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Speaker: Honourable P.J. McNicholas

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The House met at 2:00 p.m.

MR. SPEAKER (McNicholas):
Order, please!

Statements by Ministers

MR. SPEAKER:
The hon. the Minister of Municipal Affairs.

SOME HON. MEMBERS:
Hear, hear!

MR. BRETT:
Mr. Speaker, today I take this opportunity to inform the House that the Department of Municipal Affairs has approved funding in the amount of \$1,032,000 for the placement of firefighting equipment under the 1988/89 cost shared 75/25 program --

SOME HON. MEMBERS:
Hear, hear!

MR. BRETT:
--with the provincial government paying 75 percent of the cost.

Mr. Speaker, this funding is in addition to the \$42 million in capital works projects that I announced last month.

Mr. Speaker, the following are the municipalities and local service districts that have received funding approved under the placement of the firefighting equipment, and I would like to read them, Mr. Speaker, to get them into the record.

MR. PEACH:
These were recommended by the Fire Commissioner.

MR. BRETT:
Yes, these are recommendations of

the Fire Commissioner and a committee of officials in the department. The first one is: Bide Arm, Fire Fighting Package # 2, for \$20,000. Botwood, an 840 GPM Pumper for \$118,000. Fortune, a 625 GPM Pumper for \$108,000. Gambo, a 625 GPM Pumper at \$108,000. Gander Bay North, Pick-up Assembly at \$55,000. Georges Brook, in that great and historic district of Trinity North, got the large sum of \$31,000 -- it should be noted, Mr. Speaker, that is the only cent that went into Trinity North out of this program -- Fire Fighting Package # 4, \$31,000. Grey River, Fire Fighting Package # 2, \$20,000. Hawkes Bay, a 625 GPM Pumper at \$108,000. Hopedale, a Fire Fighting Labrador Package, which is somewhat different from the package that we use on the Island, \$40,000. Jean De Baie, Fire Fighting Package # 3 for \$25,000. Lord's Cove, Pickup Assembly, \$55,000. Musgrave Harbour, a 625 GPM Pumper/Tanker, \$110,000. Pacquet, Fire Fighting Package #3, \$25,000. Ramea, Air Compressor, \$12,000. St. Jacques-Coombs Cove, Intermediate Pumper at \$70,000. Summerville, Pickup (4X4) Assembly, \$57,000. Witless Bay, an Intermediate Pumper at \$70,000.

And that is a total, Mr. Speaker, of \$1,032,000.

In conclusion, Mr. Speaker, I would like to point out that Newfoundland is the only province in Canada that cost shares firefighting equipment with municipalities on a 75/25 basis, with the Province paying 75 percent. In fact, I do not know if any province cost-shares at all. Saskatchewan may, but I do not know of any other province, and if they do it certainly is not

on a 75/25 percent basis.

And I think it is very worthy to note, I know it is political, that this cost-sharing came into effect when the PC Administration came into effect, in 1972.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I would have liked to have had the Ministerial Statement a bit earlier, in the absence of the member for Bonavista North (Mr. Lush), who is quite expert in these matters.

MR. DAWE:

Where is he?

MR. TULK:

He has gone to see a doctor, to be quite frank with the hon. gentleman.

I say to the hon. the Minister of Municipal Affairs that I think he has done a fair job with the amount of money the government gave him. Unlike some of his colleagues on the other side, I think he realizes that fire is not something that you can play politics with, and for that I commend him.

The minister obviously realizes that a great many of those communities put a great deal of effort into trying to raise their 25 per cent share. I also say to the minister that in terms of the amount of work those people do for

us as volunteers, in terms of the amount of dollars they save for us as volunteers, and in terms of the importance of what they do as volunteers, indeed the government should have looked, - is the one criticism that I have of the program, - very closely and should have, obviously, put many more dollars into that area for buying firefighting equipment. But on the whole, given the small amount of money that the minister had to distribute, I have to say to him, Mr. Speaker, that he has done a fair job and I want to congratulate him on that.

SOME HON. MEMBERS:

Hear, hear!

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

Just two comments, Mr. Speaker. The first is that I think one of the things that we should look at with this firefighting programme is the amount of funding that is in it on continuing basis. I know from my previous life as mayor of a small community that when we got a firefighting truck, and we did get a tanker truck, that we were able to lower the insurance rates for everybody in the community as a result of having some central firefighting protection. The amount of money that has been in this firefighting programme really has not increased substantially over about the last six or seven years, and has been in a range of \$500,000 to \$1 million. What I want to suggest to the minister is perhaps he should look at it in terms of being able to give it an exponential increase rather than just an arithmetic one so that in

the future more communities looking for firefighting services could have them.

The other comment I would like to make is that awhile back we sent the people in Municipal Affairs a request about support for firefighting departments with permanent firefighters fighting fires in a community in which there are government buildings. I know that the firefighting department here in St. John's is supplied by the provincial government, as is the one in Corner Brook, and my request to the minister is to look closely at places like Labrador City, where there are permanent firefighting forces, to see if support can be rendered there as well.

Oral Questions

MR. WELLS:
Mr. Speaker.

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

MR. WELLS:
Mr. Speaker, I would have preferred to address this question to the Minister of Intergovernmental Affairs (Mr. Dawe), who has been directly involved in the matter, but in his absence and in the absence of the Premier, I address it to the Deputy Premier (Dr. Collins).

The Minister of Intergovernmental Affairs has been carrying on for some time discussions with the federal government with respect to steps to be taken to diminish provincial trade barriers consequent upon the federal government, Canada, entering into

a trade arrangement with the United States. Now that the Trade Bill passed the House of Commons on second reading, as it did yesterday, and has gone to the Senate, could the minister tell the House where these discussions now stand, and how those discussions will affect Newfoundland's policy of preference for Newfoundland suppliers of goods and labour in terms of conduct of activities in Newfoundland?

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

DR. COLLINS:
Mr. Speaker, there have been talks ongoing which involved Intergovernmental Affairs and also the Development of Development and Tourism. These talks arose out of a First Ministers' Conference, if my memory serves me correctly, and a group was put in place to do some indepth study on the work. There have been some reports come forward from that group, there will be further discussions and studies, and I am sure that at their next meeting, also, the First Ministers will deal with the matter.

It is not a simple matter. It is not a case of each province having the same structure of, if you want to so call them, barriers. Another way of looking at it would be protection for the economy and the employed work force in the particular province. Each province has a different structure there. The extent is different in the various provinces, and the impact of any change would be different for different provinces. So it is a fairly complex matter. There has been no finalization that I am aware of of the subject under discussion as

yet, and the discussions are ongoing.

MR. WELLS:
Mr. Speaker.

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

MR. WELLS:
Mr. Speaker, would the minister tell the House what the government anticipates the impact of these changes will be on Clause 51 of the Atlantic Accord, which sets up and requires a preference for Newfoundland labour and services in offshore development?

How will the implementation of the Free Trade deal impact upon those preferences under Clause 51 of the Atlantic Accord?

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

DR. COLLINS:
Mr. Speaker, I think it has been clearly stated a number of times that the Atlantic Accord is not affected by any provisions of the Free Trade Agreement when finally concluded. When it is put into law, and so on, the agreements between the Province and the federal government will not be affected by this.

How the whole matter will affect this Province is a bit hypothetical yet. The exercise is not concluded, but it is not all one way.

The Province has made the point many, many times that we do not get a proper proportion of federal government procurement expenditures in a wide range of areas, and this is part of the subject matter.

I think that when the whole thing is concluded and satisfactory arrangements, and, no doubt, satisfactory compromises are arrived at, the end result for this Province, hopefully, will be a positive one.

MR. WELLS:
Mr. Speaker.

MR. SPEAKER:
A final supplementary.

MR. WELLS:
Mr. Speaker, would the minister tell the House whether or not the government has negotiated the agreement that is provided for in Clause 53 of the Atlantic Accord, which requires that the 'Federal and Provincial Ministers shall conclude a Memorandum of Understanding' relating to the industrial and employment benefits to be applied under the Atlantic Accord? Has that memorandum of understanding been negotiated? If it has, would the minister table a copy of it? If it has not, would the minister advise when it is expected to be negotiated?

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

DR. COLLINS:
Mr. Speaker, at this point in time that applies only to the Hibernia discussions, and within that context that particular clause has been the subject of very indepth and very concentrated discussions, with teams, obviously, on both sides. That is the nature of the Hibernia discussions that have been going on with the federal government and with the companies involved.

When the Hibernia matter is concluded, the appropriate information will be made available

but, of course, until that time, it would be inappropriate to go into any details on it.

MR. TULK:
Mr. Speaker.

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

MR. TULK:
Mr. Speaker, in relation to the last question asked by the Leader of the Opposition of the Deputy Premier it is our understanding that this should be negotiated now, before an agreement is signed on Hibernia, because this is part of the Atlantic Accord. So I ask how could the minister make the statement he just made that it is now being negotiated as part of the Hibernia agreement?

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

DR. COLLINS:
Mr. Speaker, it is quite clear that industrial benefits relate to projects, and the project under active discussion and negotiation now is the Hibernia project. So that is the context of the discussions.

MR. TULK:
Mr. Speaker.

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

MR. TULK:
Mr. Speaker, does the minister not realize that unless those provisions are put in place we will in no way be able to determine what benefits we are going to get from the Hibernia deal, that it is, in fact, this clause that will determine what we will get from the Hibernia deal?

MR. WELLS:
It sets up our priorities.

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

DR. COLLINS:
Mr. Speaker, the hon. member must have his own team of negotiating in there, because he has reached a conclusion that we certainly do not reach. We are involved. This has been stated and this is logical and this is what is expected by the people of this Province, that we will have very close, intense and exhaustive discussions on industrial benefits in relation to the Hibernia project, and that is what is being done.

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
Mr. Speaker, my question is to the Minister of Justice (Ms Verge). There is now a controversy out West with regard to the question of whether or not women would be allowed into men-only clubs, and whether or not provincial legislation would cover them. My question to the minister is this: If a woman were to apply to a men-only club in this Province and try to get recourse under The Human Rights Code in order to get her fair treatment with this particular club, would the legislation itself be able to -

MR. SPEAKER:
Order, please!

That is a hypothetical question and it is not in order.

MR. FENWICK:

My question, then, to the minister is this: Does, in your opinion, the Human Rights Code cover discrimination by men-only clubs against women in this Province?

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

MS VERGE:
Mr. Speaker, it is a good question and I suggest that the member for Menihek refer it to the Human Rights Commission. That would be the proper course.

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
Mr. Speaker, we already have referred it to the Human Rights Commission, but they have not got an opinion on it. Since we have looked at the legislation, I want to ask the minister this question. There is nothing in the Human Rights Code now that covers a particular situation of discrimination based on sex with regard to membership in a club.

MR. SPEAKER:
Order, please!

MR. FENWICK:
My question to the minister is this: Is your department -

MR. BAIRD:
Ask your question.

MR. FENWICK:
I am asking a question.

Is your department or your government in the course of considering changes to the Human Rights Code that would protect woman against discrimination of

this kind?

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

MS VERGE:
Mr. Speaker, the Department of Justice and the Government as a whole are considering a number of proposals for improvement to the Human Rights Code, some of which have already been presented to this House of Assembly in the form of a bill which is on our order paper.

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

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

MR. FENWICK:
A specific question: Can we expect the next session of the legislature a change to the Human Rights Code that will cover this particular situation? Yes or No.

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

MS VERGE:
Mr. Speaker, I will repeat my previous answer. Government is looking at a number of proposals for improvement to the Code. I will discuss this particular point with the Commission and seek their advice on the particular point.

MR. DECKER:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for the Strait of Bell Isle.

MR. DECKER:
Mr. Speaker, my question is to the hon. Minister of Career Development and Advanced Studies

(Mr. Matthews).

On May 9 of this Session, when the Premier announced the first programs approved under the Private Sector Employment Program, the hon. the Premier assured the House that top priority would be given to screening.

And I want, Mr. Speaker, to compliment the Premier for doing that, because this program is prone to abuse and it is important-

MR. SPEAKER:
Order, please!

MR. DECKER:
that it be screened.

My question to the minister: Will the minister explain to the House this screening process was carried out? Did the Cabinet do it directly, or was there a special committee put in place, or did the Minister's own Department do it?

Would he explain to the people of Newfoundland just how the screening was carried out?

MR. SPEAKER:
The hon. the Minister of Career Development and Advanced Studies.

MR. MATTHEWS:
Mr. Speaker, for two years now the program has been in place in the Province, a very positive, well-accepted program right throughout the 292 communities in the Province we received applications from, where we created some 2600 jobs to date and hope to create some 3,000 jobs this year. There is an Interdepartmental Committee that reviews every application that comes into the department. When it comes in it is registered, a project officer does the necessary

follow-up work to make sure the application is complete, gets in touch with the applicant if there are any questions not answered or for clarification, and the Interdepartmental Committee looks at the applications on a weekly basis. The Interdepartmental Committee is made up of representatives from the Department of Career Development and Advanced Studies, Rural, Agricultural and Northern Development, and the Department of Development. They then make recommendations for approval, and in two years, Mr. Speaker, every recommendation made by the committee has been accepted by Cabinet.

SOME HON. MEMBERS:
Hear, hear!

MR. DECKER:
Mr. Speaker.

MR. SPEAKER:
A supplementary, the hon. the member for the Strait of Belle Isle.

MR. DECKER:
Impeccable, Mr. Speaker!

Would the minister tell was it the intention of this Interdepartmental Committee, using the screening process, to ensure that the regulations of the program are carried out to the extent that no member of any minister's political staff should in any way benefit from the Private Sector Employment Program? I am referring to Regulation No. 20 which covers government employees, Mr. Speaker. Will the minister assure us that that is what this Committee did?

MR. SPEAKER:

The hon. the Minister of Career Development.

MR. MATTHEWS:

To the best of my knowledge, Mr. Speaker, yes. As a matter of fact, I am aware that there were referrals made to a tribunal which has been put in place to deal with a potential conflict of interest cases by all government departments. I know that there were applications involving four employees that were referred to the tribunal and as a department we had to pass on to the tribunal the departmental observations and opinions. And of the four referred to the tribunal, the opinion of the tribunal was that three were in conflict of interest and consequently should not be considered under the Private Sector Employment Program, and one case was considered by the tribunal not to be in conflict of interest, and that application was considered because the employee had not been working with the department for about a year and the position that the employee held with the department was in no way related to the Private Sector Employment Program.

MR. DECKER:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary.

MR. DECKER:

I thank the minister for his straightforward answer.

I ask him now, in view of his answers, will he explain why it is that the very first program announced by the Premier, the flagship program, was awarded to a company which is approximately 30 per cent owned by the Special Assistant to the Minister of

Rural, Agricultural and Northern Development (Mr. Power)?

MR. SPEAKER:

The hon. the Minister of Career Development and Advanced Studies.

MR. MATTHEWS:

Mr. Speaker, I have to very honest and say no, I am not aware of that. I do not know to what particular application or applicant or project the hon. gentleman is referring. All I can do is advise the hon. gentleman and hon. members of this House that I will certainly take that matter under advisement. I will immediately ask for an investigation to see if what the hon. gentleman has alleged is indeed correct, and I will consequently report to the House.

MR. K. AYLWARD:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Stephenville.

MR. K. AYLWARD:

Mr. Speaker, I have a follow-up question to the Deputy Premier concerning the local preference policy and the fact that now it is being put on the table for negotiations between provincial ministers with the federal government. The Atlantic Accord states: 'The appropriate Federal and Provincial Ministers shall conclude a Memorandum of Understanding regarding the coordination of industrial and employment benefits by the Board' - which is the Canada - Newfoundland Offshore Petroleum Board - and with respect to industrial and employment benefits review and evaluation procedures to be followed by both governments and the Board.' This is in the

Atlantic Accord and it was supposed to have been done. If it has not been done, is it going to be done? What impact will negotiations presently going on to break down provincial trade barriers, which include the provincial preference policy, have on the Atlantic Accord?

MR. SPEAKER:

The hon. the Minister of Health.

DR. COLLINS:

Mr. Speaker, I think the hon. member feels that there is some difficulty here with the matter that is being discussed at the request of the First Ministers in regard to trade barriers and the Atlantic Accord, but I have already stated that in terms of the trade talks with the US there is going to be no negative impact.

In regard to any impact between the Atlantic Accord and the discussions between Canadian provinces as to what they should do about trade, this is an area that one cannot even comment on because that whole exercise is still an ongoing matter. There has been nothing concluded on it yet. It is an ongoing matter. It is a matter under discussion, under study. Trade barriers between the provinces, we all know they are there to some extent. We know why they were put there. Each province felt in its own best interest and the best interest of its work force and its population it had to put certain things in place to make sure that it got as many benefits for itself as seemed possible. No doubt there was some negative impact on neighbouring or other provinces, but all that matter is a complex matter that is now being discussed, now being studied, but no decisions have been made on it, and there is no

impact on the Atlantic Accord in that regard and it is highly unlikely - but this is only a personal opinion, because, as I say, no one knows yet - that it ever will have any impact on it.

MR. K. AYLWARD:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Stephenville.

MR. K. AYLWARD:

Well, could the Deputy Premier tell the House how this government can negotiate a Hibernia deal without this Memorandum of Understanding between both governments, federal and provincial, which outlines the benefits and the economic spinoff and the jobs for Newfoundlanders here in this Province, when it is stated in the Atlantic Accord that that is supposed to be laid out before you go in there, so that there is a position and people know that position and this Province is protected? Could he tell us how negotiations are ongoing when this has not even been done and it is in the Atlantic Accord that it is supposed to be done?

MR. SPEAKER:

The hon. the Minister of Health.

DR. COLLINS:

Mr. Speaker, I can only repeat that this matter is an integral part of the Hibernia negotiations and it cannot be otherwise. You cannot decide in any substantive, meaningful way, industrial benefits in a vacuum. You have to be dealing with something and we are presently dealing with a particular project, i.e., the Hibernia project. The White Rose project, the Terra Nova project,

when the other projects come up for active negotiation they will be dealt with in the same context. In regard to the Hibernia project, which is hot on the stove, which is hot on the griddle, we are dealing with industrial benefits between ourselves and the federal government as the Atlantic Accord requires that we deal, and as we would deal anyway because we, as a government, are very anxious and concerned to get absolute maximum industrial benefits for this project from this resource offshore, unlike, I might add, what we were likely to get under the Liberal administration in Ottawa, where the offshore resources of this Province were to be Canadian, and, therefore, we would get about 2 percent of the industrial benefits if we were lucky, because we are 2 percent of Canadians. In this government's view these are Newfoundland resources, the present administration in Ottawa recognizes that, so we are going to get, and this is what we are fighting for, industrial benefits to the maximum that we can actually supply those workforces and those resources to the project.

MR. K. AYLWARD:

Mr. Speaker.

MR. SPEAKER:

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

MR. K. AYLWARD:

The Minister of Intergovernmental Affairs says he hopes that the Federal government recognizes that even though you can break down some barriers, there still has to be that ability for the various jurisdictions to continue to do things for the economy.

Would the Deputy Premier tells us how statements by the Minister of Intergovernmental Affairs, who talks about the breaking down of the local preference policy over the next few years, which will probably happen, jibe with this government's proposed policy, which is supposed to be in the Atlantic Accord and which the federal government is supposed to recognize, of bringing benefits to this Province from the offshore? Could you tell us how those two come together and how it is going to work? How can they possibly come together? Can he explain that?

MR. SPEAKER:

The hon. the Minister of Health.

DR. COLLINS:

Mr. Speaker, I have already explained it. I said that the Atlantic Accord is not affected by trade talks with the United States and I expressed the opinion that it will not be affected, because it would not be logical for it to be, by trade talks that are going on between the provinces of Canada. That process is not yet concluded, so it is all hypothetical anyway.

But I can assure the hon. member that we are very, very possessive of the benefits that will come to this Province from the offshore, whether the federal government in Ottawa tries to take them away, whether the Americans would ever attempt to take them away, and they have not, or whether any other province would attempt to take them away. We are very jealous, and we will guard the industrial and employment benefits which will come from offshore and we will be second to none in carrying out that work.

MR. GILBERT:

Mr. Speaker,

MR. SPEAKER:

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

MR. GILBERT:

Mr. Speaker, I have a question for the Minister of Transportation (Mr. Doyle). Under the terms of the agreement signed by the Government of Canada, the Province and CN there is a provision that the rolling stock of the railway, the tracks and all that sort of equipment will revert back to the CN when the railway is closed September 1 this year.

Now is the minister aware what is going to happen to the railway bridges? Will they be dismantled and sold in the same way the tracks are going to be taken up and sold?

MR. SPEAKER:

The hon. the Minister of Transportation.

MR. DOYLE:

Mr. Speaker, I thank the hon. gentleman for his question. I have had discussions on this particular matter with the President of CN, who has indicated to me that where in the view of the Province certain bridges should be left and should remain intact, CN would be only too happy to do so. On top of that, when the railway is shut down there will be a committee put in place consisting of people from CN and the Province to oversee that matter and to ensure that the Province receives what it is due under the agreement.

MR. GILBERT:

A supplementary, Mr. Speaker,

MR. SPEAKER:

A supplementary, the hon. member for Burgeo - Bay d'Espoir.

MR. GILBERT:

In view of the fact that the minister has had some discussion with CN, could he table a list of the bridges that the Province considers necessary to be maintained? I am thinking of the communities of Glenwood and Appleton where the railway bridge is used as a walkway between the two communities, since they cannot walk on the highway bridge since it has been repaired. There are also people who own wilderness cabins whose only access is by CN who will be using snowmobiles and ATVs once the track is taken up. So I wonder would he make the list available so that people will have a chance to study it before the final deed is done and the bridges go? We feel that the bridges should all stay intact so that people will be able to use them.

Then the other question: Who is going to maintain the bridges when CN is gone?

MR. SPEAKER:

The hon. the Minister of Transportation.

MR. DOYLE:

Mr. Speaker, I will be only too happy to give that list to the hon. gentleman when it becomes available. But certainly we are not at the moment in active discussions with CN on that. But once we are and once we have a list of what bridges will be kept and what ones will be going, I will be only too happy to give the hon. gentleman that information.

Obviously, to the second part of his question, when these bridges and trestles are passed over

intact to the provincial government, they will be the responsibility of the Province.

MR. SIMMONS:
Mr. Speaker.

