their mind because they had their medical advise and he had his. They had something to back up them and, of course, part of their job is to see that the Workers' Compensation Board survives on its own. I mean that is part of their job.

MR. BLANCHARD:

You can read on the bottom of page 5 and you will see -

MR. TULK:

In the new bill. I will get to that. I am talking about the procedure that is now in place and the need for the Appeals Tribunal.

AN HON. MEMBER:

(Inaudible).

MR. TULK:

Going to beat it to death! It is time for some of the horror stories to be told in this Province that go on with various bureaucracies that exist in this government or commissions or whatever that are at arms length from this government. If the Minister of Labour does not want to tell them, then I certainly will not. I am not going to beat it to death because it was the first time it was brought up.

Now, if the hon. gentleman wants to get into that vein, we will get into it and we will knock this around for six weeks and we will rap some very important cases about the errors of the hon. gentleman and about the Commission that he has been responsible for for a number of years.

But that aside, Mr. Speaker, the principle of this bill is supportable. Of course, the Board of Directors is supportable and that set up itself is supportable.

Let me say to the hon. gentleman that there is something in this bill that bothers me. That is the appointment process that the gentleman is talking about. A board of directors is to be made up of not less than seven and no more than eleven members appointed by the Lieutenant-Governor in Council. That is the Cabinet, that is the twenty-two that now sit in the Peckford government and sit in Cabinet which make that decision on those appointments. And while the hon. gentleman says, 'of course, there will be room for nominations from the people in the work force, from the employee and from the employer,' I say to him that there is no guarantee in this legislation that that will be the case.

Having seen how this government, and the Workers' Compensation Board is a prime example of it again - I have nothing against the hon. gentleman who is there, I am not talking about him personally. I am not talking about Mr. Ed Maynard personally but, it is a well known fact that he is a former PC member and minister of this House. While he may be doing a good job himself, the principle of what I am talking about is the

same thing.

We can see, given the record of this government and the number of patronage appointments that have been made, we can see, for example, the Minister of Labour (Mr. Blanchard) in three years times, when we knock him off in Bay of Islands, if they should be lucky enough to form the government, which they will not, but if they should be, we could indeed see the Minister of Labour appointed to the appeals tribunal, the board of directors, chairman or whatever.

AN HON. MEMBER:  
(Inaudible)

MR. TULK:

In the case of the Minister of Labour, he might. If he does not show any more strength than he has shown in the last labour strike, it is debatable whether he will protect the interest of the workers in this Province and that is what I am concerned about. He might very well protect the employers in this Province, government policy and so on but, I would be somewhat scared of how much strength the hon. gentleman would show in the light of his Tory friends.

I say to him that that is the weakness in the Bill and that is one we are going to have to comment more on in committee stage. The method of appointment of the board of directors lends itself to wide open patronage appointments and that, as I said before, somewhat bothers me, given the record of this government. I am not going to carry with that. I just want to point that out.

The same thing is true of the appeals tribunal, the same thing

is true in that particular case and, again, you can wonder just who will fill the role. Will it be filled on the basis of competence or on the basis of, let us say, of what the trade unions, the employees or employers in this Province want? Or will it be filled on the basis, and we have gone through example after example in the last little while of how the Minister of Public Works and Services (Mr. Young) - and the Minister of Culture, Recreation and Youth (Mr. Matthews) made a little confession the other evening - but we have gone through example after example in this House in the last year or so where we have seen former members of this House, one that was defeated by the member for Burgeo - Bay d'Espoir (Mr. Gilbert), get appointments. He was appointed as the official hand shaker in the Province. The former member for Twillingate, I believe, she refused an appointment.

MR. W. CARTER:

No, she has one involved with the census.

MR. TULK:

Through her federal buddies. The former member for Bonavista North, Mr. Cross, where is he? Did he get anything? He is on a board. The member for Fortune - Hermitage, I am not sure whether he got an appointment by this government or not.

AN HON. MEMBER:

What was his name?

MR. TULK:

I forget his name.

AN HON. MEMBER:

Don Stewart.

MR. TULK:



The official hand shaker was defeated by the member for Burgeo Bay - Bay d-Esprit. We saw the former member for St. Barbe who was so ably given the boot by my friend there, we saw him appointed to - What was he appointed to?

MR. FUREY:

I think he is in charge of finding pasture land on the Northern Peninsula.

MR. TULK:

In charge of finding pasture land on the Northern Peninsula. The member for Windsor - Buchans knocked out a fellow who they then decided they had to give \$28,000 a year for and he has an office in Windsor - Buchans. We do not know what he is doing there. I do not believe the former for Stephenville got anything because I think they disliked him so much they just wanted to give him the flick anyway. He was a very good friend of mine and I hated to see that done. The point is, the point has to be made that the record the record of this government in patronage appointments - their candidates are starving to death in Fogo - the record of this government in patronage appointments leaves one to be very suspect of any appointments that are going to be done. I say this to the Minister of Labour (Mr. Blanchard): I do not believe that the Minister of Labour has an evil bone in his body and I do not believe he has got a patronage bone in his body at this point, he has a problem, there they are up here. There they are, up here. That is where the strength is in this government and that is where the power lies. I would say to the Minister of Labour that that process -

MR. R. AYLWARD:

We heard the strength was over there.

MR. TULK:

Strength where?

AN HON. MEMBER:

'Barry.'

MR. TULK:

No, that is the leadership strength. I am talking about the present strength that exists in the government. The strength exists on those four seats right here and that one right there. That is where it is at and I say to the Minister of Labour that even though he may be well intentioned in this, the road to hell is paved with good intentions. I say to him that this legislation is not quite strong enough because it should allow for some employer association in this Province to appoint members, and they should be taken -

AN HON. MEMBER:

(Inaudible).