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

MR. SIMMONS:
I have a question for the same minister. He will be aware that in the railway agreement of a couple of weeks ago the community that was dealt with most severely was that of Port aux Basques, and he will be aware of the concerns expressed in Port aux Basques as well as in this House. I want to ask the minister now, in the time lapse since then, has he had an opportunity to more fully address the Port aux Basques situation? Can we hold out some hope the amount of \$7 million will be raised further? There have been some commitments by politicians representing the area that the amount would be considerably upped. To the point, though, can the minister indicate what is being to improve the adjustment package for the community of Port aux Basques?

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

MR. DOYLE:
Mr. Speaker, we have had some discussions with the town of Port aux Basques on that \$7.5 million package as recently as a week or so ago. As a matter of fact, I met with the Mayor of Port aux Basques and had talks with him on that. We will be monitoring the situation, Mr. Speaker, to determine if the \$7.5 million meets the needs of Port aux

Basques. I am informed as well that the Community Futures Program will apply to Port aux Basques and they are going to be actively pursuing that avenue with the help of the Province. So whether or not this \$7.5 million will meet the expectations of the community is something we will have to wait and see, but we will be actively looking at it with the town, through that committee that will be put in place consisting of town, provincial and federal officials. We will actively monitor the thing and hopefully, Mr. Speaker, the impact will be minimal on Port aux Basques.

MR. SIMMONS:
A supplementary, Mr. Speaker.

MR. SPEAKER:
A supplementary, the hon. the member for Fortune-Hermitage.

MR. SIMMONS:
Monitoring is the act of dispassionately looking at something. I was asking the minister to be more activist, as the member for LaPoile (Mr. Mitchell) indicated would happen. He said in the press there would be an increased amount for Port aux Basques and perhaps the minister could tell us why he is backing off that particular commitment now in view of the devastation being wreaked on Port aux Basques by this agreement? Can he give us the assurance that beyond monitoring there is an active effort being undertaken to up the amount being made available to Port aux Basques by way of adjustment?

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

MR. DOYLE:

Mr. Speaker, as I indicated to the hon. member, we have been in discussions with the town of Port aux Basques on the issue and for now the \$7.5 million, we feel, will be sufficient to lessen any impact upon the community. As time goes on, through the Federal/Provincial Community Committee, that determination will be made as to whether or not the \$7.5 million will be sufficient to meet the needs of the town.

In addition to that, as I indicated to him, the Community Futures Programmes, which is a programme of federal funding, is going to be applicable to Port aux Basques. They have a committee in place as well, right there now looking at that programme and how it might apply to that community, and as time goes on, Mr. Speaker, we will be in a better position, obviously, to determine if Port aux Basques will be needing any extra funding. The same thing applies to Bishop Falls as well, and that committee will be monitoring the whole thing and hopefully the impact upon both these communities will be minimal.

MR. W. CARTER:
Mr. Speaker.

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

MR. W. CARTER:
My question is for the Minister of Fisheries (Mr. Rideout) and it concerns the caplin fishery and the caplin overrun. I wonder can the minister tell the House what are the latest figures with respect to the caplin overrun? How does the industry propose to handle or dispose of the overrun? And what effect will that overrun have on the Japanese market and

the negotiated Japanese price?

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

MR. RIDEOUT:
Mr. Speaker, for the first part of the question, I have the figures here somewhere, current to two days ago, and I think it was in total about 38,000 tons, including production for Taiwan. As the hon. gentleman knows, the season did not reopen up until yesterday, and I do not think there was a lot of production yesterday but I do not have yesterday's numbers available to me yet, so I can only talk in terms of what the numbers were up until the day before yesterday.

So the answer to the first part of his question is, generally speaking, give or take a few hundred tons, around 38,000 tons.

The second part of his question was what does the industry propose to do? The industry through FANI has requested that its members be cooperative in disposing as much as possible of that overrun to other market areas. For example, the market opportunity that appears to exist in China could perhaps absorb 2,000 tons or 3,000 tons, or perhaps even more than that.

The third part of the hon. gentleman's question was what effect it might have on the Japanese? I think there is one thing that needs to be kept in mind in all of this, Mr. Speaker. We ought not to be thinking as if 38,000 tons means that there was 38,000 tons of usable female caplin produced. In fact, while some producers do produce 100 percent female, the general industry average is about 85

percent, so the usable number is much less than the figure that you usually hear kicking around. And, secondly, the Japanese, as he knows, have expressed some concerns. I have communicated with Mr. Tanabi the Executive Director of the Japanese Importers Association, and have informed him that in the view of government and the industry in Newfoundland and Labrador, we have all lived up to our commitments and, therefore, we expect the Japanese to live up to theirs.

MR. SPEAKER:
Order, please!

The time for Oral Questions has elapsed.

MR. W. CARTER:
I wonder, Sir, may I have time for an important question by leave?

MR. RIDEOUT:
Is it a sensible question?

MR. W. CARTER:
It will be a very brief question, Mr. Speaker, I assure you. I appreciate the minister's answer.

SOME HON. MEMBERS:
By leave.

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

MR. W. CARTER:
I want to ask is the minister aware of a telegram that was received today or yesterday by FANI members, from the gentleman whose name he mentioned a moment ago, the head of the Japanese Marine Products Importers Association, in which that gentleman expresses some concern and suggests that the product exceeding the 30,000 ton quota be

held in storage in Canada and that next March they will negotiate the duration of the inventory being kept and the price of the product?

They are also suggesting, Mr. Speaker, that unless it can be agreed that the surplus catch be held in storage, that the price of caplin be reduced by 12 per cent. I am prepared to table that telegram.

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

MR. RIDEOUT:
Mr. Speaker, the hon. gentleman ought to be careful now because there is no communication saying that it will be or must be or has to be. There is an indication that Mr. Tanabi, on behalf of that group, would like to negotiate downwards the price to that amount. But, secondly, it ought to be clearly understood, Mr. Speaker, that one of the options for some of the overrun is, clearly, to hold it in inventory to be forwarded to Japan a few months down the road when some of the cheaper discounted caplin that has gone to the Japanese market because of the — what is the proper word here? — overexuberance and the overenthusiasm of some of Mr. Tanabi's membership and the overexuberance and overenthusiasm of some of Newfoundland producers, the fact of the matter is the spirit and the intent of the contract has been lived up to. There have been problems on both sides with overexuberance, overpurchasing when there is too much red feed, all of that kind of thing has led to cheap caplin on the front end going into Japan.

Mr. Tanabi and the Japanese Importers Association got to bear some responsibility for that, as

do members of FANI, as do members of the Caplin Association, as do the producers in Newfoundland and Labrador. But that in no way detracts from, nor should anybody be panicked by a request that we negotiate downward prices when there was fault on both sides for what happened having happened, Mr. Speaker.

Orders of the Day

MR. SIMMS:
Mr. Speaker.

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

MR. SIMMS:
Mr. Speaker, Motion 3, the Meech Lake debate.

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

The hon. the Leader of the Opposition.

MR. WELLS:
Thank you, Mr. Speaker.

I have just a few more remarks to make with respect to the amendments proposed by the hon. the member for Menihek. I had covered essentially the first one, so I do not think there is much more that I need say about that.

The second amendment relates to the amending procedures, and he says that 41 (i) should be deleted. I believe 41(i) relates only to the establishment of provinces.

Well, frankly, Mr. Speaker, it is our position that the whole of

Section 9 should be eliminated and the existing amending procedure, which is a good and fair one, should be retained intact without any amendment, it should remain as it is. I cannot support this proposition. Frankly, even if all these amendments were passed it still would not make Meech Lake acceptable. It is fundamentally flawed anyway.

The third amendment, which is really a pointless amendment, would add discussion of aboriginal rights to the agenda of the constitutional conference that would discuss roles and responsibilities in fisheries. And all it is is an undertaking to discuss, it does not mean anything. There is no constitutional obligation and you do not need a constitutional obligation for that. Any minister could have raised at a constitutional conference anything of that magnitude without having it written into a constitutional amendment or an accord like the Meech Lake Accord, so it really is pointless. There is no great benefit to having it in in this way, although quite frankly, aboriginal rights ought to be discussed at a constitutional conference. I do not dispute that fact, but I see no purpose being served by this particular amendment, Mr. Speaker.

Amendment number four, by adding 'or 28' instead of 'or 27' would add to the prohibitions for effect on the Charter, Section 28 which prohibits discrimination between male and female. Now, everybody agrees with that, there should not be any discrimination on the basis of male or female, but there should be nothing in Meech Lake which affects the Charter at all, let alone those confined

sections. That is fundamentally what is wrong with the Meech Lake Accord, that it seeks to override the Charter and in some respects will adversely affect Charter rights, and by putting in the clause in the way in which it is in section 16 of the Accord, which says 'Nothing in section 2 of the Constitution Act affects section 25 or section 27 of the Canadian Charter of Rights and Freedoms.' When you say that you create the implication that the rest of what is in the Meech Lake Accord can affect other sections of the Charter, and so it can adversely affect the Charter, and that is another reason why Meech Lake is fundamentally flawed and ought not to receive any support.

Amendment number 5, adding the words 'and promote' does not do very much one way or the other. The comment with respect to that would be essentially the same as the comment with respect to amendment six, it would not be necessary at all, it would not be required if the Charter did not seek to give the Province of Quebec special status, which it ought not to do under, the guise of recognizing it as being a distinct society and acknowledging that the legislature and Government of Quebec has a responsibility to protect and promote the distinct society of Quebec. That is what gives Quebec the special status that other provinces do not have, and that is what is offensive about it.

So, Mr. Speaker, I am not particularly impressed with the amendments except one that would eliminate the whole of Meech Lake altogether, which is the only thing that would provide any reasonable solution. The amendments, therefore, do not

provide any solution or any benefit to it. Meech Lake will be virtually as flawed after such amendments as it is before such amendments. We ought not jeopardize the long-term constitutional rights and position of this Province for the sake of placating the Province of Quebec, which is really what has been done here. The government of this Province and the government of other provinces knuckled under to the new and powerful Government of Canada, lead by the present Prime Minister, Mr. Mulroney, to provide him with the political weapon that he wanted in the Province of Quebec. And others, including, I suppose, the federal Liberal Party as well as the federal NDP, are concerned about offending the people of Quebec by not accepting it. That is why they proposed these amendments but say they will vote for it even if the amendments are not accepted, as the member for Menihek said.

Mr. Speaker, I say that that is wrong. It is wrong for this Legislature to jeopardize the long-term constitutional position of this Province for the sake of trying to placate Quebec. There is no justification for it whatsoever, particularly when you bear in mind that Quebec frequently, and in the past in relation to Newfoundland, performed as though it was a foreign country. It did not perform as a Province of Canada at all when it stopped Newfoundland from taking hydroelectric power across the Province of Quebec and delivering it to markets in New York and Ontario.

In that respect they do not perform as a province, they are performing as though they were a separate country. Mr. Speaker, it

is difficult to understand that this government, that made so much of the problem with respect to Churchill Falls and the position that Quebec took, and the position that Newfoundland is in as a result of Quebec's position, would accede to a constitutional accord or document that would acknowledge a special status for the Province of Quebec in these circumstances.

I emphasize, again, nobody in this House wants to have Quebec outside the constitutional family or not a full participant or not an approving participant in the Canadian constitutional family, but nobody in this House should want to have Quebec with the special status of a separate country that can say 'no' to Newfoundland in terms of giving Newfoundland its constitutional rights.

So to see this government approve of and promote this accord is, in the circumstances, Mr. Speaker, incredible.

Our only hope, Mr. Speaker, in reality, because it is clear that the present government has the ability to outvote the Official Opposition and clearly Meech Lake will be approved, all we could seek to do is delay it, hold it up by moving amendments and carrying on further discussions, and then be affected by the closure rule.

Little would be achieved by moving amendments anyway because of the fundamental flaws of Meech Lake. So the government is rushing headlong, and trying to take Newfoundland with it, over the constitutional cliff, as it has done in the case of the railway. They are like lemmings, they do not know what is happening to them or why they should be doing what

they are doing, they are just doing it anyway. And it is regrettable, Mr. Speaker, that we find ourselves in this position and that the impact on this Province is going to be so significant.

Mr. Speaker, we in this Province will have to rely on the good will of the Premier of the Province of New Brunswick and the diligence of that Premier and the legislature, and similarly the diligence of the Province of Manitoba and the members of that legislature, to ensure that Meech Lake is not passed as it is. Hopefully, they can hold it up long enough for other provinces to come to their senses and do what is right and ensure that the future of Canada, and in particular the future of smaller provinces, like Newfoundland, is properly provided for even though our own government has failed so miserably to do so.

For those reasons, Mr. Speaker, we do not particularly support the amendments because they cannot achieve anything. It cannot achieve anything and we will not support the amendments or the Meech Lake resolution itself.

Thank you, Mr. Speaker.

MR. SPEAKER:

Are you ready for the question?

We will take all the amendments together.

All those in favour of the amendments, please say "aye".

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

Those against the amendments please say "nay".

SOME HON. MEMBERS:
Nay.

MR. SPEAKER:
The amendments are defeated.

MR. SIMMS:
Mr. Speaker, I want to close the debate briefly on behalf of the Premier, if I may, before we get back to the main motion. Just for a couple of moments, that is all.

MR. FENWICK:
I do not want to speak to the motion, but I raise a sort of a point of order at this point.

MR. TOBIN:
A sort of a point of order?

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

MR. FENWICK:
Well, as I indicated, both the member for St. John's East (Mr. Long) and myself are supportive of it. The member for St. John's East was supposed to arrive back on a flight at two o'clock and hoped to be here for the vote. I hope that he will arrive before the final speaker finishes addressing the matter so that he could be recorded as being supportive of it as well.

MR. SIMMS:
I have not spoken on the main motion.

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

MR. SIMMS:
Mr. Speaker, I do not intend to speak at length. The hon. member has made the point that his colleague is supportive, which is probably sufficient; however, if he does arrive in time, then

great. If he does not, we will express our deepest apologies at having to conclude the debate.

Mr. Speaker, I close debate on behalf of the Premier, who unfortunately was not able to be here today to close debate but, of course, did speak in opening the debate at the outset and I believe everybody is aware of his own personal interest and that of his counterparts from across the country with respect to this significant accord.

Mr. Speaker, in another tongue, perhaps, it might be appropriate, and I shall try it: M. le Président, c'est un jour formidable.

SOME HON. MEMBERS:
Hear, hear!

Well done.

MR. SIMMS:
Merci beaucoup! Merci bien.

Anyway, Mr. Speaker, I think it is a very historic day, despite the concerns expressed by the Leader of the Opposition on behalf of his party, and concerns that have been expressed across Canada in different areas, but it should not be forgotten that there is also a considerable amount of support for the Meech Lake Accord. It should also be pointed out that that support comes from a broad base of political parties, political philosophies, so whilst the Liberal Opposition in this Province oppose Meech Lake as it stands

MR. FENWICK:
The Provincial Liberal Opposition does not want it?

MR. SIMMS:

Yes, the Provincial Liberal Opposition in Newfoundland.

- it should also be pointed out that the Provincial Liberal Party in Quebec, of course, are strongly supportive of it. The Provincial Liberal Party in Ontario are strongly supportive of it. The Provincial Liberal Government in Prince Edward Island are strongly supportive of Meech Lake. And so it goes. I am sure the leader of the Opposition would not want anybody to think that opposition to Meech Lake expressed by him on behalf of the Liberal Party in Newfoundland, provincially, is necessarily extended to Liberal Parties across the country because that is not the case, as we all know.

Now, Mr. Speaker, this particular Accord is historic in itself because of the fact that an agreement was reached by the leaders of the ten provincial governments of the day and the Prime Minister of Canada. All of them together representing all political parties, were able to reach a significant agreement on this particular issue. So that in itself is historic, Mr. Speaker.

We have had a considerable amount of debate on the matter in our legislature, as everybody perhaps is aware. We did not use our entire day today on it, but this would have been the thirteenth day of debate in this legislature on the Meech Lake Accord - thirteen sitting days!

MR. WELLS:

This is the thirteenth day on which it was debated.

MR. SIMMS:

We have had twelve days of debate, so this would have been the

thirteenth day. For a small Legislature like our own that is a significant amount of time to spend on one particular topic, but it points out the importance of the issue. We have spent approximately fifteen to sixteen hours of debate on Meech Lake here in this Legislature. We have had thirty speeches, made by, I think, twenty-seven members, so more than half of the legislature has spoken on the debate at one time or another during that period of time. All members of the Official Liberal Opposition have spoken in the debate with the exception of two, as I calculated it. And perhaps not two. I believe the member for Fortune - Hermitage (Mr. Simmons) spoke yesterday.

SOME HON. MEMBERS:

No.

MR. SIMMS:

He did not? Anyway there are only a couple. Both members of the NDP Party have spoken in the debate, and a considerable number from this side, our caucus, including the Premier, of course, have spoken in the debate. So we have had a significant amount of debate on the Meech Lake Accord. That is not to say we do not understand that there are concerns that should be brought forward. But there was an agreement that the Accord be passed without amendment, and the Premier of this Province is standing up to his word and we support him on that.

But most importantly, Mr. Speaker, we now join all three Federal political parties in Canada, we now join seven other provinces in Canada, thus we become the eighth province in Canada, to support the Meech Lake Accord. And the main and most significant achievement under the Accord is the fact, of

course, that we as a Province and as a country understand the aspirations of the people of the Province of Quebec. That was brought home forcibly to me, Mr. Speaker, recently in Quebec, when I was there just a couple of weeks ago, by members of the Liberal Government of the Province of Quebec. They are very, very passionate about this particular item, this particular topic. Indeed, over the last couple of evenings I talked with some representatives attending the U.S.-Canada Legislative Symposium here from the Province of Quebec, and they are very, very passionate about their demand and their wish and their desire that they formally come back into the Confederation of Canada as a full partner. And, Mr. Speaker, I am pleased to say today that this Province, with the support of the New Democratic Party, which I understand, will be voting for the Accord, and, I hope, the Opposition, perhaps with some reservations, but we shall see, have made certain, Mr. Speaker, that indeed the Province of Quebec will become a full partner in the Canadian Confederation once again.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

Are you ready for the question?
All those in favour of the motion,
please say 'Aye'.

SOME HON. MEMBERS:

'Aye'.

MR. SPEAKER:

Those against, 'Nay'.

SOME HON. MEMBERS:

'Nay'.

MR. SIMMS:

Mr. Speaker, on division, please.

MR. SPEAKER:

Call in the members.

Division

MR. SPEAKER:

Are you ready for the question?

MR. SIMMS:

We are agreed.

MR. SPEAKER:

Agreed.

All those in favour of the motion,
please rise:

The hon. the Minister of Finance and the Minister responsible for Newfoundland and Labrador Hydro (Mr. Windsor); the hon. the Minister of Fisheries (Mr. Rideout); the hon. the Minister of Justice (Ms. Uerge); the hon. the Minister of Education (Mr. Hearn); the hon. the Minister of Municipal Affairs (Mr. Brett); the hon. the Minister of Rural, Agricultural and Northern Development (Mr. Power); the hon. the President of Treasury Board and President of the Council (Mr. Simms); the hon. the Minister of Health (Dr. Collins); the hon. the Minister of Transportation (Mr. Doyle); the hon. the Minister of Mines (Mr. Dinn); the hon. the Minister of Consumer Affairs and Communications (Mr. Young); the hon. the Minister of Career Development and Advanced Studies (Mr. Matthews); the hon. the Minister of Culture, Recreation and Youth (Mr. Butt); the hon. the Minister of Environment and Lands

(Mr. Russell); the hon. the Minister of Labour (Mr. Blanchard); the hon. the Minister of Responsible for Northern Development (Mr. Warren); Mr. Greening; Mr. Reid; Mr. J. Carter; Mr. Baird; Mr. Hodder; Mr. Woodford; Mr. Callan; Mr. Mitchell; Mr. Patterson; Mr. Fenwick; Mr. Long.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
Order, please!

Those against the motion, please rise.

The hon. the Leader of the Opposition (Mr. Wells); Mr. Ffford; the hon. Mr. Simmons; Mr. Tulk; Mr. W. Carter; Mr. Gilbert; Mr. K. Aylward; Mr. Hiscock; Mr. Decker; Mr. Gullage.

MR. SIMMS:
Would the Leader of the Opposition indicate the vote for the member Mount Scio (Mr. Barry) so it will be on the record?

MR. WELLS:
It would indicate the error. He would have to speak for himself.

MR. TULK:
That is allowed over here.

MR. SIMMS:
He is not a member of your party?

MR. TULK:
On a matter of such importance as this it is allowed over here.

MR. SIMMS:
Yes. We saw Walter wanted to get up and speak.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please!

The motion is carried, 27 votes to 10 against.

SOME HON. MEMBERS:
Hear, hear!

MR. SIMMS:
Mr. Speaker, we will start with Order 3, and move down through the Order Paper. In other words, there is a third reading and then Committee of the Whole.

On motion, a bill, "An Act To Amend And Consolidate The Law Relating To The Use And Operation Of Vehicles," read a third time, ordered do pass and its title be as on the Order Paper. (Bill No. 14).

MR. SIMMS:
Motion 4, Committee of the Whole.

On motion that the House resolve itself into Committee of the Whole on a Bill, "An Act To Amend The Nursing Assistants Act", (Bill No. 18), Mr. Speaker left the Chair.

Committee of the Whole

MR. CHAIRMAN (Mr. Greening):
Order, please!

The hon. the member for Menihek.

MR. FENWICK:
Mr. Chairman, we wish to propose an amendment to this particular piece of legislation.

MR. SIMMS:
Which clause are you amending now?

MR. FENWICK:
That is a good question. Ours

would be on clause 2, so we will wait until clause 2 is called.

On motion clause 1, carried.

MR. EFFORD:

Did the leader of the NDP put forward an amendment?

MR. FENWICK:

No, not yet.

MR. CHAIRMAN:

Shall clause 2 carry?

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Mr. Chairman, we intend to propose an amendment to the particular article. Subparagraph 2 (2) (b) says: "two shall be nominated by the Minister of Health and one shall be nominated by the Minister of Career Development and Advanced Studies to represent their respective Departments." We wish to add another section to the end of it which would say, "and one nursing assistant shall be nominated each by the Newfoundland Association of Public Employees and the Canadian Union of Public Employees."