MR. TULK:

That is not here, that is why I making it, it is not guaranteed and they should not only be able to nominate them, unless the Minister of Labour - and the Minister of Labour is responsible for this - if the Minister of Labour can come up with some very good reasons as to why those people should not go on a board that should go on and the same thing, of course, is true for the employees and employers of this Province, it is true for both of them. It should not be left to the political whims of the Minister of Justice (Ms Verge) - and she is a fairly powerful figure, although she has not done all that she has set out to do for

the women's movement in this Province. She has been slapped a few times in that regard. The Premier has smacked her across the mouth a few times in that regard.

MR. HISCOCK:

We should have an independent police commission.

MR. TULK:

She could end up with that.

I say to the Minister of Labour that that is a problem that he is going to run into. Therefore, the people like Mr. Marshall Collins of Carmanville, who had a just case, who proved that he was right, there is no doubt in my mind that he was right and I am sure if the minister read his case there would be no doubt in his mind that he was right in doing what he did yet got no compensation for the time period that that took. I say to him that that could be a problem.

DR. COLLINS:

With a surname like that, how does Mr. Marshall Collins vote?

MR. TULK:

He is one of the best Liberals in Fogo district, I can tell the hon. member that. The Collins of Fogo district are not like the Collins in St. John's East. They do not have not that much Tory blood in them. Their blood is red from the tips of their toes to the crown of their head. There is no blue Tory blood in them. They are good people, excellent people, open minded people, not close minded people like the Tory Collins we got for the Minister of Finance.

MR. FUREY:

It is sort of a metaphor for openness.

MR. TULK:

When it gets out in the light of day, it has to turn red.

Mr. Speaker, there is one other question that I would ask the minister and we can pose some questions for the minister to answer when he closes the debate and this is a very legitimate question. Perhaps I have misread this some way, that is possible. I see here in the legislation, I think, that the composition of the panels for the appeal tribunal are of a temporary nature. A panel ceases to exist when the matter it is considering is in the opinion of the person acting as its chairman, completed. I would like for the minister to perhaps - he may have a very good reason for it - but I would like for him to explain as to why it is that three or four panels of knowledgeable people in this area could not be set up on a permanent basis, the panels of the appeal tribunal. There is a point at which those people will need some experience. There is a danger that today it is Johnny and tomorrow you have Joe, who is perhaps somewhat ignorant of the facts. But I would like for the minister when he rise to close the debate to answer that question as well.

He mentioned about the investments of the Commission. He pointed out that, of course, now the investments that the Commission is allowed to make are not as diversified as they would like for them to be. That they would like to have a much more diversified portfolio than presently exists for the Commission to be able to invest in a wider area. What he implied was that that would help them make more interest, of course, on their investment.

I also say to him that under the present circumstances, where the Commission is allowed to invest, while they may not be able to make, shall we say, as much cash or as much interest on their money, the security of the investments that they presently have is far greater now perhaps than it is going to be when they are allowed to diversify into other markets because, as you know and I know there is, although I have not made any money in investing - I do not know whether the Minister of Labour has or not - but I say to him that one thing that he must keep in mind or he should keep in mind at this point is that even though today the portfolio of investments of the Compensation Board is not as diversified as perhaps as you would like to see it, the fact of the matter is where they are allowed to invest today, the investments are very secure.

MR. BLANCHARD:

Other boards have a wider scope.

MR. TULK:

I know that other boards do, but it depends upon the type of advice that you are going to get. We have had cases, shall I say, quasi judicial boards, arms length, government corporation where they have made certain investments and have gone under. Of course, the prime example of that, I suppose, was last year, was it, the Continental Bank?

MR. FUREY:

What?

MR. TULK:

Those couple of Western banks that went down the tube, there were a number of investments in them. The investments of the groups, the corporations that invested in them

were in great danger. I do not know for sure if they were all saved, I am not sure.

AN HON. MEMBER:

Yes.

MR. TULK:

But they were all saved only through the intervention of the federal government.

So I say to the minister that while they will be able to diversify their portfolio of investments, they may not have the same security of investment as they now have.

He praised up the Minister of Finance, and under the present circumstances, of course, one could not at all be upset about taking the Minister of Finance out of anything. I wish the hell we could take him out of his budget making he attempts in this Province and perhaps we would have some prosperity in the Province. But overall I say to the minister that on principle, I would like for him though in his good liberal manner and his good liberal tradition consider whether, in fact, when we get into Committee stage of his bill as to whether he should not bring in an amendment to ensure that the people who sat on the Board of Directors of the Commission and the people who sit on the Appeals Tribunal, the nominees, or the people who come from industry and the people who come from, shall we say, unions or working people, are people who are nominated by them, not only do they have the right to nominate but, they have the right to place. That is the one major amendment that I would like to see the minister bring in. Otherwise he is leaving himself wide open for the political patronage of the

Premier and the President of the Council (Mr. Marshall). I cannot say as much about the Intergovernmental Affairs Minister (Mr. Ottenheimer), but certainly there have been all kinds of cases, and the minister knows that I am right, of political patronage, of political appointments and so on. The minister in his wisdom and in his sincere desire, I believe, to put in place a protection for the working person in this Province, should consider a nomination process for the positions on both those boards.

MR. W. CARTER:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the member for Twillingate.

MR. W. CARTER:

There are a couple of questions I would like to ask the minister. Maybe when he sums up, he can set it straight.

In the amendment, Mr. Speaker, he talks about the make-up of the tribunal. He talks about the number of members that will serve on the Workers' Compensation Appeal Tribunal and the fact that some of these members will represent labour and some, management and others.

In the case, for example, where outsiders are appointed, such as the representative for labour and management, these will be appointed by the Lieutenant-Governor in Council. I am wondering on whose recommendation, for example, will the minister appoint a person representing labour? Will that person be recommended by the Federation of Labour? Nominations

will come from the groups to be represented and appointed by the Lieutenant-Governor in Council.