The intent of the resolution is to ensure that the two largest bargaining agents on behalf of nursing assistants - quite frankly I think the two bargaining agents who represent all, or virtually all, the nursing assistants in this Province - would then have some direct means of making sure that they have representation on the Nursing Assistants Council. As we recall, when this piece of legislation was first introduced we had a situation where two of

the Nursing Assistant Schools had closed down. There were essentially two vacancies on the board, as only thirteen members was proposed. This would not require, as I understand it, any other particular amendments to any other section of the legislation. And if the government is in agreement with the proposal, then it will be just simply a matter of changing that particular section. Do you wish me to read it once more to make sure that everybody understand it?

The Government House Leader indicates he does.

The argument for the particular amendment, Mr. Chairman, is that there has been a considerable amount of - What is the proper word? - scepticism, I think, about the Nursing Assistants Council on the part of the bargaining agents for nursing assistants. Essentially, they do not get any input into this particular council, they do not get any feedback from the council in terms of what it is trying to do, what are the objectives of it, the regulations it makes and what it particularly works at. I think this is an inappropriate system for doing this. There is really not an association of registered nursing assistants as there is for registered nurses that has the degree of competence that the nursing assistant councils within each individual public service union has. And I think it would be appropriate, therefore, to allow them to set up the mechanisms whereby they would have access to it. They obviously have a lot of expertise in this area. I know there is a committee within the Newfoundland Association of Public Employees that they call their Nursing Assistants Committee

now. That committee itself would be the logical choice, I would suggest, from which the union could chose its particular representative for this particular council. I think by doing that then the amount of suspicion that exists between the public service union and the council would be diminished substantially. At the same time it would be consistent with the other innovations being put forward by the government over the last couple of months that have recognized the trade union movement as a legitimate partner with the government in the management of a lot of its enterprises.

In the pay equity situation, for example, where it did a lot of negotiating with five different public sector unions, it broke, I think, good ground there. This, I think, would be another significant move forward for the government, it would be a situation whereby hostility would be diminished and the nursing assistants themselves would have some feeling that their collective bargaining agent, who actually acts on their behalf in terms of negotiating salaries and working conditions, would also be in a position to have a window, shall we say, on the professional development of the profession itself.

Well, Mr. Chairman, those are the only changes we have. I have a couple of copies of it, but I have made some slight amendments to it myself. The actual wording is: "And one nursing assistant shall be nominated each by the Newfoundland Association of Public Employees and the Canadian Union of Public Employees." The intention is that these two trade unions would each nominate a

person to sit on the council but that person, - that individual, would be a nursing assistant registered under the Act. I have a copy I can table for the Table itself and a couple of other copies for individuals who may wish to have a look at it.

And with that, Mr. Chairman, I move this amendment, seconded by the member for St. John's East (Mr. Long).

MR. CHAIRMAN:

The amendment is in order.

The hon. the Minister of Health.

DR. COLLINS:

Mr. Chairman, government was aware that this matter would come up. As a matter of fact, it came up a long time ago when there was some correspondence between my predecessor as Minister of Health (Dr. Twomey) and the unions over this particular point. The impression the Department of Health had as a result of that correspondence is that the matter was pretty well settled. It then came to light, again, when the bill was actually circulated in the House, and I think I am correct in saying that it came to light again because the hon. member, who introduced the amendment here, brought the draft bill to the attention of NAPE.

I think that there is a fundamental misunderstanding that is bringing forward this type of suggestion on this amendment. The council is there for training purposes, for registration purposes and that type of thing - and one other purpose which I will get to in a moment - and therefore the people on it are those related to putting in place the concept and the actuality of the nursing

assistant, shall we say, work ethic and work activity in hospitals.

It is really not there for bargaining purposes, that type of activity. The people on the council are those who will train, who will take people who are not nursing assistants and help to convert them into nursing assistants. It is there to vet credentials of people who might say, "I am partly trained now." It is there to set the curriculum for the training purposes. That is the work of the council and that is not the work of unions, although I am sure they are interested in it. Unions are there to engage in labour relations between the employee and the employer. That is their major work.

Now I know they get into other things, into pensions and those sorts of activities too, but that is their primary focus, which is quite divergent from the primary focus of this council. But there is one other even more important point, and that is that this council is the body to which the public or members of the public can appeal if they feel they are aggrieved over something relating to nursing assistants, be either the activities of nursing assistants or to the activity of a single nursing assistant. So they are the appeal mechanism.

This appeal mechanism, the council, must not be incumbered, shall we say, by other obligations. If you have a representative from a union there that representative is really there not to speak as himself, as a member of the council, but as a representative of the union. So I think that that would compromise

the validity of the council in being the final appeal mechanism in terms of complaints by the public, so for that reason government cannot agree with this amendment. We will vote against these amendments. It has nothing to do whatever with denying anything to unions. This government supports unions, this government strongly supports the union movement and it has brought in any number of things for the legitimate benefit of unions and union membership, but it is inappropriate to do what is being requested in these amendments. It would be inappropriate, it would hamper the work of the council, and that is why we are voting against it, and for no other reason.

MR. CHAIRMAN:

The hon. the member for Port de Grave.

MR. EFFORD:

Mr. Chairman, this amendment was brought to my attention by the hon. the member for St. John's East (Mr. Long) a week or so ago, and I indicated to him at that time I would bring it before our caucus and discuss it, which I have had the opportunity to do since then. I must say it is not very often you are going to find in this House of Assembly my agreeing in detail with the hon. the Minister of Health. But the comments he just made I must say are exactly the points the Leader and our caucus discussed, and we agree wholeheartedly with what he said. It is our intention, and I am sure it is the intention of government, and the NDP, I would assume, to ensure that nursing assistants are represented as they should be on the council. There is no question about that, the nursing assistants have to be

represented. If a nursing assistant is appointed to represent a particular union on the council and for some reason that union is decertified, then in order for the nursing assistant to be on that council legislation would have to be changed because of the decertification of that particular union, and that would leave a vacuum on that council until recertification has taken place.

So I think the interesting thing about the amendment is the fact that the union would be represented, not the nursing assistants. So we agree with what the hon. the Minister of Health just said, and the fact is that our interest must be to ensure that nursing assistants are represented on the council so that their views are known and regulations and a curriculum can be put in place and administered properly through The Nursing Assistants Act. But to have a particular person just to represent the union would not be what we consider the best thing for the nursing assistants. We totally agree that nursing assistants must be represented on the council, there is no question about that, but not for a particular union. So, Mr. Chairman, I agree with what the hon. Minister of Health said, and that is the way we feel about it. I hope that we have made our position clear that nursing assistants should definitely be on the council, but not to represent a particular union.

MR. FENWICK:

Mr. Chairman,

MR. CHAIRMAN:

The hon. the member for Monihek.

MR. FENWICK:

I just want to respond to some of those arguments put forward by the Minister of Health and I think echoed by the hon. member for Port de Grave. The argument being forward is that this is not an organization that should have representation from unions in that it is involved with the training regulations for nursing assistants, and the requirements and so on. I find this a remarkable thing to say, because I think if the Minister of Labour were here he could point to virtually reams and reams of individuals from the labour movement, appointed by virtue of their being in a union position, on a union executive, to a whole bunch of boards that are involved with training. All the apprenticeship training, for example, done in this Province has representation on the boards that supervise the training from the individual trade unions themselves. For example, if you are training electricians, there is an apprenticeship committee that has representation from the International Brotherhood of Electrical Workers, which is the union that represents most of the electricians in the Province, and that representation sits on the board and has a lot to say about the kind of training regulations that are put in effect, the number of electricians that will be trained, and so on and so forth. This also happens in the field of bricklaying and carpentry and, quite frankly, the list is endless.

So I find it difficult to understand why the two unions represent virtually all of the working nursing assistants in the Province, should be told that while it is all right for these industrial trades to have

representation on apprenticeship committees, it is certainly not appropriate for this particular occupation, because that is one of the major functions of this nursing assistants council.

So that is the particular aspect of it that I do not understand and I think it is a rather spurious argument to be put forward by the Minister of Health with respect to it.

The other question I think is equally spurious: This is a nursing assistants council empowered to hear and adjudicate complaints against nursing assistants and what action will be taken, but the Minister of Health says somehow that nursing assistants who are placed there by the trade unions are inappropriate. Well, there are two arguments to be made to counter that. The first is that these are only two out of fifty members on the committee, so they by no means dominate it. And even if you add the other three nursing assistants placed on it by a government fiat, then you are only talking about five out of fifteen, and still not talking about a majority of nursing assistants on it.

Now I mention that even though I do not think that is a good argument because, quite frankly, if you have a complaint against the nurses of this Province where do you bring the complaint? To the Association of Registered Nurses of Newfoundland. What is it composed of? All nurses. Right? So here you have a situation where a complaint against a nurse is brought to a body comprised of all nurses, yet a complaint against a nursing assistant is brought to a body

that has only one-third assistants, even under our proposal. So I do not think that that is particularly consistent.

At the same time if you have a complaint against the medical profession you bring your complaint to the medical board, and the medical board is composed of all doctors - well, let us just say that it is dominated completely by doctors to the point where they are the absolute majority on it. There may be one or two others in there that I do not know about. But the fact is that a complaint against doctors is brought to a board that is controlled by doctors. We are not even suggesting here that a complaint against nursing assistants be brought to a board that has a majority of nursing assistants, just one that has, in this instance, five nursing assistants out of fifteen people on the board, two of whom are there by virtue of the fact that the trade unions that represent the 4,000 or 5,000 nursing assistants in the Province have confidence that these particular individuals, will look out for the best interests of nursing assistants as employees who have to be protected against all sorts of legal action, who in turn have to be properly trained for the job and so on.

DR. COLLINS:

That is where the public interest comes in.

MR. FENWICK:

Well, it comes into the Nurses Association and the doctors as well, so if you want to be consistent let us go and gut those things with professionals on them as well. Let us make it all consistent and have a bunch of

administrators on the nurses board and a bunch of administrators on the doctors board. As a matter of fact, we would probably do better with a bunch of administrators on the doctors board, but that is another matter to be fought at another time and in another situation.

But the arguments put forward by the Minister of Health clearly are inconsistent with the practice of this government and clearly also suggests something less than desirable about having trade unions involved in the ordinary running of the affairs of this Province. I think what lies at the root of one of the major problems that this government has is that there is no level of trust that they have built up between themselves and even the public sector unions that they have to negotiate with, and because of that they somehow see as something sinister a simple suggestion that these two trade unions, which are, by the way, among the strongest and the best led trade unions in the country, being allowed to participate on a regulatory board overseeing what is, obviously, a whole bunch of their members.

I should mention, by the way, in that context the Canadian Union of Public Employees, which is the largest union in Canada and arguably the most professional of all unions in Canada, is in a position to actually bring quite a bit to a Nursing Assistants Council like that because they have access to one of the strongest labour research departments, one that has done a lot of work in terms of occupational health and safety, and I think it would be able to give this nursing council a degree of expertise through their

organization that it does not currently have.

Similarly the Newfoundland Association of Public Employees is affiliated with the National Union of Provincial Government Employees, which is I think about the second or third largest trade union in the country. Do not forget, we are not talking about small organizations here and this is also an organization that can bring a tremendous amount of expertise to the council as well.

So we suggest to the Minister of Health that he reconsider his opinion. These are legitimate aspirations of any organization and a reasonable way of dealing with the problem, and will add to a higher level of trust between the trade unions and the government and this particular body, and will, in the long run, I think, strengthen this organization so it is a more credible organization for regulating the profession, which it is, of nursing assistants in this Province.

So on that basis we would strongly urge both the Official Opposition and government to vote for this amendment, which we think is a significant improvement on the bill.

MR. CHAIRMAN:

All those in favor of the amendment, 'aye'.

SOME HON. MEMBERS:

'Aye'.

MR. CHAIRMAN:

All those against 'nay'.

SOME HON. MEMBERS:

'Nay'.

MR. CHAIRMAN:

The amendment is defeated.

On motion, clauses 2 and 3, carried.

MR. WELLS:

The government has some amendments?

DR. COLLINS:

We have reached that point now, since we have finished clause 3.

MR. CHAIRMAN (Greening):

The hon. the Minister of Health.

DR. COLLINS:

There were two additional matters that came up rather late in the consideration of this whole thing, and we considered whether they would be brought in under one of the other bills that will be presently before the House, but it is probably most appropriate to bring them in here. In our view they are not matters that should cause the committee a great deal of concern.

The first amendment relates to hearings. At the present time hearings are obligatory if a complaint is made. Sometimes a complaint is made and it can be remedied there and then. I mean, there is no problem with it, and it really does not contribute to have a hearing. So this amendment will make it discretionary whether the council will have a hearing and this will really make the thing more sensible, and save the council a certain amount of time and expense also.

It is not in any way to prevent hearings that should be held from being held. It is just, where complaints are made and there is no substance to them obviously, or they can be immediately remedied just by some action by the council

and there is no need to set up a formal hearing process. That is the first point.

The second point, there is a bit of inconsistency in the wording in one place it refers to 'improper conduct in a professional manner' and in another area the wording is 'professional misconduct'. So this is just to clear up that difference in wording, just make the wording as it relates to 'professional misconduct' consistent throughout the bill.

I move those amendments.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

Mr. Chairman, normally such clauses, and there are many of them in various statutes, also provide that the person against whom a complaint is made has a right to be present and be represented by an agent or by counsel.

I just saw this amendment today and I do not know whether the rest of this subsection already makes provision; if it does not, then it should really be cleared up by ensuring that there is a right to be represented by counsel. It may be that there is already a subsection that provides for it.

MR. CHAIRMAN:

The hon. the Minister of Health.

DR. COLLINS:

Mr. Chairman, I do not know if this would be satisfactory or not, but we will look into that matter right away. I am advised that the original Act likely does, almost certainly does. We will check on it just to make sure, and I will

bring that word back.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

The amendment that has been proposed, Mr. Chairman, seems to be expanding the role of the Nursing Assistants Council to give it partially the rights of an employer. And I would suggest to the Minister of Health that the proposal here is really usurping the whole role of the bargaining agent and the employer and the relationship between the two of them.

If a nursing assistant has done something improper and he or she is, or he is, employed the General Hospital, for example, or by the St. Clare's, then what happens in that situation is not a complaint to the nursing assistants counsel. What happens is that the employer disciplines the employee itself, and that discipline then becomes subject to a grievance procedure on it. Now by putting this in place, are we now establishing a second level of discipline that goes to a different body.

Frankly, I think the question to the previous amendment also arises: What is the level of credibility of this Nursing Assistants Council with respect to the individual nursing assistant when they have such little input into the whole operation and quite frankly are going to be judged by a combination of nursing supervisors, by registered nurses, department officials and people working for different hospitals as administrators? I think that there is a level of credibility that is not non-existent there in terms of nursing assistants.

So from that perspective I do not see how this is a particularly good improvement to this particular Nursing Council Bill unless, of course, there is a degree of credibility to the council itself, which I do not see existing. But I still would like to know from the Minister of Health, if he can answer, how this fits into the particular employer/employee relationship that exists for nursing assistants. Is this to take its place? For example, when an employee who is a nursing assistant has done something wrong, does this mean now that the employer is not able to discipline them and that they have to go through this? Or does it mean that this is the second level of discipline that can be imposed on a nursing assistant after the employer has finished with the individual? So maybe the Minister of Health can give us some indication of how this is supposed to work in practice.

MR. CHAIRMAN:

The hon. the Minister of Health.

DR. COLLINS:

Mr. Chairman, really I can add very little to what I have already said. The idea is that sometimes complaints come in from a member of the public alleging some misconduct, or whatever, and the thing can be disposed of right away. For instance, it may be shown that it was totally ridiculous because the person accused was not working that day, or something as simple as that, so a hearing is clearly not necessary, it is a waste of everyone's time and effort to hold a hearing on that sort of thing, so it can be disposed of. It allows that the council may hold a hearing in matters brought before

them.

Now, granted, it does give a certain amount of discretion to the council to decide those things but I think we have to accept that when we set up councils we put credible people on them and what is in the act they have to interpret as the intention of how the act is constructed. I do not know if you could ever construct an act that would cover every possible point, every possible contingency, without making the thing so rigid that it would break down. What we are doing here is we are allowing a credible bunch of people, i.e., the people on the council, to decide when it is totally a waste of time to hold a hearing, that they must not, because of the act, have a hearing anyway. That is all we are doing. We are giving them a certain amount of discretion to say matters that do not need a hearing need not have a hearing. It is discretionary rather than obligatory.

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
Mr. Chairman, that is probably helping to cut through it. What you are saying, then, is that this council already has the right to discipline them; all this is doing is changing that right to one that is discretionary, they can hold a hearing or they cannot hold a hearing. Is that what you are saying?

DR. COLLINS:
Yes.

MR. FENWICK:

We did not have the original bill here so we were not sure what the accomplishment was; it looked like it was adding a disciplinary procedure. If that is all it is accomplishing, then on that basis we have no objections, Mr. Chairman.

MR. WELLS:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the leader of the Opposition.

MR. WELLS:
I do not think that that is what the thing says at all. What the thing says is 'Where the Council receives a complaint in writing alleging negligence, incompetence or professional misconduct,' the three items that deal with the competence of the individual to hold a licence, and only where it deals with that is there a hearing. If the individual is insubordinate or late for work or not doing their duties properly, that is a disciplinary matter that the employer looks after in the ordinary course. This is confined to professional misconduct and has nothing to do with the rights or responsibilities of an employer. This is the professional qualification of the person.

DR. COLLINS:
That is right.

MR. WELLS:
He was talking about usurping the role of the employer.

DR. COLLINS:
That is the employer's activity.

On motion amendment carried.

Motion, that the Committee report having passed the bill with

amendment, carried.

MR. SIMMS:

Order 5, Mr. Chairman, the City of Mount Pearl, Bill No. 55.

On motion Clauses 1 through 7.

MR. SIMMS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

Perhaps we could get some agreement to do it by the hundreds or something. How many clauses are there?

MR. DINN:

One hundred and eighty-nine.

MR. SIMMS:

Could clauses 1 to 100 carry or something like that?

MR. CHAIRMAN:

Shall clauses 1 through 100 carry?

On motion Clauses 1 through 100 carried.

MR. BRETT:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

This will only take one second. For clarification purposes, some members who have asked questions related to Bill No. 61, which is coming up, "An Act To Amend The City Of Corner Brook Act, 1985, The City Of St. John's Act And The Municipalities Act", to allow for BJAs, Business Improvement Areas I indicated to some of the members that that was in the new Mount

Pearl act, but it is not, so when we do Bill No. 61, it is proposed to introduce an amendment to it, to include The City Of Mount Pearl Act.

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMS:

Shall clauses 100 to 200 carry?

On motion Clauses 100 to 200 carried.

MR. SIMMS:

How many are there Madam Clerk?

CLERK (Miss Duff):

Four hundred and thirty.

MR. SIMMS:

Oh, my God!

Shall Clauses 200 to 400 carry?

MR. CHAIRMAN:

Shall Clauses 200 to -

MR. SIMMS:

Just a second now, please!

We have an amendment for clause 276, that is the problem. How many total are there?

MR. CHAIRMAN:

Shall clauses 200 to 276 carry?

MR. SIMMS:

Clause 276 now, Mr. Chairman, we are on.

MR. CHAIRMAN:

Shall clause 276 carry?

MR. SIMMS:

Mr. Chairman, I believe the Minister of Municipal Affairs has an amendment to 276.

MR. CHAIRMAN:

The hon. the Minister of Municipal

Affairs.

MR. BRETT:

I move, Mr. Chairman, that after clause 276, we would add 276(2).

MR. SIMMS:

As outlined in the copy given to all parties. It is a fairly lengthy amendment.

MR. CHAIRMAN:

Shall the amendment carry?

MR. WELLS:

We are seeing it for the first time.

MR. SIMMS:

Well, let us leave 276 and go to 277 to 443.

MR. CHAIRMAN:

Shall clauses 277 through 443 carry?

On motion clauses 277 through 443 carried.

On motion Schedules A, B, and C carried.

MR. SIMMS:

What is remaining now?

MR. CHAIRMAN:

The enacting clause and the title.

MR. SIMMS:

Well, we cannot do the enacting clause until we have any comments on it.

Mr. Chairman, with respect to the amendment on Clause 276, does the Leader of the Opposition have any questions? Would the minister perhaps briefly outline what the amendment is? I think it has all been discussed before?

MR. CHAIRMAN:

The hon. the Minister of Municipal

Affairs.

MR. BRETT:

This amendment, Mr. Chairman, will allow the City of Mount Pearl to create Business Improvement Areas within the city, and this is in line with Bill No. 61 which will come up for second reading later. Bill 61 says, 'This Bill would amend The City of Corner Brook Act, 1985, The City of St. John's Act and The Municipalities Act to allow cities and municipalities in the Province to create business improvement areas for the purpose of promoting business and retail activities within those areas.

'A business improvement area would be under the management of a board appointed by a municipality or city and funding would be provided through a surcharge based upon business taxes within the area.'

Now this has been requested by the City of St. John's for a number of years. They want to do this. The City of Corner Brook also requested it. And in order to do it, of course, we have to change The Municipalities Act, which will also be done. We thought it was fair that if we were going to allow the cities of St. John's and Corner Brook to do this, then we should also allow the city of Mount Pearl. I do not think they are exactly begging for it because they do not have any areas like downtown St. John's, for example, but I believe it is better to include it in their new Act so that if they want to do it sometime down the road then they can. The cities themselves have requested it, not us, and this is what they want and we have given it to them.

MR. CHAIRMAN:

The hon. the Leader of the

Opposition.

MR. WELLS:

I have no basic quarrel with it, Mr. Chairman. My only problem was that there were four pages of amendments that I had not seen before and I wanted to know what was in it before I said yes or no to it. So, in future, if the government is going to amend some legislation, it would be very helpful if at least half an hour before they could tell us what they are going to do.

On a quick glance through it, it appears to me that to be in order, Mr. Chairman, but I have not had a chance really to look at it in detail.

On motion, clause 276 (2) carried.

MR. SIMMS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

Deepest apologies for not having brought this to the attention of members opposite. On the point he made with respect to the other amendment, it is a very well taken point, and perhaps the clerks could remind us in the future to make sure we pass them on.

But if we could revert to the last clause, 443, the present legislation says it comes into force July 1, I believe it is. All I have here is the amendment, and obviously that needs to be amended. This is being done in consultation with the city of Mount Pearl and everything else. And I think the appropriate amendment would simply be that it would come into force on a day or

days to be proclaimed by the Lieutenant-Governor in Council, and that would be suitable.

So I would move that particular amendment, Mr. Chairman, to clause 443.

On motion, clause 443 as amended, carried.

Motion, that the Committee report having passed the bill with amendment, carried.

"An Act To Amend The Legal Aid Act, 1975." (Bill No. 23)

MR. CHAIRMAN:

The hon. the member for Mount Scio - Bell Island.

MR. BARRY:

Mr. Chairman, we have expressed our concern about this bill, about the tendency that it may have to bureaucratize the delivery of legal aid services. If the minister will reconsider the technical drafting of the clause, considering it appropriate to meet the objective, but I would reiterate again a concern that we are now going to end up seeing legal aid to a larger extent being delivered by a bureaucracy, you are going to have the rights of individuals to have a lawyer of their choice restricted; and this is an unnecessary erosion of one very important factor in the delivery of legal services under our system of justice. Again, I have to express concern about the principle contained in the bill. As far as the details are concerned, it is only a very, very minor amendment.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Chairperson, I have dealt with these comments in my earlier remarks when the bill was going through second reading. Basically, the amendments are requested by the Legal Aid Commission for reasons of ensuring maximum service to the Legal Aid Commission for citizens of the Province. It is the view of the Legal Aid Commission that by restricting unfettered choice of criminal clients to those charged with offences carrying a minimum of life, essentially murder, and retaining into the commission the right to assign lawyers, whether staff solicitors or private practitioners, for other offences, the legal aid budget will be used in the best possible way.

All along, the vast majority of criminal cases were dealt with through the commission assigning the lawyer, in-house or at the private bar, and this change will include in that category offences carrying a maximum of life imprisonment.

Now, as a practical matter, last year there were only about 100 cases in the whole Province dealt with by the Legal Aid Commission where the offences carried a maximum of life. So we are talking about, in practical terms, in the order of 100 cases a year. Formerly the clients had unfettered choice of lawyer, could choose a lawyer in a geographically remote part of the Province, thereby driving up the cost, and could choose any lawyer at the private bar of the whole Province.

The change will accord with the Federal/Provincial Funding Agreement, 90 per cent of the cost of criminal legal aid of our province's commission comes from

the federal government and this change will bring our service in line with the service provided by a number of other provinces.

So, Chairperson, this change is needed in the interest of getting the best possible value from the Legal Aid budget for all the citizens of the Province.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

When the minister spoke originally on this, when we were debating the principle, and it being a one section, three line bill there is not much left beyond the principle to debate, I would just remind her that her statement that it was going to improve the quality of legal aid services I do not think is justified. I do not see how it is going to improve the quality of legal aid in any manner. At that moment, in that particular area where there may be a sentence of life imprisonment or death, the individual has the right of choice of the lawyer, and I think that that should be maintained. That is a very serious offence and there are serious potential consequences. I would suggest that the minister might consider withdrawing the bill and perhaps referring it for consideration, by the bar generally or by the Canadian Bar Association, to get some further input in it before proceeding with it, because I think it is a matter of sufficient importance that we do that. If it were right that a person charged with an offence that might subject that person to life imprisonment or death have the right to choose their own lawyer in the first instance, what has changed since to warrant this change? What

causes this change now?

If we look at it, and that is the way that was appropriate when the thing was implemented in the first instance, what circumstances have arisen since that warrant this change other than, perhaps, dollars? And then we had to look very seriously at the value we place on dollars compared to the risk of the individual who wants to choose his or her own lawyer.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS. VERGE:

Chairperson, I think the Leader of the Opposition misunderstood my comments about this measure improving the quality of Legal Aid. What I am saying is that this change will mean that the Legal Aid budget will stretch further. The change was requested by the Legal Aid Commission, which is comprised of four members of the Law Society of Newfoundland, three nominated by the Law Society, and a fourth, who is also a member of the practicing Bar of the Province, appointed by the Lieutenant-Governor in Council.

These people have been presiding over the operation of the Legal Aid Commission and in their experience criminal matters have on occasion cost a disproportionate amount of the budget. And there is one particular case which caused great concern, involving a number of people charged with trafficking in drugs, breaches of The Narcotic Control Act. That was essentially one case involving a number of accused arising out of the same fact situation. The trial was lengthy. And because trafficking in drugs under The Narcotic Control Act carries a maximum of

life in imprisonment, each of those accused people was entitled to unfettered choice of lawyers. Each of them chose a member of the private Bar, and the result has been billings to the Legal Aid Commission of the magnitude of \$80,000 and, before it is over, with appeals it is conceivable that the total will go up beyond \$200,000. Now obviously if that much money is being spent on one case, less is available for other matters.

Now the Legal Aid Commission tries to deal with cases on a priority basis; serious criminal matters are covered, less serious criminal matters may not be covered, family matters usually are covered, although the budget has not stretched far enough to permit the Commission to take all applicants with maintenance problems, so we have in our Province some citizens who really require legal representation which the Legal Aid Commission have not been able to approve.

And the Commission is of the view that by amending the act in this way, and restricting unfettered choice of lawyer on the part of criminal clients so that essentially, with the exception of those charged with murder, all will be assigned lawyers by the Commission, some in-house lawyers, others members of the private Bar, that the total cost will be kept down.

The Legal Aid Commission now has fourteen staff solicitors and is about to add two more. It obviously has a substantial overhead, a large annual payroll and a substantial operating budget to maintain the number of offices it does. It is important that the Commission get full value out of

the staff and the offices around the Province. And it is essential that cases be assigned to the staff lawyers in an efficient way so that the budget will be well used and stretched to provide the best value for the citizens of the Province who, after all, through their taxes are funding the service. And so that coverage is given to as many deserving cases as possible. And that is really what this amendment is all about. It is something that I believe has been considered properly by the government, by the Legal Aid Commission and by members of the Bar of the Province who are involved with Legal Aid. And I do not think for one minutes there is any need to delay passage of this amendment.

On motion clause 1, carried.

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

MR. SIMMS:
Mr. Chairman.

MR. CHAIRMAN:
Order, please!

Before I recognize the hon. the President of the Council I would like to read the two questions we have for the Late Show.

MR. SIMMS:
I forgot about that.

MR. CHAIRMAN:
The first question is for the Deputy Premier from the hon. the member for Stephenville with regard to the Provincial Preference Policy of the Atlantic Accord.

The second is for the Minister of Transportation with regard to

employees of Terra Transport from the hon. the member for Burgeo-Bay d'Esprit.

MR. SIMMS:
There are only two, Stephenville and Burgeo-Bay d'Esprit, was it?

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

MR. SIMMS:
Mr. Chairman, Order 7, Bill No. 21.

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

MS VERGE:
Chairperson.

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

MS VERGE:
I would like to propose a number of technical amendments to this bill. The amendments have been prepared in written form and I understand that one of the legislative counsels gave copies to both the Official Opposition and the NDP. Does the member for Menihek (Mr. Fenwick) have them?

MR. FFNWICK:
I may, but I do not seem to have them right here.

MS VERGE:
I will proceed, Mr. Chairperson, with your indulgence, to quickly read through the proposed amendments and perhaps the law clerk, when he has a minute, can get a copy over to the member for Menihek. I understand the member for Mount Scio-Bell Island (Mr. Barry) has a copy.

The proposed amendment to clause 1 is (a) in the proposed subsection 1 of section 6 (1) strike out the

words and figure "subsection (1) of".

Chairperson, now that both the parties opposite have a copy of the proposed amendments, I realize that it is a lot easier to understand reading it on paper rather than hearing me say the amendments, so perhaps we could agree to amend clause (1) as outlined on the sheet.

MR. SIMMS:

Mr. Chairman, may I just make a comment with respect to amendments?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

What I am going to do, in response to the point was made earlier by the leader of the Opposition, a very appropriate point, is we will do a package of proposed amendments to bills that we have and send them over to the Leader of the Opposition and the Leader of the NDP.

The practice in the House in the past has always been, for some strange reason I have asked some of the more experienced people why and nobody seems to know -- that the amendment was circulated just prior to the bill being debated, or whatever. There is no real reason for that so we have the Clerk now putting the facts together on amendments, they will be ready in a minute, so you will have them a little bit in advance.

In this particular one, of course, there are a lot of technical amendments, but if the Leader of the Opposition has another suggestion as to how we can deal with them we are quite willing to co-operate and consider it.

Perhaps we can go on to clauses 2, 3 and 4, to give members time to have a quick glance over them, because they are all of a technical nature, done by the clerks, the legal people, and we can revert then to clause 1, maybe, and see if there are any further comments to make on it.

Would that be acceptable?

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

I have some changes to suggest to clause 1, 6.4, subsection (2) of clause 1. The general thrust of the bill, as I indicated during second reading, I agree with, but I am concerned with subsection (2) where the title to the mortgage -

MR. SIMMS:

That is included there now, I think, is it not?

MR. WELLS:

That is 6.4 sub (2).

MR. SIMMS:

Yes.

MR. WELLS:

I have not had a chance to read it.

MR. SIMMS:

Well, let us go to Clauses (2), (3), (4) and then we will come back.

MR. WELLS:

We are going to have a look at it individually to see what is being done.

MR. SIMMS:

You can have a look there to see if that is what you were talking about. Clause (2).

MS VERGE:

We could move on to the next one and have more time to digest it.

MR. SIMMS:

Yes, he has the same thing.

Let us go to clause (2), Mr. Chairman.

MR. WELLS:

Let us take a look at it. There is nothing down as far as subclause (2) of 6.4, which takes you down to item (g). There is nothing of principle involved in these first amendments down as far as (f), is there? They are technical and typographical?

MS VERGE:

Yes, that is right.

MR. SIMMS:

So we will hold (g). So let us go on to clauses 2, 3 and 4 and we will come back to the others.

MR. WELLS:

It looks like they are just technical, there is nothing in principle involved.

MS VERGE:

They are all technical.

MR. WELLS:

I accept that. Then let us deal with item (g) in the amendment.

MR. SIMMS:

So it is clause 1(g), is it?

MR. CHAIRMAN:

Clause (1) (g).

MR. SIMMS:

No, it is not exactly clause 1(g). It is clause -

MR. BARRY:

Clause 6.4 (2).

MR. SIMMS:

Clause 6.4 (2), Mr. Chairman.

MR. CHAIRMAN:

Clause 6.4 (2).

The Leader of the Opposition.

MR. WELLS:

The affect of this is to strike out the whole subsection, so that we fall back on a position where title to the mortgaged property is conveyed to a mortgagee, a mortgagee still has the ability to have title conveyed to the mortgagee without court approval, which is the present situation. As the hon. the member for Mount Scio - Bell Island (Mr. Barry) said the other day, some recent articles have noted this practice in Newfoundland, but it has been so long entrenched here that I suspect it will be continued. And the concern that is being raised is that a mortgagee who is acting under power of sale ought not to be able to cause the mortgaged property to be transferred to himself without a court order no matter what the price is. That is the amendment that I feel should be made instead of striking out subsection (2) altogether. An adjustment should be made to it to require - and I think it could be done fairly simply - court approval where there is a conveyance back to a mortgagee and the mortgagee is selling the property.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Chairperson, that is a suggestion I welcomed when it was first raised and I undertook to consider. We really have not finished considering it, but the main provision of the bill I think

gives a sufficient amount of new protection against abuse by mortgagees, namely, the provision that requires a judge's permission if a sale to anyone through public auction is to be consummated when the price is less than 75 per cent of the appraised value of the property being sold.

So that really is a general protection which would operate if the mortgagee is the highest bidder, as well as if any other party were the highest bidder in a public auction situation.

MR. CHAIRMAN:

The hon. the leader of the Opposition.

MR. WELLS:

The point of the thing is a mortgagee who is acting to sell is acting as trustee, he is really performing as a trustee who has the mortgagor's property in trust. And if he is dealing with it himself by causing it to be transferred to himself, it is only on the basis of obtaining appraisals, which is not, I am sure the minister will agree, a perfect system, it is a big improvement over what we have now, but it does not result in a perfect secure system. In that circumstance, I suggest that if you want to eliminate sub clause 2 now, I would like the minister to assure the House that she will take a look at amending The Conveyancing Act as soon as it can possibly be done to give effect to that.

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

I will be glad to do that.

MR. CHAIRMAN:

Shall clause 1 as outlined in a relevant submission, carry as amended?

On motion, clause 1 as amended, carried.

Shall clause 2 carry?

The hon. the Leader of the Opposition.

MR. WELLS:

I do not know whether it has been picked up or not - no, there is no amendment suggested here - 10.3 (1) is the 'and' correct there in the third line? "Notwithstanding a stipulation to the contrary, where a mortgagor is entitled to redeem, the mortgagor may require the mortgagee, instead of reconveying and on the terms on which the mortgagee would be bound to reconvey, to assign...": Is the 'and' intended to be there at all or is that surplus?

MR. SIMMS:

'And on the terms,' you mean?

MS VERGE:

It does not seem to be necessary.

MR. WELLS:

No, it does not seem to.

MR. SIMMS:

Do you follow it, Calvin?

MR. WELLS:

The 'and' seems to be out of whack.

MR. SIMMS:

Instead of 'reconveying and on the terms', there should be no 'and'.

MR. WELLS:

Instead of 'reconveying and on the terms on which the mortgagee would be bound to reconvey, to assign'.

MR. SIMMS:

The 'and' is obviously a misprint, I guess, is it?

MS VERGE:
It seems to be superfluous.

MR. WELLS:
I do not know, it appears surplusage.

MR. SIMMS:
I would say. So move the amendment, to delete the word 'and'.

MR. BARRY:
Unless it means require the mortgagee "...on the terms on which the mortgagee would be bound to 'reconvey'," instead of reconveying - "to assign-".

MR. WELLS:
'...to reconvey and on the terms' there would be no 'ing' there if that were so.

MR. SIMMS:
I wonder could someone there at the table give me some advice? Any clerks who can give me some advice? Any lawyers?

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

MS VERGE:
Too many lawyers are spoiling the broth.

The Law Clerk seems to think that the 'and' has a place there, so what I suggest is that we leave it there for now and perhaps if we reconsider and find out it really does not serve a purpose we can take it out, before the bill goes through third reading.

MR. BARRY:
leave it to come back.

MR. SIMMS:

We will review it.

MR. BARRY:
leave to review it, leave to objectly reapply.

Mr. Chairman, clause 2.

MR. CHAIRMAN:
On motion, clause 2, carried.

Does clause 3 carry?

The hon. the member for Menihek.

MR. FENWICK:
I am not sure where to introduce this, but I would like to make an amendment to this particular piece of legislation as well, and it is a whole new clause. Does that wait until Clause 4 has gone through? At that point, would it be most appropriate to label this Clause 5?

MR. CHAIRMAN:
I wonder if the hon. member would repeat that again, please?

MR. FENWICK:
Mr. Chairman, I have an amendment to The Conveyancing Act. It is an amendment that has been drafted up by legal counsel, and it is an appropriate one, and all that sort of stuff. It goes to this section and I wonder where it should be introduced? You are now dealing with clause 3 and you are going to do Clause 4, I would like to propose this as Clause 5 to this piece of legislation. Would that be acceptable?

MR. SIMMS:
We carry clause 4, and then you stand to say you want to introduce clause 5, I guess.

On motion clause 3 and 4, carried.

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Thank you very much, Mr. Speaker. The amendment to The Conveyancing Act is one which I have introduced on previous occasions. Back in the Fall of 1985 we proposed this amendment. Instead of just reading it I have a copy of it here which the Table can examine. It has been been drafted by Legislative Counsel.

MR. SIMMS:

That is the one that has been defeated on numerous occasions, is it?

MR. FENWICK:

It has only been defeated once.

MR. SIMMS:

Well, that is numerous.

MR. FENWICK:

Let us not get a little bit fancy on it.

MR. SIMMS:

That is numerous.

MR. FENWICK:

I just want to introduce it at this point because I think it is important. It is now July of 1988; the last time it was introduced was in November of 1985.

Mr. Chairman, the motion proposes that there be a limitation to the rights of people who issue mortgages so that when the individual person who has a mortgage and defaults on this mortgage, the only action possible by the individual who has issued the mortgage would be to retake the property but not to continue on with a personal covenant

against the credit of the individual. That is somewhat complicated but I think what I should do is back up about two steps and explain the reasons for introducing this legislation.

In Labrador West in 1982 there was a general decline in the economy of the area. When that occurred up to 1,000 individuals were laid off in the iron ore mining industry in Labrador City. When they were laid off they had no other opportunity but to go elsewhere in Canada and look for employment. When that occurred they ended up putting their own homes on the market. This meant that we had somewhere in excess of 300 or 400 houses put on the market which there was no demand for. So houses that prior to 1982 were selling for \$50,000 or \$60,000, all of a sudden dropped in value down to around \$15,000 or \$20,000. When this happened, and individuals had to pick up employment in British Columbia and Ontario, back on the Island part of the Province and elsewhere, the

MR. HISCOCK:

A point of order, Mr. Chairman.

MR. CHAIRMAN:

A point of order, the hon. the member for Eagle River.

MR. HISCOCK:

The Table still does not have a copy of the amendment nor does anybody else. I sent a Page down to get a copy but there is only one copy, the member has the copy and we would like to know what we are doing.

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek, to that point of order.

MR. FENWICK:

Mr. Chairman, I do not think it is a point of order, I do not think it has to be tabled immediately but it will be. I just want to give some of the background before I actually submit a copy of the amendment. I just wanted to explain what it does because it is not entirely clear from reading it that it is that.

MR. CHAIRMAN:

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

The hon. the member for Menihek.

MR. FENWICK:

I will read it for the member because I think that is appropriate. Basically what it does is limit the right of a person who issues a mortgage to taking back the property but not to go and sue the individual for the default that may occur. Here is the wording.

The Conveyancing Act is amended by adding immediately after section 10.4 the following, 10.5, (1), "In an action brought on a mortgage of property, whether legal or equitable, the right of the mortgagee is restricted to the property to which the mortgage relates and to the exercise of the power of sale confirmed by this act or to foreclosure of the mortgage and no action lies (a) on the covenant for payment contained in the mortgage; (b) on a covenant whether expressed or implied or on the part of a person to whom the mortgage comprised in the mortgage has been transferred or assigned, subject to the mortgage, for the payment of the principal money payable onto the mortgage or part

of the principal money; or (c) for damages based on the sale or forfeiture for taxes of property included in the mortgage whether or not the sale or forfeiture was due to or the result of the default of the mortgagor of the property or of the transferee or assignee from the mortgagor.

10.5 (2) "This section is deemed to come into force on January 1, 1986." It is being made slightly retroactive and I will explain in a minute why that is.

If one of the Pages would come up here he may be able to make a couple of copies and we can give a copy to the Table and to the official Opposition and the government and ourselves so that we will have a copy of it. Unfortunately I only have the one copy.

Mr. Chairman, the problem is this: That drop in the real estate market occurred, and as a result of the drop in the real estate market there was a considerable number of individuals who forfeited their homes, forfeited the equity they had put into it, and found themselves, remarkably, to be in a position whereby the lender, the banks or the trust companies involved, or more appropriately the companies that insured their mortgages, instituted legal action against them to make up the deficit. So if the house was only worth \$15,000 or \$20,000 when it was put back on the market in 1982 or 1983, then the individual had a shortfall of perhaps \$30,000 or \$40,000 and the individual was being sued. The provincial government also addressed this situation, realized there was a problem there, and government action was initiated in the Fall

of 1985. And that action did clear up a lot of the problems, and I give credit to the provincial government for having done that. As a matter of fact, it even addressed the problems with the default on trailers, which is not addressed in this particular piece of legislation but you cannot fix everything at the same time, and the defaults and the liability there was much less.

The problem is this, Mr. Chairman: After having done that, perhaps several hundred families were let off the hook. The provincial government gave the banks and the insurance companies concerned fifteen cents on the dollar. They accepted that. They then gave quit claim deeds to the individuals concerned and everything was fine. The problem is that my constituents in Labrador West today are still having the same problem and there is no rescue package in place for them. What happens now is an individual may become disabled at the mine, for example, and decide to retire and move to the Island part of the Province. What will happen in that situation, Mr. Chairman, is they are obliged, if they are retiring in Glovertown or they are retiring in some other part of the Island part of the Province, which is a traditional pattern for people in my district, to put their house on the market, and in that situation, if they do not get enough money to pay off the mortgage, they then become liable for the difference.

Now one of the fortunate aspects is that the real estate market in Labrador West has recovered considerably from the bleakest days of 1982 and 1983. However, houses with a mortgage of as much

as \$45,000 or \$50,000 are still selling for as little as \$10,000, or \$15,000 less than that. And these individuals are still having a difficult time.

I am sorry, Mr. Chairman. I see you talking with the Legislative Counsel. I assume it is in order, is it not?

MR. CHAIRMAN:

Yes, absolutely.

MR. FENWICK:

The problem is that we have now other constituents who are having the same problem, who are in a position whereby they have no rescue package provided by the government. Now what I am saying is that it is time we got ourselves up to the level of social progress enjoyed by the Province of Alberta in 1933 when they enacted similar legislation which protects the people of Alberta from this same sort of thing happening.

I also suggest to you, Mr. Chairman, that there are other places where this is appropriate. Happy Valley — Goose Bay is another example. They are building \$100,000 homes there. If for any reason there is a dip in the economy there, which can occur and as has occurred in the past, then they may have the same problem there and I would suggest to you that ruining people's lives in the present time is bad enough, but to have them encumbered with a massive debt for decades to come, which is what happens without this kind of legislation, is clearly intolerable.

So, Mr. Chairman, I move, seconded by the member for St. John's East (Mr. Long), that this Section 5 be added to this particular piece of

legislation.

SOME HON. MEMBERS:

Hear, hear!

MR. CHAIRMAN:

The hon. the Minister of Justice.

MS VERGE:

Mr. Chairman, the member for Menihek made this same proposal when he spoke earlier and I dealt with it then. I will recap very quickly: This administration as a matter of public policy does not agree with such a radical interference with a law of contract, as the member's proposal involves. We acknowledge that very occasionally special cases arise, such as Labrador City - Wabush when the mines were in decline and property values plummeted, and as we did in that case we would consider in future making special provisions for the property owners adversely affected. But generally we support respecting the rights and interests of parties to contracts. So we do not support that proposal.