Mr. Speaker, there is obviously a lot of unrest in the Province today with respect to Worker's Compensation. I have heard of cases in my own district, which, as the member for Fogo (Mr. Tulk) described, can only be called horror stories. I have a case, for example, where a person had a very severe industrial accident. A young man in his early to mid-thirties was actually buried alive and, when removed, had severe damage and injuries to his body. That person, who was a labourer prior to the accident, was put on Workers' Compensation, not a big amount but certainly, at that time, enough to keep body and soul together. He made the mistake of asking me to make representation to the board to have his payment increased, which I did; I made representation to the chairman and laid out what I thought was a strong case for an increase in the amount of compensation. Lo and behold, the letter I got back from the chairman of the board told me that, having reviewed the gentleman's case, they were going to reduce the amount of compensation. Now, I am not suggesting that it was because I made representation to the Chairman that the amount was reduced, but certainly it would give me some room for suspicions.

Anyway, I will tell the minister and give him the dates on it afterwards. Mr. Speaker, the gentleman in question, anyway, had his amount reduced, thereby making it almost impossible to keep body and soul together. Over the period, he had physical examinations and his condition was improving but never to the point

where the man could resume normal work as he was prior to the accident. I suppose, never again will that person be able to do the type of work that he was doing at the time of the accident.

Anyway, the last I heard from that gentleman was that his compensation had been cut off altogether. Apparently, he went to a doctor and had an examination, and the doctor told him that he would be ready now to take on light work and that is what he should do, get out and get some light work. It was on the basis of that examination that this gentleman's compensation was discontinued.

Now, in my view, Mr. Speaker, that is not good enough, because that man will never be able - and I am just using this as an example, because there are other cases somewhat similar - that person will never again be able to do the kind of work that he was doing prior to the accident, hard labour work. To tell him that he is now able to do light work or to get a job that would entail light work is not the answer because in the community where this person lives, any kind of work is pretty well impossible to get, much less a light kind of work.

The fact is, to make a long story short, that person today is without any kind of compensation from the Board, a man who, I suppose, a little over a year ago should have been dead with the type of accident he had. It is only a miracle that saved him. Almost every bone in his body had been crushed in the course of the accident. He was physically buried alive. They had to dig him out with a backhoe and get him to a hospital and rehabilitate him,

which they have done and done a very good job. But again the point I make is he will never be able to work again like he could.

So the Workers' Compensation Board have washed their hands of that particular gentleman because he is now fit to do light work. I appreciate the minister's show of interest and concern because I will be writing him about it afterwards.

But I did make representation to the Workers' Compensation Board, to the Chairman, and the response I got back, Mr. Speaker, was anything but satisfactory. In fact, so much so that it would almost lead one to believe that maybe there was some little element of politics creeping into it. I would hate to think that because I happen to know the Chairman very well. I served in Cabinet with him. I have nothing against the Chairman of the Workers' Compensation Board but his reply to my letter, Mr. Speaker, was certainly not what I expected. That is why I welcome the news that the Board will be overhauled.

I gather, Mr. Speaker, from the amendment that there will be two sets of directors now. One, the regular Board of Directors of the Workers' Compensation Board as we know it, and there will be a Tribunal established. Now, will the Chairman of the Workers' Compensation, presently Mr. Maynard, be serving in any capacity on the Appeal Board?

AN HON. MEMBER:

No.

MR. W. CARTER:

All right. That is good. Because I sort of had the impression that

maybe the Chairman of the Workers' Compensation Board would also act as Chairman of the Tribunal. The amendment here is not quite clear. Maybe I have not read it in its right context. That is good news.

Now then, will any member of the Board of Directors of the Workers' Compensation Board serve on that Appeal Tribunal?

AN HON. MEMBER:  
(Inaudible).

MR. W. CARTER:  
But members of the Tribunal, including the Chairman and Chief Executive Officer, they will be ex officio members of the Workers' Compensation Board. Is that correct?

AN HON. MEMBER:  
Yes.

MR. W. CARTER:  
But not voting members. But they will be there to -

MR. BLANCHARD:  
Answer questions, offer guidance and provide material that the board wants -

MR. W. CARTER:  
I see. I see. The people on that Tribunal will be recommended by the sector of the economy that they represent on the board.

Mr. Speaker, that is all I have to say on this. Again, I welcome the news that the board is going to revamped and I hope now that it will be more effective and it will do the job in a more humane and effective way than has presently been the case, as far as I am concerned.

MR. HISCOCK:

Mr. Speaker.

MR. SPEAKER:  
The hon. the member for Eagle River.

MR. HISCOCK:  
Mr. Speaker, I just want to speak on this briefly and say that this tribunal that is being set up is long overdue. There are many cases where people have applied for workers' compensation and found that they had to wait unnecessary lengths of time in order for their claims to be processed. I think the minister should take a look at that. Why is it there are such delays? If a person has an accident and is off from work, then, of course, his pay is cut. If he is on UIC the same thing applies, it is cut, and this means unnecessary hardship for those people who do not have any savings with which to support their families. Workers' compensation obviously has to do investigations and the like, and I think the setting up of this tribunal is long overdue.

I do not think the rehabilitation part of the programme goes far enough. I do not think the department is doing enough to rehabilitate people. As a result, as was just pointed out by the member from Twillingate (Mr. W. Carter), you have people who have had severe accidents, who cannot go back to their former jobs, but they get medical clearance to do light work. Now, what is light work and where can you get it? I remember making a case for a constituent of mine in this House and writing the former minister. Unfortunately, the gentleman is dead now, but I ask that the minister pay attention to what I would say on this. This person worked with the Department of

Transportation for years as a mechanic who also operated tractors and other equipment. However, lack of proper ventilation in the building in which the equipment he worked on was housed caused deterioration of his kidneys and he was forced to give up his job and go on workers' compensation. He was eventually given a medical clearance and the Department of Transportation hired him back temporarily while he was waiting for a transplant. When a kidney was available, he went to Halifax to have the transplant, which he did not survive.