Mr. Chairman, while I am on my feet I would like to propose another amendment to this bill. When the member for Mount Scio - Bell Island (Mr. Barry)

MR. SIMMS:

Do not do that yet.

MS VERGE:

I will wait for the appropriate time. Thank you.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. SIMMS:

You are going to beat it to death.

MR. FENWICK:

To the hon. Minister of Justice's comments there on the proposed legislation, I heard her say that the government has a tremendous amount of sympathy for any individuals in this position, and I appreciate that. If that is the case, then maybe the program put in place in 1985, the one that rescued these individuals, should be extended, and be extended for another three or four years.

Mr. Chairman, I would be quite happy to see that same program applied to it, but what I should tell the Minister of Justice is that program ended some years ago, that program was discontinued. I can give her a list of individuals who are personally suffering as a result of being laid off or they were dismissed from their jobs, and I have sent a list of those to the Premier's Office and asked him on an individual basis, time and time again, to consider these situations to see if they would at least give the same kind of relief to them as they gave to the larger number, most of whom are non-Newfoundlanders, by the way, who left to go to British Columbia, Manitoba, and Ontario and wherever, since these were people who were laid off and had to leave. So what I am saying is that I want you to give some protection to the people who are there now.

Now if the Minister of Justice is saying that we are hearing a commitment by her government to continue on with that kind of a support program, if that is what she is saying, then I should not have introduced the amendment. But I know from a very fat correspondence file between myself and the Premier that is not occurring, that people are being hurt by it, they are being damaged

by it, that their future is being ruined by it, and I have a whole district full of constituents who need this protection. So if the government wants to say, fine, withdraw this, then we will put in a continuing protection program for the next couple of years, we will be glad to consider that as an alternative to it.

But my constituents are being hurt, and there are other constituents in places like Naskaupi and Happy Valley - Goose Bay, in other single industry towns who also may be hurt because we have unlimited right from the people issuing the mortgages to go after the credit of these individuals.

And apart from saying that it is a radical solution, this is the policy of the Government of Alberta, which was enacted in legislation in the 1930s and it has continued for the last fifty years, Peter Lougheed, our trusted advisor on oil matters, as a premier also refused to amend that legislation, made sure that it was still in place. I do not understand why Peter Lougheed is the flaming radical you claim he is. I thought he was somewhat less radical than that.

If the minister is willing to give an undertaking that her government - not her government, obviously but the Premier's government will look at extending those benefits and putting them back in place, then maybe we have the makings of a deal here. But, frankly, I am going to continue to propose this legislation until government passes it at some time in the future.

MR. CHAIRMAN:

Does the amendment carry?

The hon. the Leader of the Opposition.

MR. WELLS:

Like most coins, this one has two sides.

Sure there are people being hurt now, and the leader of the NDP is correct that when this situation occurs people do get hurt by it. But that results in part because they were able to borrow in the first instance a relatively large sum against the value of their property.

If mortgage companies are to be restricted to recovering only the amount that can be recovered by the sale of the mortgaged premises and prevented from suing on a personal covenant then they will look at the mortgage application in the first instance and instead of agreeing to provide 70 percent, 75 percent, or 80 percent, 85 percent, or 90 percent of the purchase price of the property, they would revert back to 60 percent, which is the limit they used to have at one time.

Now then the individual is going to be hurt, again, because he cannot buy the house in the first instance.

So that while you can make the case that the Leader of the NDP did make, I do not think you should jump at rushing into this without first looking at all of the consequences.

There is clearly a serious situation, and a situation in Labrador City is a clear example of a lot of people who were adversely affected. People who could not even walk away from the homes that they had invested money in because they had borrowed so

highly against its downside value that the amount owing on the mortgage was greatly more than the property was worth on for sale, particularly when you have 25 percent of the homes in the community suddenly come on the market for sale. So you have a very difficult situation in that circumstance and government has to take a look at those individual circumstances and try to redress those wrongs. But you may do a good deal more harm than good by rushing at this amendment now. Something to deal with this situation needs to be looked at, but you cannot do this in isolation, you have to look at all of the consequences. I agree, Mr. Chairman, that the issue should be looked at, and if the government is not prepared to do it, maybe we should strike a committee of the House that would be prepared to do it.

MR. CHAIRMAN:

Shall the amendment carry?

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Look, this is the most important thing for my constituents. Absolutely! As important as the railway is to Port aux Basques, as important as the Grand Falls mill is to Grand Falls, this is important to my district. This is money out of their own pockets.

I just want to respond to the Leader of the Official Opposition's comment. He talks about the other side of it and he intimates that the mortgage money will dry up if you pass this. Well, I would ask him to look at

Alberta. The Province of Alberta has not had mortgage money dry up on them. There is mortgage money there. There is an argument that he makes that the person who lends the money, the mortgagor, I guess it is, I am not sure of the exact terminology, but the person who lends the money is the one who gets stung. The fact of the matter is, all those high ratio mortgages are insured and there are two companies that insure them, the Mortgage Insurance Company of Canada and CMHC. In fact, in Labrador West the problem was a lot less difficult, because CMHC is a Crown Corporation which took its responsibilities honestly and did give quick-claim deeds to all the individuals who owned their homes. It was the Mortgage Insurance Company of Canada, a private company, that held them all liable to it, so, in a sense, it was only half of the industry involved there.

I will ask you one question: What is the point of buying insurance that you have to pay for, if you have a house with a mortgage on it, if the insurance does not take care of situations like this? Is that not the point of insurance, to sort of spread the liability around? They are getting a whole bunch of money into the coffers of MICO and CMHC, and that money, then, should be used to pick up the downside when these things occur. It should be part of our normal rationalization of what it is like to live in Canada, which has a series of single industry towns, and, on that basis, I think they should have helped out on a continuing basis, and this legislation is the only thing that does it. I mean, there is an argument being factitiously put forward by the Minister of Justice that 'we took care of the

problem.' We did not. We took care of the problem for the people who got laid off in 1982 - 1983, the ones who were unfortunate enough to get laid off in 1986 -

MR. BAIRD:
They are back.

MR. FENWICK:
No. The ones in 1986, the staff people who were laid off last Summer, are not back. Do not tell me that! They are off all over the place, carrying heavy debts, and this government will not negotiate a way out for them like they did for the other people. So do not go and tell me the problem is solved. It is not solved. It continues and it gets worse, because we have a whole age set of people in those mines who are getting closer and closer to the time when they will retire. Quite frankly, my district is one in which people do not retire, they finish up and then they come back to the Island, they live here. And I hate to see them come back here with a huge amount of debt just because this government does not pass the legislation that should be in place for the protection of people in single industry towns like that.

SOME HON. MEMBERS:
Hear, hear!

On motion, amendment carried.

MR. SIMMS:
Mr. Chairman.

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

MR. SIMMS:
Since there are only two questions for the Late Show, could we stop the clock for a minute because

there is one minor amendment that has to be proposed by the minister.

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

MS VERGE:
Mr. Chairperson, I would like to propose another amendment.

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

MR. CHAIRMAN:
Order, please!

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

MR. TULK:
How many questions do we have for the Late Show?

MR. SIMMS:
Two.

MR. TULK:
By leave, you can go to twenty minutes to five, if you want to.

MR. SIMMS:
Okay, we will go to twenty minutes to five.

MR. CHAIRMAN:
Is it agreed?

SOME HON. MEMBERS:
Agreed.

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

MS VERGE:
I am proposing the addition of a clause (5) providing for these amendments set out in the bill coming into force on January 1, 1989. When the member for Mount Scio -- Bell Island spoke during second reading, he made the point that lawyers and parties in the middle of a power of sale

proceedings should get reasonable notice of these changes. I think that is a valid observation, and for that reason I am proposing this further amendment.

On motion, amendment, carried.

Motion, that the Committee report having passed Bill No. 21 with amendment, carried.

MR. SIMMS:
Order 8, Bill No. 31.

A bill, "An Act Respecting The Public Library Service In The Province." (Bill No. 31).

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

MR. SIMMS:
Order 9, Bill No. 33.

A bill, "An Act To Amend Certain Acts Having Regard To The Canadian Charter Of Rights And Freedoms." (Bill No. 33).

MR. BARRY:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the member for Mount Scio-Bell Island.

MR. SIMMS:
Which clause? Is there any particular clause you wish to comment on?

MR. BARRY:
I think most of it is acceptable, but I do have a comment with respect to clause 22, the amendment to the Fish Inspection Act.

On motion, clauses 1 through 21, carried.

MR. CHAIRMAN:
Shall clause 22 carry?

MR. BARRY:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the member for Mount Scio-Bell Island.

MR. BARRY:
The proposed amendment to the Fish Inspection Act I do not believe goes far enough. What is proposed here is reasonable, but there is a section in the Fish Inspection Act which says that the minister may without giving any reason refuse a fish buyer's licence. Now I have very real doubts whether that would stand up under a challenge pursuant to the Charter, but in any event, even if it would, the question is should such a section be in any piece of legislation? Why should not the Minister of Fisheries have to give a reason or reasons if he decides that he is not going to renew or issue a fish buyer's licence? Arbitrariness on the part of a Minister of the Crown is not consistent with the Charter, nor is it consistent with the way in which government is supposed to operate in a free and democratic society.

It may not be possible to have the amendment proposed for now, but I would suggest that the Minister of Justice in consultation with the Minister of Fisheries, look at that particular section and the adequacy of that particular section, because I really have my doubts as to whether that should be continued in the Act as it is. And if the intent is to make the Act consistent with the Charter, it possibly will not be, leaving that section unamended.

I might just say, since we are

dealing with the Charter and the Constitution, Mr. Chairman, that I was not able to make it for the vote on Meech Lake because of technical difficulties with the elevator. I almost made it. My position is the same as I have stated in debate.

I do not know if the House is amenable. I would like to have my vote recorded, but I say for the record, in any event, that my vote would be in favor of the Meech Lake Accord and I would ask leave to have my vote recorded on that basis.

I would ask the minister to respond to The Fish Inspection Act matter, as well.

MR. CHAIRMAN:

The hon. the Minister of Fisheries.

MR. RIDEOUT:

Mr. Chairman, I just want to quickly respond to the point raised by the hon. gentleman. First of all, let me tell him that the particular section he refers to in The Fish Inspection Act, I personally — I think it is a 1957 Act, really — only became aware that it actually read 'you do not have to tell a person why you reject a licence' not very long ago, and I intend to have the whole Fish Inspection Act reviewed this year, with a view to bringing an updated Fish Inspection Act into the legislature next session, and I would assure the hon. gentleman that particular archaic piece of the Act will be corrected.

Secondly, I can tell him that in no case, in the three years and a bit that I have been minister, has a request for a licence been rejected without giving a reason. Also, the person who might have been rejected was also informed

that I had set up an appeal committee which could further review the cause for rejection and make a further recommendation to the minister. So, while in effect the Act says you do not have to give any explanation, we are, in fact, giving explanations for rejections, and secondly, we are at the present time reviewing the whole Act, and we propose to bring in a new Act next year.

On motion, clause 22, carried.

On motion, clauses 23 through 32, carried.

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

MR. SIMMS:

Mr. Chairman, we can deal with the request of the member for Mount Scio a little later on, but can we move on to Order 10, Bill No. 30.

A bill, "An Act Respecting The Purchasing Management Association Of Canada". (Bill No. 30).

MR. CHAIRMAN:

Shall Clause 1, carry?

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

Mr. Chairman, this bill is fundamentally wrong. You cannot create a situation in this Province where an organization or a body, over which this House does not have legislative control, like the Purchasing Management Association of Canada, can preclude people in this Province from using the designation

certified professional purchaser unless they are a member of this Ontario organization, over which this House has no control. We do not know on what basis they are going to admit people from Newfoundland to be members. We have no way of knowing the basis on which they will throw them out. It is not as the Minister of Health, I believe it was - I am not sure who it was - said the last time this matter was up, on second reading, it is like Law Society or the Medical Society. It is not like the Law Society or the Medical Society. This House has legislative control over the Medical Society and the Law Society, and sets the standards that they must follow in determining admissions to membership in those societies and the terms under which they will grant the membership. This is some group in Ontario who wants to control everybody who wants to designate themselves as a certified professional purchaser. Well, there may well be other groups who want to indicate they are qualified to be certified professional purchasers in this Province.

Now, I would have no objection to this piece of legislation if the prohibition was against anybody designating themselves as a Member of the Purchasing Management Association of Canada, or using the letters MPMAC. I can understand that, but not in a situation where you are going to give some organization in Ontario, over which neither this House nor the government has any measure of control whatsoever, the right to designate who in this Province can use that designation. That is fundamentally wrong.

MR. TULK:

That is terrible.

MR. WELLS:

If you want to just change it to prevent use of the designation Member Purchasing Management Association of Canada, or MPMAC, then I have no quarrel with it, because that is them and they can do what they like. Our people do not have to be members of that organization in order to hold themselves out as certified professional purchasers. But it is wrong to prevent people in this Province from using the generic term certified professional purchaser unless they become members of this organization in Ontario, over which we have no control, and this is fundamentally flawed unless we agree to those amendments.

MR. SIMMS:

It is twenty minutes to five, and the agreement was to go to twenty to five for the late Show. Perhaps I can move that the Committee rise and report the progress it has made, and we will look at the suggestion the hon. the Leader of the Opposition made with respect to the word 'member', or whatever it was he said. I forget the wording, but the minister was taking note, and the Clerk was taking note, and perhaps the minister can talk to the Clerk afterwards and see if we can work something out rather than get hung up on the thing right now, at this point in time.

Mr. Chairman, while I am on my feet, and because there is a motion deemed to be before the House now that we adjourn at five o'clock, I would like to propose to members opposite that since it is such a cool evening and not a really hot, sunny Summer evening, maybe members opposite would like

to sit tonight for a few hours to see if we can get through some more business, or at least make some progress, give members an opportunity to debate various bills.

I would like to propose that we come back from 7:00 to 10:00 to carry on where we leave off this afternoon.

MR. TULK:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the member for Fogo.

MR. TULK:
We, on this side, have no problem with that. I understand from most of our members that they are available this evening, and in the interest of getting the work of the House done, we have no problem. We do not want to leave the impression that we are trying to rush out of this place, when we are not, as we told the government House leader some time ago.

MR. SIMMS:
Obviously, we are not.

MR. TULK:
Mr. Chairman, grins! As we told the Government House Leader sometime ago, if it is at all possible for us to co-operate in getting the work of the House done, there is no problem.

MR. SIMMS:
The members of the NDP, I think, will agree as well.

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

MR. FENWICK:
As I understand it, we will sit from 7:00 p.m. to 10:00 p.m.?

MR. SIMMS:
From 7:00 p.m. to 10:00 p.m., to carry on with government business.

MR. FENWICK:
That is fine with us.

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

MR. SPEAKER:
Order, please!

The hon. the member for Terra Nova.

MR. GREENING:
Mr. Speaker, the Committee of the Whole has considered the matters to it referred and has directed me to report Bills Nos. 18, 55 and 21 with amendment, Bills No. 23, 31 and 33 without amendment, and ask leave to sit again.

MR. SIMMS:
Would you read the bills again, please.

MR. GREENING:
Nos. 23, 31 and 33 without amendment, and Nos. 18, 55, and 21 with amendment.

MR. SIMMS:
I thank the hon. Chairman.

On motion, report received and adopted, amendments ordered read a first and second time now, by leave, bills ordered read a third time on tomorrow, Committee ordered to sit again on tomorrow.

On motion, amendments read a first and second time.

MR. SIMMS:
Mr. Speaker, since we ran over by a few minutes, we are quite prepared to go to four minutes past five, if it is necessary for

the Late Show, in the usual spirit of co-operation.

MR. SPEAKER:

I now call on the hon. the member for Burgeo - Bay d'Espoir.

MR. GILBERT:

Thank you, Mr. Speaker.

On Monday, I asked the Minister of Transportation a question concerning the closeout of the railway and the effect it was having on employees of the railway, and I singled out the 100 middle management people who were not covered by a collective agreement and really had no protection, but were sort of being told where they had to go without anyone to protect them, it was one on one situation.

Now when I look at this railway deal and the way in which it was negotiated, I can understand that there are a lot of people in Newfoundland who have concerns about what happened, and certainly the employees, because there are, besides those 100 people I talked about on Monday, 200 people who are considered temporary employees, who work every year for three to five months of the year. Those people were not even considered in the railway deal, but are now tossed out to try and find work again, another 200 to join the already rising figures of unemployed people in Newfoundland, to be put onto the welfare roles so that they are then put on a make work project to get them back on unemployment. That is one concern.

What we should be looking at in this is what is the long term effect on employment. We heard the minister say when he debated the resolution, I put forward

concerning the closing of the railway, that the main concern his government had was that the employees would be looked after, and the communities that were affected, and he named Clarenville, and Badger, and Bishop's Falls, and Port aux Basques and Corner Brook. Well, as far as I am concerned, from the comments we are hearing from those communities, with the exception of Bishop's Falls, no other communities affected are too happy with this deal that has been made. Again, I guess it is the result of the deal being concocted in secret and kept from the people, the real people who were going to be affected by it. And the ones most likely to be affected, feel the adverse effect, were the employees and the communities in Newfoundland in which the railway had a presence.

When we hear the minister say this \$70 million package that is included in this all-embracing comprehensive transportation package we have is going to take us into the year 2000 and beyond, I am a little concerned about much of it.

I hear the union employees are negotiating right now, and I understand they are concerned about job security. Everything is not as they were told. They are looking for rights to stay in Newfoundland. People who have worked with the railway for twenty odd years now being told, "You have to pack up and go to Vancouver somewhere for the rest of your time, until you retire." And the sad part about it, Mr. Speaker, is that they are doing it with the employees own money. The government has signed a deal whereby the rolling stock, the tracks and all the equipment the

railway has in Newfoundland is going to be turned back to CN so that they can dispose of it as they see fit.

Now, people I have talked to told me that if this asset is liquidated, CN will not really be putting anything into this, they will be able to make enough money out of the liquidation of the property and equipment in Newfoundland to pay for the package they are offering the railway employees. It is sort of like letting the fellow pull the switch when he is in the electric chair; they are not doing much to help the employees, and where they are, they are paying them off with their own money.

Now my contention is, Mr. Speaker, that government was more concerned in getting a deal at any cost than they were about the people who were involved in this, the people who are employed by the railway, and the people who are now out of jobs, not only the 100 people who are non-union middle management people but the 200 temporary employees who are never going to work again. I think the sad part about it, Mr. Speaker, is that government was too concerned in trying to get this deal put together to get the money in their pockets so they could use it in their election campaign than they were about the people and the communities that were most affected by the closeout of the railway.

I think it is a very shortsighted deal and attention should have been paid to the people who are most affected, the railway employees, the ones who are now out of a job. No matter how you want to cut it, they are out of a job or they have to be transferred

all across the country, people with twenty or twenty-five years in, and the worst thing, as I said, Mr. Speaker, is that it is being done with their own money, the railway is going to be sold.

MR. SPEAKER:
Order, please!

MR. GILBERT:
In conclusion, Mr. Speaker, the railway is going to be sold, and their own money is going to be used to pay them off.

MR. DOYLE:
Mr. Speaker.

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

MR. DOYLE:
Mr. Speaker, there are not a lot of details I can provide the hon. gentleman that I did not already give him on Monday and Tuesday when he asked me these questions. Canadian National, as I indicated to him at that time, are holding meetings all around the Province with its union employees and its middle management people, as well, and providing all kinds of information for them. Hopefully, Mr. Speaker, negotiations will take their course and these employees will be given a fair and a reasonable and a just and an equitable settlement.

But negotiations, Mr. Speaker, have to be given a chance to proceed normally. There are no indications that negotiations are not proceeding normally or that they have broken down in any way. The middle management employees, we are told, will also be the subject of an agreement between CN and their own people, and I am sure these people will be given a

Fair and a reasonable settlement.

Government would be very, very concerned, Mr. Speaker, if all employees were not treated fairly and equally. We will be paying very, very close attention to what is happening, and if there is any indication that fairness and equality is not being administered to all employees, then we would certainly not hesitate in making our views known to Canadian National.

When rumours were abounding last week, Mr. Speaker, with regard to Marine Atlantic and their employees at Port aux Basques, my department, the Department of Intergovernmental Affairs, and the member for LaPoile (Mr. Mitchell) called in Marine Atlantic and we had a very long and serious talk with them about the future of those employees. We were given an indication last week that there would be no layoffs by Marine Atlantic. The employees are of major importance to government, Mr. Speaker, and that is one of the reasons we had placed in the agreement a total of \$75 million to look after the terms and conditions of their existing collective agreement. Also, we have a commitment from CN that they will be negotiating a package of benefits for their employees over and above that.

I am really not going to respond in any detail to the remarks made by the hon. the gentleman with respect to the communities of Bishop's Falls and Port aux Basques. I have stood here in this House, Mr. Speaker, at least a dozen different times over the last two or three weeks, and communicated to the member what is being done for Bishop's Falls and Port aux Basques; the generous \$75

million package that we have in place, \$7.5 million going to Port aux Basques and \$7.5 going to Bishop's Falls. I might add, Mr. Speaker, that the people of Port aux Basques, and the Council in Port aux Basques, feel that they can look forward to a reasonably bright future. They are not down in the dumps about this. They are looking to the Community Futures Programme, they are looking to that committee that we have established, with federal representation and provincial representation and representation from the communities, to put in place some very good ideas for the future of Port aux Basques, and we feel \$7.5 million will go a long way toward ensuring a very, very bright future for those areas.

MR. K. AYIWARD:
Mr. Speaker.

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

MR. K. AYLWARD:
Mr. Speaker, I would again like to bring up the topic of the local preference policy and the recent statements of the Minister of Intergovernmental Affairs, who indicates that the interprovincial trade barriers are up for discussion between the provinces and the federal government. The Federal Minister, Robert de Cotret, Minister of the Federal Department of Regional Expansion, last year appointed an individual to undertake to try to get rid of, or bring down, the interprovincial trade barriers, and the discussions which have been going on thus far point in the direction of trying to get rid of the provincial preference policy which we have in this Province.