Another person in my district was working on the construction of the road - I am talking about years ago, when helmets and safety boots were not provided - a rock fell on his toe and he lost part of his foot. Workers' compensation in their zeal got him to sign a paper accepting a lump sum payment of \$1,500 and said, 'This is it, but you are entitled to do light work.' Again, this person was working with the Department of Transportation. What kind of light work can you get with the Department of Transportation, or what kind of light work can you get in rural remote areas of our Province, even if you have been retrained? Obviously, nobody wants to see people on compensation all their lives. I think the idea prevails in our Province that people deliberately have accidents so that they can collect workers' compensation. I make the point that if a person does have an accident, there are not sufficient training programmes available to prepare him for other work.

It has been proven that there is a great deal of illiteracy in our Province, and that the older

people, in particular, find themselves in the situation where, after giving years of service to a company or to the government, they have accidents which prevent them from returning to their original jobs and, because of their low level of education, are unable to participate in whatever training programmes may be available. That, too, I think, has to be looked at.

I commend the minister on the setting up of this tribunal. We have said many times that each department needs a mechanism separate from politics, separate from government, separate from the ministry, and I think it would be a good idea to have something like this set up in the Department of Consumer Affairs. We have already seen a consumer representative appointed to the Public Utilities Board, and I feel this tribunal will provide us a way of selecting better people to look after workers in this Province who have need of workers compensation.

I have been saying for years in this House, now that our police force is becoming a province-wide police force, that in order to maintain the high level of confidence that the people in our Province have in our police force there should be the same kind of tribunal or commission set up to investigate complaints, a tribunal or commission separate from the Constabulary altogether. We are the only Province in Canada which does not have this. Again, I think it would do much to uphold and maintain the confidence that people have in the Royal Newfoundland Constabulary. When internal investigations are done by Workers' Compensation, by the Public Utilities Board, by the Department of Health, or any other

department, people are always left with the impression that it was not done by an independent body.

I asked the Minister of Justice (Ms Verge) to take note of what I said about the police force and, of course, she said, "Well, we do not have that many police in the Province, we do not have that many complaints." But it is no longer a city police force, it is a police force that is being expanded to take over other areas of the Province, and I would go so far as to say that we will see the day when the Royal Newfoundland Constabulary will be policing the full Province, as it did years ago, but obviously with more expertise, more equipment, and, of course, being paid salaries comparable to those paid to police forces in other areas of the country.

While I am speaking on this amendment to the Labour Standards Act, which will see the setting up of this tribunal, I would also to point out that a lot of money actually goes for salaries and benefits, such as computer services \$250,000; building operations \$217,000; printing and supply \$182,000; professional services \$136,000; travel \$92,000; vehicle operation \$54,000; miscellaneous \$29,000; equipment \$24,000; telephone and general office \$500,000, for a total of approximately \$4.5 million.

This, of course, is just for 1984. The balance at the beginning of the year in 1984, \$17 million; Libel Pension award, \$42 million; Disaster reserve, \$4 million; Enhanced disability reserve, \$500,000; Recapitalization reserve, \$4 million.

When one looks at Workers' Compensation, one finds out, Mr. Speaker, that it is a very, very large organization that employees and employer pay into in this Province. For example, with the Ocean Ranger, it was recommended that because people were covered under -

MR. MATTHEWS:

You are not speaking to the bill.

MR. HISCOCK:

In the case of the Ocean Ranger disaster, one of our greatest tragedies, because the people who were lost in that tragedy were covered under Workers' Compensation - in many cases that was one of the arguments used - their survivors could not sue in Canada, or outside.

This is one area in Worker's Compensation where I feel there should be changes made: Employees pay their contributions and may be covered for accidents, but if undue neglect, gross negligence is proven, their right to sue should not be taken away because they are covered by workers' compensation. If I am correct, that is still in effect, that if an employee has an accident, the employee does not have the right to sue the company. I think that has to be changed. Because under Workers' Compensation right now if you have an accident that is caused because of gross negligence or lack of safety factors, the person cannot get proper training, is told by - it is not enough, and the minister can smile all he likes. A person can get training for light work or whatever around the Province, but the end result, Mr. Speaker, is that there are not enough of those types of jobs in some of the rural areas. So if a person has an accident as a result of gross



negligence, he cannot sue the employer, he is medical state is such that his doctor recommends that he take light work only and, because there is no light work to be had in the area in which he lives, he finds himself on welfare. If the employer is responsible, and as an example I point out Fishery Products International and the number of people who have lost limbs in ice-making machines, because they are covered under Workers' Compensation, they cannot sue. Those same people might be recommended by their doctors to do light work, but because such work is not available, they find they have to live on disability pension or go welfare, which would not be the case if they could sue the employer, if gross negligence was proven.

When it comes to this piece of legislation, I think the minister has to bring into play the allowing of employees in this Province to sue companies that are guilty of negligence, and maybe this is where the tribunal could come in: The tribunal itself could be responsible for investigating companies to see if gross negligence was involved in serious accidents and, if such is proven, the employee would then have the right to sue the company and not be left depending on the funds from Workers' Compensation, etc.

In concluding, Mr. Speaker, I could say many other things on Workers' Compensation, but I think other members want to speak on it. Again I commend the minister on the setting up of the tribunal, and I would ask that the minister give consideration to bringing in in the future a piece of legislation that will permit

employees in this Province to sue employers who are guilty of gross negligence and abuse of safety factors. Thank you, Mr. Speaker.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

Just a few comments, Mr. Speaker, not a lot. The three areas that I would like to ask about, one only half seriously, but I assume there is something serious about it. The minister has told us that the legislation now covers members of the House of Assembly. Is that correct?

MR. BLANCHARD:

That is right.

MR. FENWICK:

And that if anyone of us were to be injured on the job, that is punched out by an irate member on the other side, or whatever the case may be, that we would receive compensation.

MR. SIMMS:

It does not cover mainlanders.

MR. FENWICK:

The question, Mr. Speaker, is what kind of compensation would be available? For example, we are being paid on a sessional basis for our attendance here. If we were to be injured on the job, lock jaw, maybe, I guess would be the kind of injury we would probably get, what kind of compensation would be available?

MR. MATTHEWS:

The same kind of compensation as anybody who works.

MR. FENWICK:

But what is our weekly salary? How do we get 90 per cent of our weekly salary? This is quite serious because, as I understand if, under Workers' Compensation the Provincial Government will now have to take out money and send premiums to the Workers' Compensation Board for us and we will be, indeed, covered by it. So it seems to be appropriate that we have some idea of what benefits we are getting out of this whole affair?

By the way, Mr. Speaker, I would like to suggest one other thing.

MR. R. AYLWARD:

I do not imagine anybody ever strained himself.

MR. FENWICK:

You do not think of anything we could possibly do to disable us from doing this work?

MR. R. AYLWARD:

No, I said I do not think anybody ever has.

MR. FENWICK:

Here? Members?

SOME HON. MEMBERS:

Oh, oh!

MR. FENWICK:

Oh, we are just passing it now. It is in this bill.

MR. SPEAKER:

Order, please!

MR. FENWICK:

Anyway, Mr. Speaker, that is one question that I have for the minister. Although it is somewhat semi-serious, it is a serious question. I am not sure how we fit into the whole idea.

MR. TOBIN:

(Inaudible).

MR. FENWICK:

Mr. Speaker, could you keep the jackal quiet there?

MR. SPEAKER:

Order, please!

MR. FENWICK:

The other questions I have are to do with, one, procedure. This piece of legislation is very much anticipated by members of the labour movement. Frankly, they are interested in seeing a lot of these changes occurring, and they have been pushing for them in briefs that they have presented to government so that there is general support for it. When I got a copy of the bill, which, I believe, was a week or two ago, I sent it out to Martin Saunders, who is the Canadian Labour Congress representative here in St. John's and was on the Workers' Compensation Act Review Committee about five years ago. He is one of the experts, quite frankly, in this Province on Workers' Compensation and its impact upon workers and so on.

At the same time, I sent it to a number of other individuals who have to work with the Workers' Compensation Commission on an ongoing basis. In both cases it was a matter of sending it to them in order to get their comments on the legislation, to see if they would detect any flaws in the drafting of it that might make it unwieldy and so on. Having sent it to them, I got calls back almost immediately indicating, first, that they had seen the actual draft legislation and that they had some concerns with it, and the concerns are such that they have not yet transmitted them to me. So when we get into

Committee stage, I am hoping we will be able to address some of their particular concerns on it.

But it raises one question, Mr. Speaker, and it is a question that I would like some answers on from the Minister of Labour. Just before this particular piece of legislation was introduced, we heard the Minister of Consumer Affairs and Communications (Mr. Russell) indicating that with the insurance agents and adjusters and brokers legislation, which he just piloted through second reading here, there was a consultation process that occurred, that someone in the industry obviously had looked at the legislation and made some input into it and there was some give and take.

So, Mr. Speaker, what I would like to ask the minister is why in this particular instance was there not that degree of consultation with this particular piece of legislation, maybe just taking the draft legislation and sending it to the people who have to work with it? I would assume, also, by the way, that the employers, who are very much concerned about the legislation, would also have liked to have seen it, since they have the other side of the book to look at. It is a suggestion I raise to the minister, because I think that one of the things that we -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

I would suggest that hon. members who want to have a chat, do it in the Common room.

SOME HON. MEMBERS:

Hear, hear!

MR. FENWICK:

The fact is, Mr. Speaker, last week we introduced and we passed a Correction of Statute Law Bill. At that time, I raised the same question: did we really examine the legislation closely enough? I think that giving it to the people who have to work with it is part of that consultation.

I again repeat the comment I made last week, that I really believe we should have standing committees to examine legislation prior to its directed movement all the way through the House. As a matter of fact, I would again suggest that we set up the budget committees that we had on Social Services, Government Services and on Resources, that those be standing committees of the House and that they meet on a continuing basis and, if we have a piece of legislation like this, that it be referred to the relevant committee for them to have a look at it and, if they felt that the changes were major, to consult with, by way of public hearing, the users of the thing. I think that we do ourselves a disservice to not accept the fact that most members of the House are ultimately interested in good legislation, that does the job we want it to do and is effective, and I think it is important that we keep that in mind when we do it.

So since there does seem to be some concern by some of the major user groups, I just thought I would make that comment to the minister himself.

The last comment I have, and it is probably a broader concern and it has to do with this as well, is the way in which board members are appointed to boards within the provincial government. We feel,

or at least I feel and my party feels, and other members whom I have talked to, that the Minister of Labour (Mr. Blanchard) is the appropriate person -

AN HON. MEMBER:  
We feel.

MR. SPEAKER (McNicholas):  
Order, please!

MR. FENWICK:  
- is the appropriate person to identify people who have the expertise to sit on these boards, and that that power should not be taken away from the Minister of Labour and put in the hands of a Cabinet Committee or whoever the others are who are doing it. There is strong suspicion among people I have talked to that it is not always the most competent people, knowledgeable in the area and with the experience to bring to the situation who are appointed, and that, in some instances, other criteria, somewhat similar to those which we have seen used by the Minister of Public Works and Services (Mr. Young) when he hires temporary employees, may be used in making these appointments. So I would like to suggest that we feel, at least in the case of labour legislation, the labour standards tribunal, the Workers' Compensation Board, these areas, that the minister himself is more competent. We feel better with him putting those individuals on than we would be with any Cabinet committee that may have a slightly different agenda than the Minister of Labour.

So, Mr. Speaker, with those comments I would like to sit down and maybe the Minister of Labour can address them and tell us how exactly we are covered by Workers'

Compensation and what we get if one member irately goes across the House and beats the heck out of another member.