Mr. Speaker, when you look at what the Atlantic Accord has in its provisions, it specifically talks about benefits coming to the Province. As a matter of fact, section 50, page 14 of the agreement, says, "It is the objective of both governments to ensure that the offshore area is managed in a manner which will promote economic growth and development in order to optimize benefits accruing to Newfoundland in particular and to Canada as a whole." It also goes on to talk about the Canada-Newfoundland Management Board, and that submissions will have to be made, plans would have to be submitted for employment, for contracting and so on. All these provisions would have to be met. It says here, "A plan must be submitted satisfactory to the board for the employment of Canadians and, in particular, members of the provincial labour force and for providing manufacturers, consultants, contractors and service companies in Newfoundland and other parts of Canada with a full and fair opportunity to participate..."

It also goes on to say, Mr. Speaker, in section 52, "Both governments will attempt to provide a common view to the Board, but where this is not possible, the decision on employment and procurement plans approval shall rest with the Board."

So the decision on the benefits from Hibernia, the economic spinoff, was taken and put into the Atlantic Accord; phrases were put in there, sections were put in there to deal with the benefits, making sure that they would come to this Province.

Mr. Speaker, the present negotiations are now underway and **The Globe and Mail** reports today that the revised price tag of Mobil Oil has slowed down the Hibernia talks. And Marcel Masse points out today that the industrial spinoff benefits are one of the biggest issues that have to be dealt with.

MR. TULK:

That should have been agreed to before.

MR. K. AYLWARD:

Yes, that should have been agreed to before, technology, jobs and commitments to purchase goods for domestic suppliers that will come to Canada, and specifically Newfoundland, from the project. He says that is one of the major issues right now that are holding up these talks, along with Mobil's demands. That is a major issue. There have been all kinds of rumours abounding that a lot of the benefits will go to Quebec, that the only way we will get a deal is if we give a certain percentage, a large percentage of the benefits to the Province of Quebec. With a federal election coming up, Mr. Speaker, you can see our negotiating position becomes very tough, and the federal government is probably playing a fair bit of hardball on that.

So these are serious concerns we have as to the benefits Newfoundland and Newfoundlanders will receive. When the Hibernia deal is signed and any other future offshore oil deal, there are serious concerns as to the benefits that will accrue to the Province, to Newfoundlanders.

MR. TULK:

That is absolutely right.

MR. K. AYLWARD:

When the Minister of Intergovernmental Affairs (Mr. Dawe) expresses his own concern about the fact that these provincial barriers may come down, that the local preference policy may come down, I mean, that is a serious concern for all of us, Mr. Speaker, and it is something this government should be addressing. I think the attitude shown thus far do not give a serious answer, Mr. Speaker, to what may be happening with the negotiations at present, exactly how they are going and what the real issues are.

The Atlantic Accord has provisions in it that talk about benefits for this Province, yet the Federal Minister of Energy seems to indicate that that is what seems to be holding it up, and it does not seem that they are going to bother with looking at it too seriously. We are very concerned that this proposed deal that is going to be signed will be to the benefit of the Province and that Newfoundlanders will be hired on these projects and given that opportunity, since the project is here, considering our employment situation and our economy. The provisions were put there, Mr. Speaker, and we have to wonder what impact getting rid off the provincial preference policy will have on the Atlantic Accord. That is a serious concern. We feel that government should deal with that concern and should come up with a policy and an answer from the federal government on this matter to see what their interests are.

Again, the benefits have to come to this Province, Mr. Speaker. We have been waiting a long time for this offshore oil; we have been waiting a long time for a deal to

be made, and we do not want to see it like the railway deal that was just signed, Mr. Speaker.

MR. SPEAKER:

Order, please!

MR. K. AYLWARD:

Thank you, Mr. Speaker.

I would like the hon. minister to see if he can deal with that.

MR. SPEAKER:

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

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER:

The hon. the Minister of Health.

DR. COLLINS:

Mr. Speaker, it is really hard to get a bit of a handle on what the Leader of the Opposition sees as a problem here.

We seem to be dealing with three different things. Firstly, we are dealing with provincial preference, which covers a broad range of activities in the Province. Incidentally, it was something, my memory tells me, that the Opposition was against, that the Province should not bring in provincial preferences, but I will not belabour that point. Anyway, the provincial preferences and similar so-called barriers to trade within Canada, that is one issue.

The other issue is, what does the Atlantic Accord say about a general memorandum of understanding between the Province and the federal government on the offshore industrial benefits, again in a very broad way, not just even on the Grand Banks but

on the Labrador coast or wherever, and on land, for that matter. The third point then is, how are negotiations going on Hibernia?

Let me just take them in reverse order. I am sure the hon. member does not expect us to give a lot of details on the negotiations going on on Hibernia beyond what has already been said, and that is that they have now reached a very critical stage, that we are very, very conscience of the industrial benefit package that we must negotiate, that we have to do that negotiating with the federal government as well as with the companies, but certainly with the federal government, and that that is proceeding. We have a team in place for it, as the federal government has a team in place for it, and, of course, the companies are also necessarily and obviously involved in the whole process. That is ongoing. I have said here today, and the Premier said a million times and other ministers have said hundreds and hundreds of times, we are fighting for every possible industrial benefit we can get that is practical for this Province to have, and we are achieving, I think, many of our objectives.

There is a provision in the Atlantic Accord that there should be some memorandum of understanding. That is something that has been worked on also. It is not something that has been concluded, nor is it something that necessarily has to be concluded before the negotiations on Hibernia are completed. As a matter of fact, the negotiations over Hibernia insofar as industrial benefits are concerned are going to help us to ultimately put in place a broad-ranging, sensible, and presumably

long-lasting, memorandum of agreement between the Province and the federal government on industrial benefits as it relates to the oil industry.

The final point on the provincial preferences: We are engaged in a study with the other provinces and with the federal government on that matter. We know, and the other provinces know, and the federal government knows that there have to be compromises made in that area because different provinces have different arrangements in place, different extensive arrangements, they get different benefits from it. So there has to be a compromise amongst all the parties involved. We are not going to accept anything if we are not going to get something in return, Ontario is not going to make any changes unless they get something in return, and so on and so forth. We are quite willing to study the provincial preferences and other arrangements that we presently have in place for the benefit of our workforce and our economy, but we are not going to change them unless we feel that the changes will either be to our own benefit or, if they are not to our own benefit, that they be offset by some other arrangement. As I mentioned earlier in this House, one of the other things we wanted to be sure we get is a bigger slice of the procurement needs of the federal government.

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

Just before we adjourn, out of respect for the member for Mount Scio - Bell Island, who made the point earlier during debate that

he had a technical difficulty with the elevator and could not arrive on time for the vote, and recognizing how important the issue was to him personally he mentioned in debate whether or not the House might give leave to actually allow him to stand, I suppose, and record his vote, not debate the matter or anything. We are quite prepared to give leave for the member for Mount Scio - Bell Island to do that formally so that the clerk can record it.

MR. TULK:

Just cast his vote.

MR. SIMMS:

Well, I think, he asked if he could stand and record his vote. The NDP gave leave, too, Mr. Speaker.

MR. SPEAKER:

By leave, the hon. member for Mount Scio - Bell Island.

SOME HON. MEMBERS:

By leave.

MR. BARRY:

Mr. Speaker, as I said earlier, my position on Meech Lake is the same as the position that has been taken by the federal Liberal Party. I support the Meech Lake Accord and I support the motion that is before the House.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

It is duly recorded.

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

All those in favor 'aye'.

SOME HON. MEMBERS:

Aye.

MR. SPEAKER:

All those against 'nay'.

SOME HON. MEMBERS:

Nay.

The motion is defeated. We will resume at seven o'clock to night.

The House resumed at 7:00 p.m.

MR. SPEAKER:

Order, please!

MR. SIMMS:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

Mr. Speaker, we are going to put a hold on the bill we were debating in Committee, Bill No. 30, and move on to a second reading of Bill No. 29, which is Order 11, continuing the debate on the second reading of the Alcohol and Drug Dependency Commission Act.

The member for St. John's North (Mr. J. Carter) adjourned the debate on it. I guess he has a couple of minutes to conclude.

Motion, second reading of a bill, "An Act To Amend The Alcohol And Drug Dependency Commission Act." (Bill No. 29).

MR. SPEAKER:

The hon. the member for St. John's North.

MR. J. CARTER:

Thank you, Mr. Speaker.

The points I was making when we left off this debate was that probably one of the worst or strongest addictions is the addiction to nicotine in tobacco. It is a pity government sees fit to make so much money on tobacco realizing at the same time the total cost of smoking probably runs for a province the size of Newfoundland into something like \$100 million a year. It is a very high cost.

MR. DOYLE:

Fifty-nine billion dollars a year in the United States.

MR. J. CARTER:

A colleague of mine just said it costs \$59 billion a year in the United States. The drug problem in the United States is quite horrendous. To give some idea of how seriously the United States looks upon it, they have come up with what they call a 'zero option' and that means that if you are caught going across the border with even a trace of drugs or drug related paraphernalia, or even in the company of someone who has such substances, then your car is confiscated, so are all your possessions, and you may find yourself behind bars.

So I think it is a very serious matter. I applaud the funding government is giving this foundation. I just wish it could be more.

Thank you.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I want to say a few words about the principle of this bill. I want to refer to when this bill was implemented in the Legislature, I think it was 1981, 1982?

DR. COLLINS:

1982, yes, it became operative in 1982.

MR. TULK:

It became operative in 1982. It was introduced I believe in 1981, shortly before the election of

1982, and at that time I remember the member for Port au Port (Mr. Hodder), who was then on this side of the House -

MR. MATTHEWS:
Who?

MR. TULK:
The member for Port au Port, before he became unconverted and crossed to the wicked side of this Legislature.

MR. MATTHEWS:
Pole vaulted.

MR. TULK:
Yes, it was almost a pole vault, I say to the hon. gentleman, because I remember quite well the member for Port au Port and myself were good friends and if there was one call that the member for Port au Port did not get through to the member for Fogo, it was a call to tell him he had made up his mind to cross the floor of the House. That was the only call in his life where he never got through.

But the member for Port au Port addressed the issue on this side of the House at the time. I believe he was our spokesman on Social Services. We had, Mr. Speaker, great hopes for the Alcohol and Drug Foundation, all of us in the Legislature. There is no doubt in my mind it has done part of the job for which it was put together to do. But I have a couple of problems with it, and I hope that the Minister of Education (Mr. Hearn) is listening because in the last four or five months the Minister of Education; the former member for Waterford-Kenmount, who is now Senator Ottenheimer; the former member for St. John's East, who is now Judge Marshall; and myself; have been working on a little

project. I think it is a very worthwhile project we are doing and it comes not within the official capacity of the Alcohol and Drug Foundation. I think that while there is something to be said for having an Alcohol and Drug Foundation that is official and which spends public taxpayers dollars, I believe there is a certain amount of cynicism among our young people in this Province concerning anything that is official. There is a certain cynicism there. Now, Mr. Speaker, all of us are very much aware of what we call drugs in this Province. And, of course, by drugs most of us when we speak mean the drugs like marijuana, LSD, coke and all of those. I believe is the latest one is crack. I am not sure.

The guy we are talking to and the guy we are trying to help is a guy by the name of Roy Payne. He was a drug addict and he makes no bones about it. I am sure he would be - and the Minister of Education nods his head - happy to see us stand in the Legislature this evening and say he was a former drug addict, and a country and western star in his own right. Drugs of one sort or another practically brought him to his knees and left him in a state where he was unable to perform, where he had seen many of his friends fall under the influence of drugs of various kinds.

But he has pointed out to us two very important facts: That is there are an awful lot of young people in this Province who will not listen to the official version of what drugs mean to young people. He has pointed that out to us. The second thing that he has pointed out to us, in the conversations the four of us,

along with a principal from Carmanville by the name of Winston Carter, the second thing that he has pointed out to us is that probably the single biggest drug being misused by teenagers today and by young people is not the drugs we commonly read about in magazines, but it is the drug called alcohol in the shape of beer. How easy it is for young people to get into alcoholic beverages such as beer at the corner drugstores and so on.

As I said, the Minister of Education, the former member for Waterford - Kenmount, Senator Ottenheimer and Judge Marshall, Winston Carter and myself have been working on trying to put together some sort of - not for this guy to make a profit, because he does not want to make a profit - but he has now committed himself to coming back to Newfoundland, and I have sat in on some of the sessions in the Province, I do not know if the Minister of Education has or not, but he certainly knows about them, I have sat in on some of the sessions that this gentleman has held in the Province on alcohol and drugs and watched him talk to 200 and 300 young people. I think the place where I watched him was, I believe, St. Joseph's down here in Quidi Vidi. I watched him tell those young people the effect of alcohol and drugs on their whole being and their whole living in society. I have to say that after two and a half hours, the gentleman has an amazing influence on young people. I have heard young people in this Province practically confess, in public, how they steal a drink from their parents on the side, and if you want to, as we say in the Newfoundland outports, 'get loaded or soused', and the influence it has on their lives.

My reason for speaking on this is I want to emphasize that I believe members of the Legislature, being influential people in their own districts and in their own communities, and perhaps the Minister of Education might want to address the issue as well, but certainly members who are influential in their district, should support this unofficial - it is not part of the officialdom of the Alcohol and Drug Foundation - but members should support this unofficial effort by this guy, Roy Payne, to see that indeed his efforts are a success and that they get the kind of recognition they deserve.

I want to also say one other thing. I believe the efforts of the Minister of Education, Senator Ottenheimer, Judge Marshall and myself have been totally nonpartisan, and I believe we would like to keep our efforts in that regard. We are looking forward, in the months to come, to see that indeed something is established just to pay the expenses of this man so that he can support his efforts.

MR. HODDER:

What sort of figure would cover him?

MR. TUIK:

I understand the figure we are talking about is probably in the vicinity of \$40,000 to \$50,000 a year. I believe that is correct, according to the figures we have.

The other thing is the gentleman does not want to become attached to the official side of life, if you want to say that, or to the Alcohol and Drug Foundation or to government or to political parties or to businesses or to anything like that because he wants to

maintain the kind of independence, so that the kids can look at him and say, "Yes, this is not the official line. This is a guy who has been there and back," so to speak; "He has been at the bottom of the heap and has risen out of it" after spending I think two years, I believe it was two years that the hon. gentleman said he spent in the woods, where there was nothing.

MR. SIMMS:
(Inaudible) Roy Payne.

MR. TULK:
He is on the St. Barbe Coast.

MR. FUREY:
He is from Trout River.

MR. TULK:
The hon. gentleman is from Trout River. He became a very famous country and western singer. He went to the top in Nashville and became very famous, but was brought down by drugs.

The one point that he has made to me, and I think to a number of other people as well, is that we have to start looking as a parliament, as a government, at the number of places where we pass out retail beer licences. I say to the hon. gentleman opposite, and I say to this Legislature, I would say in Newfoundland it is easier to get access to beer than it is in any other province in Canada. Almost every cornerstore in this Province has a retail beer licence. If you travel the length and breadth of this country, I do not believe you will find it anywhere else in this country where access to alcohol in the form of beer is as easy as it is in this Province.

One of the points he keeps making

to me is you have to curtail the access to beer young people have. It is very easy, as you know, to get somebody to go in and buy you a dozen, half dozen pack, or a twenty-four, and then go out and lay onto it.

MR. DOYLE:
(Inaudible) age limit.

MR. TULK:
I am not sure. No, I do not believe that anybody can argue whether it is eighteen, nineteen, twenty-one or whatever, I do not think it is a matter of that. I think it is a matter of somebody, somehow, whether it be the Alcohol and Drug Foundation, the official arm of government and the official arm of society or whether it be the Roy Paynes of this world, I do not believe the answer is raising the age or lowering the age, or whatever. I think the answer has to be in education.

If hon. gentlemen opposite and on this side have not been involved with the kind of movement we are trying to push, if hon. gentlemen could see the testimonials which have come back from schools where this gentleman has visited then I think we would all be convinced. When you can get a fellow like Judge Marshall who, I suppose, does not believe everything he is told, and get him in the presence of a guy like Roy Payne, then after he comes out, believes solely in what he has heard, then I have to say that I think the hon. gentleman is a pretty good judge of character. He knows when you are trying to pull something over his eyes or not, and I know in this case Bill Marshall came out of a dinner meeting we had thoroughly convinced, as he told me on the phone the next day, that indeed this man was for real and

that we should all try to do something to help him.

So I just want to make that point, Mr. Speaker, that there is an official side to alcohol and drugs in this Province. Perhaps the biggest danger is not in the drugs as we know them, as we commonly associate with the word 'drug', and it is perhaps in the use of beer and alcohol in this Province, and that indeed there is a unofficial side, which I would encourage all members to support, in the personage of this guy, Roy Payne, and other people like him.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. HEARN:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Education.

MR. HEARN:

Mr. Speaker, just a very few brief words on this to follow up what has been said by my good friend, the member for Fogo (Mr. Tulk). We have been involved in this little exercise, which has been an education to all of us.

One thing that has become very clear and I personally have found this in my past profession and in moving around the Province is that when we talk to young people about drugs, especially alcohol, which is the main one, and one perhaps we overlook too often because it is so common, if I go out and say, 'You should not drink and you should not do this,' I am expected to say it. A lot of us as parents, I think, or perhaps politicians are expected to say that to young people and it is

sort of a turn off before we even talk to them.

When they have the living example of what drugs can do to you, standing in front of you and talking to you, it has a whole lot more impact than anything we could ever do through our courses in school or through our after school work, or whatever. What we have seen from Mr. Payne and a few other people like him, who have done some work in this area, is an impact that has been outstanding. He and the other people really has made an impression.

Children listen because they believe. They see what is happening and they relate to the person to the point where they open up and they trust because he is one of them. One of the things we do not talk very much about in this Legislature, maybe unfortunately so, is the effect drugs could be having on your children and mine, especially the drugs that are very easy to get, alcohol being the prime one. Anywhere at all in this Province you can pick it up at the cornerstore, and if you are not old enough, and I agree when we saying changing the age is not the answer, it is making sure that the rules are enacted and enforced and perhaps a good, well presented education program is even more important because practically anywhere young people have access to alcohol and drugs in the Province, and it is unfortunate.

I think unless a lot more of us decide to get involved, if we are not having a positive affect ourselves, then we should be using some medium which does have that affect on the children. Certainly any help we can give along those lines, I think all of us should be

only too ready and willing to do so.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Are you ready for the question?

MR. SIMMS:

Yes.

MR. SPEAKER:

It is moved and second that this bill be now read a second time. All those in favour 'Aye', those against 'Nay', carried.

On motion, a bill, "An Act To Amend The Alcohol And Drug Dependency Commission Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 29).

MR. SIMMS:

Order 12, Bill No. 36.

Motion, second reading of a bill, "An Act To Amend The Newfoundland Medical Care Insurance Act". (Bill No. 36).

DR. COLLINS:

Mr. Speaker.

MR. SPEAKER:

The Minister of Health.

DR. COLLINS:

Mr. Speaker, this is fairly straightforward, but nevertheless it is important. This amendment does a number of things. As hon. members may recall, the dental program which used to be operated out of the Department of Health, administratively that is, was passed over to MCP sometime ago. One part of this amendment will actually, shall we say, legitimize that transfer.

Another aspect of the bill is the members of the commission - they are not alone in this - have some concern about their liability for personal litigation. The members of the commission are private citizens; they volunteer to act on the commission, and many people in that situation these days on public bodies have some concern about the increasing trend in our society towards litigative action and many such bodies now are protecting the volunteer members. Our Medicare Commission have the same concern and I think it is a legitimate concern. So we are accommodating them in that respect here.

Another point is that, the commission sometimes has difficulty getting information, under present rules, from which they can validate claims put in for reimbursement by physicians. So the Act clarifies and gives further support to the MCP Commission in requiring appropriate information from physicians so their claims can be validated.

There is also a need to clarify the authority to release patient information. There are legitimate needs from researchers and similar groups to obtain the wealth of information there is in our MCP records. The bill before us will allow the MCP greater flexibility in permitting such information to go out but, nevertheless, it also puts in place suitable safeguards so the information is not given willy-nilly to those who do not have a proper need for it.

The final point in it is possibly the most important one, and that is, up until now, if a Newfoundlander went to another Province and had health care

given, they would usually either have to pay for the services obtained and then claim back from our MCP a certain amount of the money they paid out for health care, or it is possible they could make an agreement they would not be charged at that point in time, but they would be allowed to come home and put in the appropriate claim to MCP, get that money, then send that up. Anyway, which ever way it was done, it was a very elaborate process that was irritating and also was not quite fair, because if the same person got ill in this Province, he would go and see a doctor and the whole thing would be routine. So, why should he put to all this bother and so on because he was travelling in another province?

There is an arrangement put in place now whereby all provinces have agreed that any care given can be handled in each province in terms of an out-of-province patient as though that person was a resident of the province. The MCP or similar health care agency in a province where the care is given would just reimburse the doctor or health giver and then there is an arrangement between the provinces to straighten this out. We have agreed, subject to the approval of this House, to go into such an arrangement. This will be much easier for people travelling and it will be fairer all along the line. So that is included in this bill.

If hon. members want a few more details on how this works, I will be only too glad to go into it, but that is essentially it. The previous arrangement was cumbersome and a bit inequitable. What we are doing now is something all provinces have agreed to and it really just authorizes the

Department of Health to formerly enter into this agreement.

I might add, Mr. Speaker, that on the supposition - I hope this is not taken amiss in any way - on the supposition the House would validate this agreement, we have already entered into the agreement; we put our name to the agreement because the agreement had to start at a certain time. It started on the 1 April, the beginning of the fiscal year. If we did not agree at that time to enter the agreement, we would have to put the whole thing off for at least a year. So we entered into the agreement, pointing out that it was subject to the House finally accepting this provision in the bill.

So with those explanations, Mr. Speaker, I move second reading.

MR. EFFORD:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Port de Grave.

MR. EFFORD:
Thank you, Mr. Speaker.

There are a couple of points I want to make about this particular bill. Just recently in the Budget brought down in March, it was brought to mind exactly what Clause (6) means, the amendment that "would allow the minister to make regulations in connection with dental and other health care related services."

In the recent Budget brought down the optometrists of this Province found out just what happens when the minister himself changes the regulations governing The Medicare Act of this Province when he

changed if from one year to two years. We have a great deal of dissatisfaction not only with the fact that it was done, but the way in which it was done.

The Minister of Health (Dr. Collins) says here, in Clause (6), the amendment to Section 44 allows the minister to do it. We disagree with that. Sure, the minister should have the right to do it, but the way in which he did it by not consulting, in this particular instance, the optometrists or the dentists of the Province or any other professional medical people, to make a decision like that without consulting or without, at least, getting their advice on it, or at least allowing a meeting. I think that was one of the things that we found after the Budget came down and after this was changed from one year to two years, the Medicare would only take care of an eye examination and glasses in two years, it has caused many, many problems since that. The optometrists and the ophthalmologists in this Province were very upset about the fact that they have requested previous to the Budget coming down and afterwards a meeting with the Minister of Health concerning this. The Minister of Health, as far as I know, did not before or since meet with them.

It is very disturbing to know that these very professional people wanted to point out the problems, not only naturally, for their own personal profession, but just to talk about the way in which it was going to affect them and the extra work it was going to put on the ophthalmologists of the Province, because when a person from a rural part of Newfoundland cannot go to see his optometrist in the area,

naturally it is a round about way of doing it, all he has to do then is go to a general practitioner, get a referral and then come to a city where the nearest ophthalmologists then can see to him. So it is a double cost for Newfoundland because he has to pay the medical practitioner once he visits his office and then the ophthalmologist is an extra cost. You are not preventing him from getting an eye examination and being taken care of by Newfoundland Medicare, it is just a round about way of doing it and an extra cost.

What does it do to the people of the Province? They have to cover the cost of transportation. If they live far enough away from an urban area where the ophthalmologists are, they have to stay overnight and that is an extra cost. So, for the minister to make that decision without consulting the different groups, that is one of the things I see wrong. He could have probably have met with the people concerned, the optometrists, ophthalmologists, and some of the public in general, met with them and still come up with the decision, but at least he would have given the advantage of making their concerns known. Many of the optometrists and the ophthalmologists I have spoken with have a great concern, because I think what is going to happen eventually is we are going to see a backlash. We are going to see professional people leaving this Province and that is one of the things we cannot afford to see, any more specialists leaving the Province of Newfoundland. When you try to get people to set up residence in rural Newfoundland, it is difficult enough to encourage them to come into the

Province and set up and practice in rural Newfoundland under the way the family conditions that they got to live under, the fact we are so far from the main centres out in small outports and what is the hope for their children in the way of education and advantages in recreation and everything else.

Professional people can afford these things and they are going to go where it is best suited for their families so we have to give them encouragement, not only in economical terms, but in many other things, and to do anything to set it back, it is going to cost us, not only financially, it is going to cost us in many, many other ways. That is the one clause I do not agree with. That the minister can make regulations in connection with dental and other health related services. I think there should be a stipulation in there that at least, before any decision or changes could be made, the concerns of the professional medical services should be heard. Their views should be heard because of the way it is going to effect the people of the Province.

To change that Act for optometrists visits from one to two years to save \$500,000, the financial saving there is not enough to what we are going to lose in the way of professional services and the hardship it is going to put on the people of this Province, especially when it comes to the children and the senior citizens. Probably a lot of people who cannot afford to come to St. John's are going to suffer eye damage and eye sight loss because of this.

Other than that, the fact of

people travelling to and from other provinces in need of medical services will go into a province now and it will not cost them, because they do not have to put the claim back in. I think that is excellent. I certainly do not see any argument with that part of the clause.

However, perhaps the minister can make some comments later about Clause 6 and give us an explanation or probably there can be some changes made to that particular clause to ensure that what happened just recently will not happen in the future to any group of specialists in the Province.

I think, not only are the ophthalmologists and optometrists concerned with this, there are many other groups because if it can happen to them, it can happen to dentists and other medical practitioners. It is a deep concern here on our side. It is a deep concern, not only of the professional people, but of the general public as well.

Thank you.

DR. COLLINS:
Mr. Speaker.

MR. SPEAKER:
If the minister speaks now he closes the debate.

DR. COLLINS:
Mr. Speaker, just a few brief words.

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

DR. COLLINS:
Just on the point the hon. member is bringing up about possible problems or criticisms of Clause 6

here which relates to the transfer of the administration of dental services from the department to MCP, there will not be any problems there. It has been in effect for some time, and really it is just legitimizing it.

But on the more general point, I do have to say this: There has not been, to my knowledge, any detrimental effect whatever from the change made in the Budget in regard to optometrists.

Now, there were a number of fears and a number of comments made, but I think these were made in a mind frame which really did not take full cognizance of what was being done. There was no diminution in services. It was merely determined that in the ordinary course of events you do not need eye examinations more frequently than every two years. I am not just establishing that time frame; that is a generally accepted time frame by anyone who is in that area. So all the budget did was recognize that.

At the same time, we recognized there are those cases who do not fit into the normal circumstances and they may well need an eye examination more frequently than every two years and there is adequate provision for that, as there is adequate provisions throughout the Medicare system that anything that is needed, no matter how unusual it is, it can be done. All you have to do is do it the proper way, and the proper way is for the physician to fill in an appropriate form.

I agree with the hon. member that there was a certain number concerned when this announcement was made. I do have to point out I personally did not have

consultations with the optometrists, but my predecessor did and this action was put in place before I came into the portfolio. There were consultations there. That point may have been lost in the debate that went on after the Budget came down.

But in any case, the point I wanted to make is that what was really done was the sensible thing to do. The arrangements there before were not required. They could lead to abuse and there was just a general tightening up of the arrangement, but the tightening up did not impair the services given because that provision was put in there and if someone needed services outside the general run, they could be given, but through a proper mechanism, and that mechanism was well publicized.

So with those words of explanation, I

MR. EFFORD:
May I?

DR. COLLINS:
Sure.

MR. EFFORD:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Port de Grave.

MR. EFFORD:
In your remarks a second ago, you said you have not heard or do not know of any problems. Has there been an investigation? It has only been a couple of months since the budget came down, so are you saying that just off the cuff or is it a fact that you are sure there is not going to be any

problems because of this particular change to only once every two year.

MR. SPEAKER:

The hon. the Minister of Health.

DR. COLLINS:

No, what I am saying is that I agree with you. We have not done an investigation because, quite frankly, we do not think one was necessary.

But I have not had any cases put to me that there was any harm from that arrangement, and I cannot even see why there would be, because if someone needed an examination more frequently than every two years, they can get it. All the physician, or the optometrist in this case, has to do is to fill in what is called - I forget the name of the thing now - I think it is the Independent Consideration form. I think that is what it is called. So if you have to see a person every month, for that matter, all you have to do is send in the claim with an Independent Consideration form on it, and MCP will process it.

MR. EFFORD:

That is for the ophthalmologists, not the optometrists.

DR. COLLINS:

No, that includes the optometrists too. Optometrists can use exactly the same mechanism.

So, with those words, I move second reading.

On motion, a bill, "An Act To Amend The Newfoundland Medical Care Insurance Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 36).

MR. STIMMS:

Order 13, Bill No. 39.

Motion, second reading of a bill, "An Act To Amend The Insurance Companies Act." (Bill No. 39).

MR. YOUNG:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:

Mr. Speaker, this amendment to the Insurance Companies Act will permit insurance exchanges to be licenced for the purpose of acting as insurers in the Province.

As hon. members may be aware, an insurance exchange is basically a form of self insurance for individuals or organizations who have similar insurance requirements. Insurance exchange has become popular in recent years as an alternative to conventional insurers.

Broader coverage and reduced premiums costs are generally cited as primary benefits of the insurance exchange. Insurance exchanges will be permitted to write all classes of insurance except life, accident, sickness and guarantee insurance. Provisions of this bill are based on uniform insurance legislation in other provinces.

Mr. Speaker, I move second reading.

MR. GULLAGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Waterford-Kenmount.

MR. GULLAGE:

Mr. Speaker, we have no major objections to this bill, just a couple of points I would like to make. Clause 94, "Issue of licence," I would presume if it is found that the restrictions or the definition of insurance exchange, if the restrictions are too high, the amounts of the dollars here shown, "seventy five separate risks in the Province or elsewhere aggregating not less than \$1,500,000 as represented by executed contracts." One purpose of the bill, as I see it, would be to make sure that a company that might be in trouble could be relieved of its obligations and the insurance exchange could in fact take over the risks that company had taken on in the Province.

I would hate to think that the restrictions put on the insurance exchange were so high they could not in fact operate at any given time. Now, later on in the bill, under "Deficiency," section 99 (1), it seems to imply that if there was a deficiency at any time in the exchange, that, in fact, the Crown, I would think - it says "the attorney," I assume that the Crown would make up the deficiency. Can the minister possibly comment on those two areas?

Under "Guarantee fund," the same point could be made. Section 98 (1) "There shall also be maintained as a guarantee fund or surplus an additional sum, in excess of all liabilities, in cash or approved securities amounting to not less than \$50,000."

(2) "In the case of a fire insurance exchange whose principle office is in the Province, the guarantee fund or surplus referred to in subsection (1) shall not be

less than \$25,000." So it holds for the various classes of insurance, and it goes on of course. Automobile insurance is also \$25,000.

I would hope that the minister would see that if in fact these restrictions put on the insurance exchange are too high, then perhaps that could be accommodated once the insurance exchanges are working. If we find any problem with the limits, could the limits be altered to make sure that in fact the exchanges are doing what the bill seems to be intended to do and that is to make sure that companies having problems covering the risks they have taken on, can in fact be absorbed by the insurance exchanges that you are putting in place?

Could the minister comment on that?

MR. SIMMS:

Is the hon. member finished now?

MR. GULLAGE:

I just wanted to get some clarification if he could comment on what the intent of these exchanges are.

MR. SPEAKER:

The hon. Minister of Consumer Affairs and Communications.

MR. YOUNG:

Mr. Speaker, the hon. gentleman asks questions. I presume there are guidelines all across Canada and if he wants further information, I am sure one of my officials listening here can get it for you. If you are satisfied, I can get it at third reading.

MR. GULLAGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Waterford
Kenmount.

MR. GULLAGE:

Mr. Speaker, I have read through and examined the Bill and I really cannot see, and we cannot see on this side, any reason to hold it up except to make the comment, as I have already made, that if in fact restrictions or the demands put on the insurance exchange are such that the amounts are too high and the exchange finds it difficult to operate, then perhaps those amounts could be looked at and if necessary, raised to accommodate a situation where the insurance exchange might be restricted because it needs to take over an insurance company that happens to be in trouble and not able to cover its risks, and I would think that would just be a housekeeping amendment in the future, if those amounts were found to be too low.

Also, that the amounts under the guarantee fund for the three classes of insurance: liability, auto, and fire; that those amounts of \$50,000, \$25,000 and \$25,000 could be flexible enough that if the amounts were too low, they also could be raised. Notwithstanding the fact it appears the government said, if there is a deficiency, the Crown will make up the difference in any case, if there is a problem.

But the main thrust of the Bill, Mr. Speaker, we have no problem with, just with the assurance that the minister would ensure that these changes would take place if in fact it was found that the amounts were unworkable and too low.

MR. SPEAKER:

If the minister speaks now he will

close the debate.

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:

Yes, Mr. Speaker, I am sure that we will accommodate the hon. gentleman's request and as the Bill gets enforce, amendments and adjustments will be made to accommodate the exchange.

On motion, a bill, "An Act To Amend The Insurance Companies Act", read a second time, ordered referred to a Committee of the Whole House, on tomorrow. (Bill No. 39)

MR. SIMMS:

Mr. Speaker, Order No. 14, Bill No. 42.

MR. SPEAKER:

Order 14, a second reading of a bill, "An Act Respecting The Reorganization Of Certain Government Departments And Matters Related Or Incidental Thereto".

MR. SIMMS:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

Mr. Speaker, this bill is really very self explanatory. If you read the explanatory notes on the inside of the printed bill, it will explain everything. I have already had conversations and consultations with my critic, the member for Fogo (Mr. Tulk). He understands them fully so I would not anticipate a large amount of debate, but let me just try to explain, as briefly as I can, the changes in the bill.

First of all, part one of the bill simply changes the name of the Department of the Environment to the Department of Environment and Lands.

Part two of the bill, changes the name of the Department of Forest Resources and Lands to the Department of Forestry. That is because of, as everybody is aware, the exchange of the Lands Division from the Department of Forestry to Environment. That is part one and part two.

I should go on, not try to hide anything from the hon. member opposite. Clause 19 will also amend The Department of Rural, Agriculture and Northern Development Act to provide for an additional Minister of the Crown to sit on the Rural Development Authority.

MR. TULK:
That is for the member for Torngat Mountains (Mr. Warren).

MR. SIMMS:
I guess it could change at any time, but at the present time, the Minister of Northern Development presently sits on the Authority.

Clause 20, Mr. Speaker, provides for a third Assistant Deputy Minister in the Department of Social Services to deal with financial matters. That has already been done in the recent changes within the senior public service back in January.

MR. TULK:
Would the minister mind saying who the third assistant deputy minister is?

MR. SIMMS:
Yes, specifically there was a third Assistant Deputy Minister

appointed, Mr. Speaker, to deal with financial matters.

MR. TULK:
Who is that?

MR. SIMMS:
His name is Dave Roberts. He used to be down in Treasury Board. A very competent young man who is doing a good job.

MR. TULK:
Oh, yes. Too bad he is serving an incompetent government, but he is a very competent man, I agree.

DR. COLLINS:
No harrassments, no harrassments.

MR. SIMMS:
Mr. Speaker, I will not even comment on that. Those kinds of things are like water off a duck's back.

Finally Clauses (21) to (23) would amend The Electrical Power Control Act, The Newfoundland and Labrador Power Commission Water Power Act, and The Rural Electrification Act to allow the Lieutenant-Governor in Council to designate a minister of the Crown, other than --

MR. TULK:
That is not being done by the Minister of Finance (Mr. Windsor).

MR. SIMMS:
Yes, it is. But it allows another minister, other than the Minister of Energy, to be responsible for those acts.

So, Mr. Speaker, it is with a great deal of pride and pleasure that I move second reading.

SOME HON. MEMBERS:
Hear, hear!

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Yes, Mr. Speaker, I am sure it must be because the President of Treasury Board (Mr. Simms) has had a very heavy year in terms of the legislation that he has had to pilot through this House as the President of Treasury Board.

MR. SIMMS:

The largest in six years.

MR. TULK:

The largest in six years.

I understand that the hon. gentleman has had quite a task as the Government House Leader.

MR. K. AYLWARD:

A rookie House Leader, yes. A rookie year.

MR. TULK:

He finds himself here on the - what is the date now? 6 July?

AN HON. MEMBER:

The 7 July now.

MR. TULK:

7 July, is it? I have lost track of time. I love the place so much I have lost track of time.

MR. W. CARTER:

This will be his last year.

MR. TULK:

Yes, this is his swan song, unless they decide to have a Fall session or the Premier decides, no, not the Premier decides, unless the Premier cannot get his nerve up to call an election. I say to the hon. gentleman that this is his last -

MR. R. AYLWARD:

His rookie year is the last one.

MR. TULK:

- this is his last year as the Government House Leader and as the President of Treasury Board.

SOME HON. MEMBERS:

Hear, hear!

MR. DINN:

You are awful hard on a guy.

MR. FENWICK:

He may come back as the Premier though.

MR. TULK:

No, I do not anticipate that the hon. gentleman will come back as the Premier.

MR. FENWICK:

He may be the Leader of the Opposition.

MR. TULK:

I anticipate that if he comes back in this House at all, if he can overcome the competition of the member for Baie Verte - White Bay (Mr. Rideout), the Minister of Fisheries, he indeed may come back as the Leader of Her Majesty's Opposition.

SOME HON. MEMBERS:

Hear, hear!

MR. TULK:

I say he will be the Leader of the Official Opposition because I believe that the hon. gentlemen down in the corner after the next election will be no more.

SOME HON. MEMBERS:

Hear, hear!

MR. FENWICK:

Is that a promise or a threat you are giving us?

MR. TULK:

That is neither a promise or a threat, that is a fact. That is a fact of life. The hon. gentleman is running from Menihek, he is running in Port au Port or St. Georges. We are never sure in the press reports.

MR. SIMMS:

Relevancy!

MR. TULK:

It is perfectly relevant.

Wherever the hon. gentleman chooses to run, he is going to get soundly defeated.

AN HON. MEMBER:

Hear, hear!

MR. TULK:

The member for St. John's East (Mr. Long), Mr. Speaker, we have a great deal of affection for him.

AN HON. MEMBER:

A nice fellow.

MR. TULK:

He took over his seat from the former President of Council, the Government House Leader, now Judge Marshall and I say to him, he fluked into it. There is absolutely no doubt. Anybody who thinks that they can win a seat in this Province and retain it with 1,500 votes, I tell you they are living in a dreamland. As a matter of fact, the hon. gentleman I understand is now confessing that that seat may indeed go Liberal.

AN HON. MEMBER:

What seat?

MR. TULK:

St. John's East.

MR. K. AYIWARD:

Just like Waterford - Kenmount.

MR. TULK:

I believe that it is quite possible because I believe there are going to be very few seats in this Province after the next election that are not going to be Liberal, I say to the hon. gentleman. I have no doubt that -

AN HON. MEMBER:

(Inaudible.)

MR. LONG:

Forty five I think was the last count.

MR. TULK:

Forty five is the last count. I say to the hon. gentleman that it is rising since then. And, of course, the greatest breakthrough in the Liberal history in this Province that has occurred in the last sixteen to seventeen years occurred in the district we now refer to in the Liberal Party as 'Watershed - Kenmount'.

SOME HON. MEMBERS:

Hear, hear!

MR. TULK:

The member for Mount Pearl (Mr. Windsor), the Minister of Finance could not understand what we were talking about. He thought the hon. gentleman for Waterford Kenmount was mispronouncing his words. He could not understand what we were talking about.

In actual fact, what we were saying was that showed the people of the Province what is exactly going to happen and I think it showed the government member.

I would like for the hon. gentleman to survive. I like him. I have spent nine years here with him, eight disastrous years

when he was Minister of Finance, the member for St. John's South (Dr. Collins), and I would like to spend a few more years here with him. But unfortunately, I understand that the hon. gentleman is getting sick of the shenanigans on that side and in view of the fact that he knows that he may not win, I think the hon. gentleman is about to retire, and my advice to him is to do exactly that.

Now, Mr. Speaker, let us address the bill.

MR. SIMMS:

When you were a baby, (inaudible).

MR. TULK:

No, the hon. gentleman was a very good pediatrician? He was very good at that.

DR. COLLINS:

I was interested in your other remarks. When are you going to knife the present leader?

MR. TULK:

The present leader of this party I have a feeling will be knifed in about eight, nine, ten, twelve years because I have a feeling he is going to be the Premier of this Province for the next couple of terms and at that point the hon. gentleman may decide to retire. I say to him that the days of knifing in the Liberal Party are over. It has been transformed now I understand to the PC Party because I understand there are a number of little groups forming over there that are out to try and convince the present Premier he should not run, that he should retire.

MR. SIMMS:

Fat chance.

MR. TULK:

Now, you be quiet.

MR. SIMMS:

Not a chance.

MR. TULK:

The hon. gentleman has been trying to bring in, as the Minister of Labour (Mr. Blanchard) knows, the President of Treasury Board (Mr. Simms) has this year been trying to bring in all of the little reforms, without any solid commitments, mind you, without any solid commitments to NAPE, he has been trying to build his image as the person who is moving the Tory Party to the left. It happened again after watershed Kenmount, after Waterford-Kenmount the guy who was in control was the member for Mount Pearl, the Minister of Finance (Mr. Windsor), but immediately when the member for Waterford-Kenmount wiped him out, he lost his credibility and I understand -

MR. SIMMS:

Wiped him out!

MR. TULK:

It was absolutely a wipe out.

MR. SIMMS:

That is stretching it a little.

MR. TULK:

What was the majority of votes for Mr. Ottenheimer?

AN HON. MEMBER:

Seventeen hundred votes.

MR. TULK:

Seventeen hundred votes, and the hon. gentleman won by two hundred and something votes, that is approximately a change of 1900 votes. Mr. Speaker, that has to be a turn around, especially when you had

MR. SIMMS:
So mine was 1,882, and I won by 41 the last time. Is that still a fairly significant? Is that a massive win?

MR. TULK:
I have to say to the hon. gentleman that I like a drink once in a while.

MR. SIMMS:
You what?

MR. TULK:
I like a drink once in a while.

MR. SIMMS:
You like a drink?

MR. TULK:
Yes, and the hon. gentleman knows -

MR. SIMMS:
Look at the press writing.

MR. TULK:
In moderation, but the hon. gentleman should not put any more out.

MR. SIMMS:
After giving that big speech on the Alcohol and Drug Dependency Commission.

MR. TULK:
The hon. gentleman should not put any more out. He knows quite well how much he lost in Waterford-Kenmount.

MR. SIMMS:
How much I have lost?

MR. TULK:
Yes.

MR. SIMMS:
(Inaudible).

MR. TULK:
I say to you, do not bring it up

anymore. But the point is, Mr. Speaker, that I was making is that the Tory Party has fallen on hard times.

I think we owe a tribute, because I suppose this House will close in the next two or three weeks. I think the Liberal Party, and indeed Newfoundland, should pay a tribute to the member for Waterford-Kenmount (Mr. Gullage) for showing us the way.

MR. GULLAGE:
Leading the way.

MR. TULK:
Leading the way to change. That is what the hon. gentleman did.

Now, Mr. Speaker, let me address this bill. If the hon. gentleman on the other side quit hassling me over here, then I will try to make a few points on the bill.

Now the President of Treasury Board, the Government House Leader tries to pass off this bill as a very simple house-keeping bill. On the surface of it, indeed it is. But this bill represents something and that is what we are talking about. What is the principle of this bill? This bill represents an increase in the size of the Provincial Cabinet.

We saw last Fall -

MR. SIMMS:
How is that?

MR. TULK:
It creates a few positions.

MR. SIMMS:
Where?

MR. TULK:
The Minister of Northern Development.

MR. SIMMS:

No, it does not.

MR. TULK:

Of course it does. It legitimizes the position of Minister of Northern Development, because it enables you to put somebody else on the Rural Development Authority.

MR. SIMMS:

Somebody else.