MR. SIMMONS:  
Mr. Speaker.

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

MR. SIMMONS:  
Mr. Speaker, the first point I want to make has probably been made by other speakers. I believe it has been, but I just want to re-enforce, and it is a general comment not particularly on the particular provisions of the amendment so much as it is on the act itself, and that has to do with the question of negligence by the employer. I have long been of the view that while those employers who participate in the act do so for the most altruistic of purposes, nonetheless there is the sneaking suspicion that some less than responsible employers can take some comfort from the scapegoat provision that the act de facto provides.

And a second category with the same result, the scapegoating angle that I will elaborate on in a moment, the second group are those who in normal times are quite responsible but find themselves as employers in a situation where, through gross negligence on the part of the employer - not on the part of the employee - occurs and the employee, because of the limitations of this act, does not get the opportunity for full redress or grievance, the opportunity to sue, to be specific. I have long felt, Mr. Speaker, that that provision of the Workers' Compensation Act is a

weakness that redounds to the disadvantage of many, many persons in this Province and I would want the minister to comment on that concern if he would so wish.

I am now on page 6 of the bill, I say to the minister, and I want to raise a couple of issues with him in Section 2, half way down the page, where it provides for the following: The new section 4 (2) says, "The vice-chairman and other members of the Board of Directors shall be appointed". By whom? Can the minister indicate to me? By the commission?

MR. BLANCHARD:

By the Lieutenant-Governor in Council.

MR. SIMMONS:

By the Lieutenant-Governor in Council. I was afraid of that.

AN HON. MEMBER:

Is there another way?

MR. SIMMONS:

Well, the other option would be for the board itself to make the appointments. I am not advocating it, I am just wanting to clarify that it is the Lieutenant-Governor in Council. I have not digested the whole bill, but the previous clause says, "by the Lieutenant-Governor in Council." That clause does not say that. The previous clause provides, and I guess by implication I can see now that it is the Lieutenant-Governor in Council implied in subsection (2) of the new clause 4.

Mr. Speaker, that brings to mind a whole range of concerns, the kinds of concerns that the Leader of the Opposition (Mr. Barry) and other members of this Caucus have been addressing. We have seen it in

relation to friends of the minister from St. John's East, the Government House Leader (Mr. Marshall), we have seen that people wind up on all kinds of boards who happen to be friends and work mates of particular people.

MR. J. CARTER:

I appointed (Inaudible).

MR. SIMMONS:

We still have some blessings to thank God for and one of them is that the gentleman for St. John's North (Mr. J. Carter) will never again be in a position where he can appoint anybody to anything.

I just want, gentlemen, to make a very quiet few remarks on the issue. No need to get your blood up. You have had a rough weekend. I sympathize with you.

SOME HON. MEMBERS:

Oh, oh!

MR. J. CARTER:

Would the member permit a question?

MR. SPEAKER:

Order, please! Order, please!

MR. SIMMONS:

The member would permit any kinds of questions from members who were in their own seats, Mr. Speaker.

MR. J. CARTER:

He has been displaced.

MR. SIMMONS:

He could not be displaced by a better man. I predict that the gentleman for Grand Falls (Mr. Simms) will be in the backbench fairly soon and he should get practice there now.

Mr. Speaker, we have concerns that we are now adding a few more plum

appointments that the gentleman from St. John's East can have at his dispatch; he can look around the law firm and see there is a few people who already are not overworked by serving on various boards. They may be competent, but that is not how they get appointed to some of those boards, Mr. Speaker. We have seen that.

MR. J. CARTER:  
Are these aspersions?

MR. SIMMONS:  
These are aspersions, and I will make them more direct if the gentleman for St. John's North (Mr. J. Carter) is having difficulty following me. We have a very real concern about that. This is another instance of an Act that you can drive a truck through. This particular clause is going to allow for some more abuse, the kind of abuse that we have seen at the hand of the gentleman for St. John's East time and time and time again. In any other jurisdiction, Mr. Speaker, it would not happen. Here it is a straight stonewall approach. We have seen it on the Minister of Public Works and Services (Mr. Young) and we saw it earlier on the member for St. John's East, the Government House Leader. It is a straight stonewall approach.

MR. J. CARTER:  
A point of order, Mr. Speaker.

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

MR. J. CARTER:  
We are having a great host of unwarranted assertions and aspersions, uncomplimentary, unsubstantiated and unsubstantiatedly remarks being made by the hon gentleman. I have

not read by Beauchesne lately, but I think he is certainly verging on the unparliamentary.

MR. SPEAKER:  
To that point of order, there is no point of order.

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:  
Thank you, Mr. Speaker.

I make an undertaking now to the gentleman for St. John's North that what I shall state are facts only. It is a fact not an opinion of mine that members of the law firm of a minister in this House sit on government boards. That is a fact. It is a fact that while an older lady in Pippy Park is being hounded to death on a property matter, because it is frozen, other people can get their land unfrozen because they sit on the right boards, know the right people and practice in the right law firms. These are facts and, Mr. Speaker, this particular clause will provide, will allow for more of that abuse of power to go on. They have another eighteen people they can appoint. Mr. Speaker, I do not expect the minister to agree with me on that but I voice the concern and we will come back to it.

Mr. Speaker, the third point relates to the last sub-clause on that page 6, sub-clause (4) of the new Clause 4, 'The Chairman shall devote the whole of his or her time to the performance of duties under this Act.

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

MR. SPEAKER:  
Order, please! A point of order,

the hon. the Minister of Labour.

MR. BLANCHARD:

I do not wish to interrupt the speech of the hon. the member for Fortune - Hermitage (Mr. Simmons) but I do not believe he was in the House this afternoon when I described the Bill and when I said that I would lead in with an amendment to that particular section to make all the members part-time and the chief executive officer full-time. I did say that during the committee stage we will lead in with an amendment, so you are reading from the current view which will be changed.

MR. SPEAKER (McNicholas):

To that point of order, it is more a point of clarification than a point of order.

MR. SIMMONS:

Yes, I appreciate that, but is it true that the words that I have just read will not change: 'The chairman shall devote the whole of his time'?

MR. BLANCHARD:

That will be changed.

MR. SIMMONS:

Oh, that is going to change, too?

MR. BLANCHARD:

A part-time chairman and part-time members, and a full-time chief executive officer.

MR. SIMMONS:

Okay.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER (McNicholas):

Order, please!

MR. SIMMONS:

I thank the minister, because I

was going to make a point there which does not need to be made and I was not here when he gave that undertaking to the House. I thank him for it.

MR. J. CARTER:

(Inaudible).

MR. SIMMONS:

I say again to my good friend from St. John's North (Mr. J. Carter) that we have in the minister a very receptive person who hears these concerns and acts on them so quickly that we cannot even -

MR. J. CARTER:

He cuts the ground right out from under you.

MR. SIMMONS:

It is amazing the way this gentleman operates. I wish the gentleman from St. John's North would take some lessons from him. He would be a far better man if he did.

Now, Mr. Speaker, the point of the three that got my - and my third is not necessary, because the minister has indicated he is going to introduce an amendment. The point of the other two that has got the goat of the gentleman from St. John's North - that is a bit sensitive with him - is the one about the opportunity in this bill for the patronage appointment, for looking after friends of the administration. I say, Mr. Speaker, -

MR. J. CARTER:

On a point of order, Mr. Speaker.

MR. SPEAKER:

Order, please!

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

MR. J. CARTER:

In twenty-three years of Confederation, we witnessed a steady parade of flunkies and toadies and party hacks being appointed, and only then, to positions of power. Now, this is the very party that pillaged this Province. It could only be natural, therefore, that any time a Liberal candidate or a candidate for office who was a definite hot-to-trot Liberal put himself forward, it was only natural that you would look upon it with some suspicion.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

There is no point of order.

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

No, Mr. Speaker, there is no point of order, but what is fairly evident, Mr. Speaker, is that a person will have difficulty putting his view in this House if it does not subscribe to the view of the gentleman from St. John's North, and that is where the people in this House, who are sent here to represent people, need some protection from the Chair, need some protection from the Chair. That buffoonery has gone on long enough over there. I cannot take it on my shoulders that they have a bunch of clowns for the backbench.

MR. TOBIN:

On a point of order, Mr. Speaker.

MR. SPEAKER (McNicholas):

On a point of order, the hon. the member for Burin - Placentia West.

MR. TOBIN:

Mr. Speaker, I think the hon. gentleman has been around this Assembly long enough. I do not think that his statements are very accurate and I certainly feel, Mr. Speaker, that it is not parliamentary to refer to any group of individuals in this House as a bunch of clowns. I think if the hon. gentleman is the man that he states he is, then he should withdraw that comment.

MR. SIMMONS:

To that point of order, Mr. Speaker.

MR. SPEAKER:

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

MR. SIMMONS:

I agree with him on both counts. They are accurate and they are not parliamentary.

MR. TOBIN:

I said they are not accurate.

MR. SIMMONS:

Now, Mr. Speaker, if the gentleman from Burin - Placentia West wants to prove he is a clown by continuing to interrupt me -

MR. SPEAKER:

To that point of order, I think the simplest thing is to say I have called for order. I have referred to hon. members on my left on a number of occasions. I do not see why I should have to and I certainly will not continue to do so.

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Now, Mr. Speaker, it is not going to make very many people on the other side happy when I say that this is another opportunity for



some more patronage, for some more pork barrelling, the kind of thing we have seen from the Minister of Public Works (Mr. Young), we have seen from the Government House Leader (Mr. Marshall), and we have seen from the Minister of Transportation (Mr. Dawe). At some point this has got to stop. The argument that is might have gone on in the past or did go on in the past, does not make it right, Mr. Speaker.

MR. J. CARTER:  
A point of order, Mr. Speaker.

MR. SIMMONS:  
There you go. There it is again, Mr. Speaker.

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

MR. J. CARTER:  
Mr. Speaker, I do protest because the suggestion is being made that something improper is, was or might be done here. The only thing that was improper that was done was that red raw Liberals were appointed to everything but dogcatchers in the first twenty-three years in Confederation.

MR. SPEAKER:  
Order, please!

There is no point of order.

MR. TULK:  
The hon. member for Fortune - Hermitage is trying to make a speech -

MR. SPEAKER:  
I have ruled.

MR. TULK:  
- and the hon. gentlemen over -

MR. SPEAKER:  
This must be another point of order.

MR. TULK:  
- there are just interrupting him. Can we have some order in this place?

MR. SPEAKER:  
There is no point of order.

MR. SIMMONS:  
I understand he may disagree with me.

MR. SPEAKER:  
I would ask my hon. friends again to please keep silent.

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:  
I understand he may disagree with me. That does not make it improper. What I am saying is very proper and very easily demonstrated in this Province today. You do not have to go any further than the words of the Minister of Public Works himself over the past few weeks, words that prevented his coming into the House today, words that made him squirm, words that made the gentleman for Waterford - Kenmount (Mr. Ottenheimer) go out and do his homework and come in with a little Beauchesne today to quote all over the place.

MR. J. CARTER:  
A point of order, Mr. Speaker.

MR. SPEAKER:  
Order, please!

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

MR. J. CARTER:  
Mr. Speaker, we cannot have

misinformation brought into this House. It has been clearly established that if a member gives information to this House which is not correct and another member has reason to believe that that information is incorrect, then he is perfectly right, it is his duty to get up on a point of order to try and correct the record.

Let the record show that the Minister of Public Works is unavoidably out of the House on other business. He is not staying away from the House as the member suggests. That is a shocking thing for him to say.

MR. SIMMONS:  
To that point of order, Mr. Speaker.

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

MR. SIMMONS:  
Mr. Speaker, I still have the right in this House to state my view and my opinion. I will not ask the gentleman for St. John's North to write my opinions for me. I still have the right to speak though I am in doubt about how strong that right is in this particular chamber.

MR. SPEAKER:  
Order, please!

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

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:  
This act will ensure, Mr. Speaker, under the new Clause 4 (2) that the pork barrelling will go on unabated. It provides for more of it. There ought to be, Mr.

Speaker, a difference.

MR. J. CARTER:  
A point of order, Mr. Speaker.

MR. SPEAKER:  
Order, please!

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

MR. J. CARTER:  
Mr. Speaker, there is no pork barrelling here. People are being appointed on merit and I would say great care is being taken to see that the wrong people are not being appointed.

MR. SPEAKER:  
Order, please!

There is no point of order. I think there are too many spurious points of order being raised one after the other.

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:  
The Minister of Municipal Affairs (Mr. Doyle) may take some delight in this. He may take a lot of delight in it. We have several other people who will make the point and we will continue to make the point. When my time runs out, we will get others to make the same point. We see this, I say to him -

MR. J. CARTER:  
Ten days (inaudible.)

MR. SPEAKER:  
Order, please!

I have been repeatedly calling for order and I will have to name one or two members if I have to continue.

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

We see some good provisions in this bill but we also see the government making sure that the pork barrelling is well taken care of. Every time they bring in a piece of legislation, they legislate a bit of pork barrelling in. They provide the enabling legislation so that they can do some more pork barrelling, they can appoint some more friends who may or may not be competent. Somewhere, Mr. Speaker, it has to stop. This government that talks about a squeaky clean image. What a laugh! What an insult to people's intelligence across this Province. What an insult!

MR. MORGAN:

Seriously, you would not appoint supporters?

MR. SPEAKER:

Order, please!

MR. SIMMONS:

The great protector is back.

MR. MORGAN:

(Inaudible) while you were in Ottawa?

MR. SPEAKER:

Order, please!

MR. TULK:

He is back now trying to suck in with the Premier.

MR. SPEAKER:

Order, please!

MR. SIMMONS:

Mr. Speaker, I am doing right now what the member for Bonavista South (Mr. Morgan) has done all his life and is so good at doing, you act within your objective at

the moment. My objective at the moment is to illustrate that this government's claim to squeaky cleanness is a charade. They smile publicly and say, 'what us?' Then they catch the Minister of Public Workers and Services (Mr. Young) in an unguarded moment. The Premier said he was harassed by the press, harassed into telling the truth! And in that unguarded moment when he spilled his guts, he told exactly what his parameters are for hiring people. Nowhere did he mention competence, he mentioned those who are my friends as opposed to those who are not my friends. That was the criteria and that is the criteria which will be operative right here, Mr. Speaker, under the new Clause 4.2. It is time, Mr. Speaker, we put a red flag on this. It is time we called a halt to it. It is time we at least drew attention to it.

Yes, Mr. Speaker, when Liberals are in government they appoint Liberals and Tories and NDPers and any other people. I can give -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. SIMMONS:

While they are laughing, Mr. Speaker, who appointed that great Liberal Jack Marshall to the Senate, just for example?

MR. PEACH:

Who appointed Les Thoms?

AN HON. MEMBER:

(Inaudible).

MR. SPEAKER:

Order, please!

MR. SIMMONS:

Who appointed that great Liberal Eugene Forsey to the Senate? He was an NDP'er. I just gave you two examples.

They can laugh, Mr. Speaker, about the pork barrelling all they want, the public out there are getting the message. The public got the message. All the talk this weekend was about the Minister of Public Works and Services. That is what we have heard.

MR. SIMMS:

How hypocritical, that is what they are saying.

MR. SIMMONS:

Well, perhaps you are screening what you hear a bit. I am telling you what I heard and I am telling you that the view that the gentleman for Grand Falls brings to this House is not the view that I heard about over the weekend. They see nothing hypocritical in it at all. They suspect that this is the reason that this government pays lip service to mandates to create jobs when, in effect, all they want is a mandate to create some more jobs for their few friends and, not only that, but to punish their enemies. Government was never about that, Mr. Speaker. Government was all about looking after all the people out there, not lining your own pockets all the time, not looking after your friends only, look after people who have a need out there, whatever their political persuasion.

MR. SPEAKER (McNicholas):

Order, please!

MR. TOBIN:

Mr. Speaker, let us call it six o'clock.

MR. SIMMONS:

Do you want to call it six o'clock?

MR. SIMMS:

Call it six o'clock before you lose your train of thought.

MR. SIMMONS:

I know very clearly what my train of thought is. You guys are doing too much pork barrelling and we are going to flag it every chance we get. Here is another chance right in this bill, in Section 4 (2), the new 4 (2) where you are about to make a provision where you can go out and, within the niceties of the law, you are going to be able to appoint another sixteen or eighteen people.

Now, Mr. Speaker, that is what that clause of the bill is all about.

AN HON. MEMBER:

Oh, oh!

MR. SIMMONS:

Oh, he has found a new word. Now, if somebody could only explain the word to him, we would have made progress. He has learned the word hypocritical. He learned it from the Premier.

MR. TOBIN:

By God, then he -

MR. SIMMS:

He had a personality (inaudible).

SOME HON. MEMBERS:

Oh, oh!

MR. SIMMONS:

That is your best line today. I think we should call it six o'clock, Mr. Speaker.

MR. SIMMS:

It is as good as any of yours I can tell you.

MR. SPEAKER:

Shall we call it six o'clock?

The hon. the Minister of  
Intergovernmental Affairs.

MR. OTTENHEIMER:

I move that the House that the  
House adjourn until tomorrow,  
Tuesday at 3:00 p.m.

On motion the House at its rising  
adjourned until tomorrow, Tuesday,  
June 10, at 3:00 p.m.