MR. TULK:

Yes, and in this case it happens to be the Minister of Rural Development.

MR. SIMMS:

That is not spelled out in the bill.

MR. TULK:

Now, Mr. Speaker, as I said the bill is a reorganization of government whereby last Fall, I think it was last December or January, we saw a government already bloated in size, where everybody has to get their little pay cheque out of the Public Treasury, we saw the Premier say, 'I have to increase the size of the Cabinet up to twenty-three.'

I say to hon. gentleman opposite that what they have done is increased the government, the Cabinet, the Lieutenant-Governor in Council, whatever you want to call it, the governing people in this Province, they have increased it to the largest of any province in Canada for our size.

MR. LONG:

Bill Vander Zalm is not far behind though.

MR. TULK:

Bill Vander Zalm is very far behind in terms of population. But in terms of the population of

this Province, 560,000 souls, approximately, of which government has forced 18,000 to leave in the last three years to look for jobs in Alberta, 560,000 souls, Mr. Speaker, and we now have, and this bill helps legitimizes it, we now have twenty-three Cabinet ministers to run a population that would be the size of a suburb in Toronto.

AN HON. MEMBER:

Etobicoke.

MR. TULK:

Yes, Etobicoke.

Mr. Speaker, why is that important? You say, 'Beaton', so what are you up there batting your gums about? There are twenty-three of them who we pay a salary of about \$33,000 a year to. What does that come out to? About \$1.5 million a year. You say, out of a budget of \$3 billion, that is not very much. But when you look at the travel expenses which goes with that, such as the Minister of Development (Mr. Barrett), who has become known as a world traveller, he has become a stranger in his own land because he is seldom here, when you look at the Minister for Northern Development (Mr. Warren), the member for St. John's West (Dr. Collins) and he is not in his seat, I understand he is on his way to Fogo somewhere, he will be out to Fogo tomorrow night trying to get a few Tory votes, and they are scarce out there, but when you look at him as the world traveller and look at the expense accounts of ministers of what it cost to move ministers around this Province, Mr. Speaker,

MR. SIMMS:

What is that line, a stranger in

his own time?

MR. TULK:

A stranger in his own land because he is seldom here. Does the hon. gentleman want to know where the quote came from?

MR. SIMMS:

The hon. member is a legend in his own mind.

MR. TULK:

That is the member for St. John's West (Dr. Collins). The hon. gentleman for St. John's West is a legend in his own mind, as is the member for Grand Falls (Mr. Simms), a legend in his own mind.

MR. BLANCHARD:

And the member for the Bay of Islands is a legend in his own right.

MR. TULK:

The member for the Bay of Islands is indeed a legend in his own right as a deputy minister. He was a great Deputy Minister of Labour. As a Minister of Labour, he has been a flunk, a fallout because he has been put under the thumb of the member for Green Bay (Mr. Peckford), who is the Premier.

MR. SIMMS:

(Inaudible).

MR. TULK:

The President of Treasury Board (Mr. Simms) is now trying to save him by moving the party slightly to the left because the hon. gentleman is a Liberal. He always was a Liberal.

MR. SIMMS:

A Liberal?

MR. TULK:

Oh, yes. The hon. gentleman is a Liberal, very much so and always

was.

In any case, Mr. Speaker, just think if you reduced the size of the Cabinet in this Province to, say, fifteen members and surely fifteen people can run the affairs of 500,000 people. Surely that can be done with a Cabinet size of about fifteen.

MR. LONG:

A campaign promise?

MR. TULK:

That is not a campaign promise, that is a commitment the Leader of this party made last year before he became the leader of this party and shortly thereafter, that the size of the provincial Cabinet was too large; that it should be reduced to fifteen. Now mind you, there is fierce competition among all of the good members on this side and the people wanting to come to run for the Liberal Party for those fifteen positions, but surely fifteen people can run the affairs of this Province.

Now, what do we see over there? We see twenty-three cabinet ministers.

MR. LONG:

All in trouble.

MR. TULK:

Well, I do not know. The member from Bay of Islands (Mr. Blanchard) is in trouble, as I told him yesterday in a private conversation. He has a great personality; he is a great follow, but as a fory, he is never going to win Bay of Islands again. That is out of the question. He is a great fellow, great personality, but no way. He is gone, shot.

SOME HON. MEMBERS:

Oh, oh!

MR. TULK:
No, no.

The hon. gentleman from Bay of Islands is a great member. He is a great person and if he was going to run as anything other than a Tory, then the hon. gentleman would do well.

But, Mr. Speaker, the size of government, the parliamentary assistants, the parliamentary secretaries, has reached an exorbitant amount and it is costing this Province an exorbitant amount of money. As a matter of fact, I believe there is only one person on the government side of the House that does not have an extra job, other than being a member. Of the thirty-four or thirty-five members, I think the member for Bonavista South (Mr. Morgan) is the only person that does not have an extra job to put a few extra bucks in his pocket.

Some of the people, Your Honour, sit in various other positions other than with the government in this legislature, but they still get, I understand, some pay for those positions. It is the highest for any government.

I say to the President of Treasury Board, if he really wants to make a reform, if he really wants to become the leader of the Tory Party, if he really wants to go out and wipe out Rideout from Bay Verte - White Bay in the upcoming PC Leadership Convention, then I say to the hon. gentleman that one of the things he should give a commitment to the people of this Province that he will do as Leader of the Tory Party and maybe between the time that he gets elected leader, from the time the provincial election is called and

we wipe him out, maybe one of the reforms he should commit the government to making is to cut down the size of the Cabinet and cut down the cost of government in this Province. That is one of the things that he should do, and that is what this bill is about.

MR. MATTHEWS:
(Inaudible) use Windex are you?

MR. TULK:
I wish old soccer ball would come in here and say his piece.

It would be fine if you did not have the kind of situation existing in this Province that the member for Port de Grave continually brings to our attention, and rightfully so.

MR. EFFORD:
Like I have here.

MR. TULK:
Yes, and he has, I understand, a letter there now which is going to show something else in a day or so. It would be fine if in this Province the finances were there, that we did not have to see the closing of hospitals beds and we did not have to see people lying on cots in hallways in hospitals. It would be fine if we did not have to see school children in this Province going out and knocking on doors collecting a few bucks to get a few instructional materials.

It would be fine if in Joe Batt's Arm, in Tilting, in Fogo, in Island Harbour, in Deep Bay, in Ladle Cove and so on, that the sewer was not running in the ditches; that would be fine. It would be no problem. I am convinced, Mr. Speaker, it would help if you took government and you cut down on some of the

bureaucratic expenses we have and if you cut down on some of the excesses in government such as the size of cabinet, and the size of the executive assistants, the press secretaries that we have.

I do not understand hon. gentlemen opposite. How many press secretaries do we have over there now? Nineteen press secretaries on the other side.

The former Tory candidate in Bellevue, I understand, one 'Hello Bas, is that you?', is now a press secretary on the other side.

When you see that kind of excess, that kind of expenditure by government ministers opposite as they attempt to protect their political hides,

AN HON. MEMBER:
(Inaudible).

MR. TULK:
No. I would say the hon. gentleman does not have one, but certainly most of the ministers on that side do have one.

When you see that kind of excess, Mr. Speaker, then you have to wonder what government in this Province is all about, especially when you see the priorities hon. gentlemen opposite have in terms of seeing themselves re-elected. The Premier calls it getting out the message. When you see a government, Mr. Speaker, that decides when they sell the railway of this Province that they are going along with CN and the federal government, that they are going to spend in total \$165,000 to advertise, to carry on a propoganda campaign to try to sell the sellout to the people of this Province; when you see them paying

between \$400,000 and \$700,000 to their Tory blood brother in Ottawa, Mr. Longhead, and when you go up in to Health Science Complex and you get the kind of reports that the hon. gentleman from Port de Grave (Mr. Efford) brings back, then you wonder, Mr. Speaker, how come this government stayed around as long as it has? How come the people of this Province has not given them the flick already? When you see them going out and hiring a former policy adviser to the Premier of this Province, one Cabot Martin, for \$105 an hour. I have no doubt that Mr. Martin is a very competent person but you do not give him an open cheque.

Nineteen press secretaries at a cost of \$521,779.00, the member for Twillingate (Mr. J. Carter) just passed me a note. Now what does it cost to keep a hospital bed open a day?

MR. EFFORD:
About \$369, is it?

MR. TULK:
About \$369 a day, so you are talking about 150 hospital bed days in that one extravaganza alone.

MR. EFFORD:
Yes, hospital bed days.

MR. TULK:
Hospital bed days are gone in that one extravaganza, so the member for Lewisporte can announce the fire equipment for Fogo, so he can have 'Bas' write up a little piece to put in **The Lewisporte Pilot** or to float on one of the radio stations. Now, Mr. Speaker, that is called reorganization.

Twenty-three special assistants, the member from Twillingate has done his homework, twenty-three

special assistants at \$1,060,410. How many hospital bed days is that? About 300 to 400, in those two little extravaganzas alone, in those two little plays of the Cabinet Ministers. They are bloated, Mr. Speaker.

I am reminded every time I look at hon. gentlemen opposite of a character in Shakespeare. The Premier is fond of quoting Shakespeare.

MR. LONG:
(Inaudible).

MR. TULK:
The hon. gentleman from St. John's East (Mr. Long) has it exactly. Falstaff in Henry IV said, "Love the good life." A very jolly individual, spent and spent and spent, lived and lived and lived, but when it came to the day when he had to be very serious about a matter, when it came to the day when he had to cut, found it very difficult to do.

We have right here \$1,582,189 per year, you divide 349 into that, see how many hospital beds you open, see how many kids you keep off the street or from knocking on doors.

MR. SIMMS:
The hon. member (inaudible) because the press are after him.

MR. TULK:
The press are after you. They want to know if you are going to close the legislature.

MR. EFFORD:
Mention the \$400,000 for the consultant group, plus expenses, to reorganize Public Works and Social Services.

MR. TULK:

\$400,000, plus expenses, to reorganize the Departments of Social Services and Public Works, so that is \$2 million. Add on ADMs, I do not have to cost them, but I tell you, Mr. Speaker, a great exercise that should be undertaken, and I have been tempted to do it myself but I have not been able to find the time, but I intend to do it this summer, would be to take the estimates for this year, take the salary estimates for this year, take the expenses for ministers for this year, and go through it and see how much could be eliminated without stopping ministers from doing their job, and without reducing them to poverty, because nobody wants to do that, but just look at the excesses, look at where the priorities are.

MR. EFFORD:
What about the Department of Housing?

MR. TULK:
What about it?

MR. EFFORD:
It was a new cabinet post, just created.

MR. TULK:
Another one, yes, is the Minister of Newfoundland and Labrador Housing. Who is the director of Newfoundland and Labrador Housing?

MR. EFFORD:
Mr. Power.

MR. TULK:
Mr. Power.

Mr. Speaker, I am at a loss to understand what the Minister for Housing, not of housing, the Minister responsible for Newfoundland and Labrador Housing does in this legislature or what

his purpose is? I am really at a loss.

As I understand, Mr. Power, as the Chairman of Newfoundland and Labrador Housing Corporation, has all of the power. He makes all of the decisions.

AN HON. MEMBER:
(Inaudible).

MR. TULK:
Power is his name and it is not Peach.

And yet, we have a minister that we pay, I suppose, a salary of \$33,000 a year to.

AN HON. MEMBER:
Thirty-six thousand dollars.

MR. TULK:
That we pay \$36,000 a year to, that we give a car to, that I suppose we have a special assistant for, that I suppose he has a couple of ministerial secretaries.

MR. LONG:
To keep the public away or keep them from coming into his office

MR. TULK:
Yes, to keep the public away from coming into his office.

MR. WINDSOR:
The press would like a comment.

MR. TULK:
The press would like a comment. That is all the hon. gentleman is interested in those days, Mr. Speaker.

MR. SIMMS:
I know what you want. (Inaudible).

MR. TULK:
Yes, but the hon. gentleman

realizes that the more I get my face out, the more he gets his, so I have been refraining from doing it.

But, Mr. Speaker, look at the Minister for Newfoundland and Labrador Housing, and what another excess! A crown corporation, I understand, somewhat separate from government. The minister must have coffee with Mr. Power and then comes back and the member for Waterford Kenmount who, I believe, is his shadow on this side his critic, asks him a question, he is able to answer it. That is the sole purpose the Minister for Newfoundland and Labrador Housing serves.

But, Mr. Speaker, they were having a revolt on the other side; there was going to be a revolt on the other side!

AN HON. MEMBER:
(Inaudible).

MR. TULK:
You want me to stop. The hon. gentleman does not know a good speech when he hears one.

DR. COLLINS:
It is a filibuster.

MR. TULK:
They were having a revolt on the other side last Fall. The member for Carbonear, I understand, threatened that if he did not get into cabinet, was he going to cross the floor?

MR. EFFORD:
He tried.

MR. TULK:
He was trying to cross the floor, obviously the hon. gentleman would have some difficulty in joining this side

MR. SIMMS:

I wish the hon. gentleman would get on with it.

MR. EFFORD:

We would not take you, but I would not take him.

MR. TULK:

So, Mr. Speaker, you see the excesses of government, and the minister tries to say that this is a simple little bill, 'We are just making the kinds of things that we do in moving the people around legitimate; it is very simple.'

Now I say to the Minister that this type of bill that he has introduced in this House cost this Province millions and millions of dollars, while our hospital beds are closed down, while our kids have lousy schools to go to, while they cannot find enough money to buy instructional materials, and while roads in this Province remain unpaved, except roads like Round Pond. I am sorry the former Minister of Transportation is not here.

I hate to refer to that when he is not here. While all of those kinds of things remain undone, government sits in its bloated ivory tower and everybody on the other side has a job except the member for Bonavista South (Mr. Morgan).

MR. MORGAN:

I do not want one.

MR. TULK:

The member for Bonavista South has been forced to go into business on his own in the last few years to make a buck, because of some comments that he made here, I believe, on May 10, 1985 about the Premier, when I think that the hon. gentleman believed that the

Premier had somehow ordered his files to be shredded. I believe that was the story the hon. gentleman was going to tell us. He never did get around to it. He refused to answer the questions in Committee. But I believe that was the story the hon. gentleman had in his mind, if I remember him correctly seeing him, standing up there behind the Premier. The Premier could feel the daggers going in his back.

DR. COLLINS:

They were never plunged.

MR. TULK:

Oh yes, they were, at one point, very fond of each other. But I think the hon. gentleman got flung out in the wilderness because of that incident where I believe that he thought the Premier had shredded his files.

SOME HON. MEMBERS:

Oh, oh!

MR. TULK:

I say to the hon. gentleman one other comment, Mr. Speaker, and then I am finished with this bill.

DR. COLLINS:

Did you trench your potatoes, by the way?

MR. TULK:

I got them half done last Saturday and it started to rain.

MR. HTSCKOCK:

The same with mine.

MR. TULK:

I hope to get them finished. I understand Monday is a holiday and we will not be back here, so the hon. gentleman wants me to finish so he can get another bill through.

Mr. Speaker, I do want to make a

comment about the Minister Responsible for Northern Development (Mr. Warren), not the Minister of Rural, Agricultural and Northern Development (Mr. Power), because the truth of the matter is that there is another position that was created for two reasons. It was created to give the member for Torngat Mountains a job, first of all. And it was created with the intention of trying to fool the people of Labrador into believing the Premier of this Province really felt that Labrador should have representation in the Cabinet and should have a very strong voice in Cabinet.

So, what did he do? Did he say The Minister of Labrador Affairs or the Minister of Northern Development? No! He said the Minister Responsible for Northern Development.

MR. HISCOCK:

He gave him a car, a secretary and an office.

MR. TULK:

He gave him a car, a secretary, an office, left him without a staff. He still left that with the member for Ferryland (Mr. Power), the former minister who got demoted from, I think, it was Career Development down to the Minister of Rural, Agricultural and Northern Development. So the real power for Northern Development still lies with the member for Ferryland, Mr. Power. It still lies with him. The Minister for Northern Development is a cosmetic change. It is cosmetics. The Premier was trying to make believe that the people of Labrador believe. The Premier has a strange feeling and the government has a strange feeling, Mr. Speaker, I am sure you are aware

of this, they have the strange feeling that you fool the people of this Province, that somehow they are a little stunned. So if you would just say the Minister Responsible for Northern Development, immediately they believe that the people of Labrador believe that they put a real powerhouse in place. In actual fact, the power and the ability to do things and the ability to move things still rests with the member from Ferryland. So there we had another waste of a few dollars when they created the position for the member for Torngat Mountains. They wasted another few dollars but at the same time tried to fool the people of Labrador in a political sense into believing that the Premier really had representation in Cabinet for the people of Labrador.

Mr. Speaker, I have said just about what I want to say on this bill. I want to say to the Government House Leader that his heavy Legislative agenda as the President of Treasury Board is now at an end. When he closes debate he will have done his work for this year and he will have introduced the one piece of legislation that he has on the Order Paper, that he will probably have second reading, unless somebody on this side wants to speak to it -

AN HON. MEMBER:

(Inaudible).

MR. TULK:

The hon. gentleman gets upset about that. His job will be over, but I want to say to him the principle of this bill, the essence of what is contained in this bill is not as simple as he would have us believe.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMS:

Mr. Speaker.

MR. SPEAKER:

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

The hon. the President of the Council.

MR. SIMMS:

Mr. Speaker, after that very eloquent speech, I move second reading.

On motion, a bill, "An Act Respecting The Reorganization Of Certain Government Departments And Matters Related Or Incidental Thereto," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill 42).

MR. SIMMS:

Order 15, Bill No. 44.

Motion, second reading of a bill, "An Act To Revise And Consolidate The Law Respecting Tenancies Of Residential Premises." (Bill No. 44).

MR. YOUNG:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Consumer Affairs.

MR. YOUNG:

Mr. Speaker, the original Landlord And Residential Tenancies Act and the establishment of the Regional Tenancies Board was put in place in order that the landlord tenant disputes could be mediated or heard by appropriate authority in

a formal sitting outside the court process.

In a 1981 Ontario court case, the Ontario Court ruled that the powers granted to boards, such as the Residential Tenancies Board who arbitrate in landlord and tenant disputes, was unconstitutional, indicating that such disputes could be heard in the courts.

This court decision was upheld by the Supreme Court of Canada. On the advice of our legal advisers, Newfoundland Landlord and Residential Tenancies Act had to be amended accordingly in view of the Supreme Court ruling. This left the Tenancies Board in a position of only being able to hear and rule upon rental sets.

The new agreement took most of the cases involving landlord and tenants out of their intended informal review setting and placed them in a formal court process, thereby modifying one of the important aspects of the original landlord and tenants legislation.

Mr. Speaker, it will be noted that in an effort to provide a meaningful act which will serve to satisfactorily address the landlord/tenants dispute in years to come, government has consulted extensively with the Newfoundland Law Society, the Newfoundland Branch of the Canadian Bar Association, the chairperson of the five regional tenancy boards and even a number of landlords and tenants themselves.

Mr. Speaker, all the other amendments are to be included in this act and I move second reading.

MR. GULLAGE:

Mr. Speaker

MR. SPEAKER:

The hon. the member for Waterford-Kenmount.

MR. GULLAGE:

Mr. Speaker, we have no major disagreement with the bill, just a few comments.

It is curious to note a tenant must only give one month's notice to vacate a premise whereas the landlord must give three. The minister never really explained why that differential is there, why it would not be the same for both landlord and tenant.

MR. LONG:

The landlord has the power in that relationship.

MR. GULLAGE:

I realize that the landlord has the power in the relationship, but power can work both ways, of course, because if you are given very short notice, you can be left with vacated premises. It seems to me an unfair discrepancy, one month versus three months, however it is not a major point.

SOME HON. MEMBERS:

Oh, oh!

MR. GULLAGE:

Mr. Speaker, there is really not too much to comment on in this particular bill. It appears to be very straightforward.

The fact that a lease has to be obtained means all the onus, once again, seems to be on the landlord. I have often wondered how you could ever prove that a landlord had not in the case of a tenant informed him of his or her rights. It seems to me that a tenant can be relieved of any obligation if, in fact, they have not received a copy of The

landlord Tenant Act. How could you ever possibly hope to prove that the tenant did not receive or was not given the Act. If, in fact, the landlord said, 'I gave him a copy of the act,' how could it be ever proven otherwise?

MR. W. CARTER:

You would get him to sign for it.

MR. GULLAGE:

Yes, I realize you could get him to do that, but it seems to me to be very loose way of dealing with things. The tenant himself should have to bear some onus for making sure they receive a copy of the landlord/tenant legislation or the act itself. Is there a written compliance necessary? That, in fact, you have to have a written statement that you complied and that you have received a copy of the act, I am not sure that that is even stated.

There are some parts of this bill that appear to be contradictory when you look at the various tenancies from week to week, from month to month, and for a year as to why it is broken down that way. It seems to conflict with normal landlord tenant relationship as to how a lease can be drawn and whether or not there should be some freedom to draw a lease between a landlord and a tenant as they would chose because, indeed, it is a contract. We are trying to determine here why it needs to be even said that tenancies can be month to month, or three months or a year. Well, obviously it can be any period, I would think, that the landlord and tenant decides. So why that has got to be stated in the act is beyond me. I suppose there is some good reason for it.

Mr. Speaker, we have no disagreement with the thrust of this particular bill and I would think that it is in order.

MR. K. AYLWARD:

Mr. Speaker.

MR. SPEAKER (Greening):

The hon. the member for Stephenville.

MR. K. AYLWARD:

Mr. Speaker, I just want to make a few comments on the bill also. We welcome the revisions that are put forward in the bill, but there are a number of concerns, like the return of deposit, usually when people rent apartments and so on. I have had a number of complaints put to me from people who give large deposits to a landlord and then have trouble in the end when they try to move out of their apartment. They have problems receiving the deposit back. There always seems to be a very lengthy procedure and a very lengthy wait for the tenant to receive this sum of money, which is, at times, a very large sum of money. I think for many people it sets them back quite a while in the process of trying to get this straightened out. I think it is a problem which should be looked at by the Department of Consumer Affairs and Communications through this Act. It should be monitored and government should make sure that tenants are able to get back what they rightfully put into the deposit and also within a certain amount of time.

I also believe the tenants, while they are supposed to be given a copy of The Landlord Tenants Act, a lot of people still do not understand what their rights are. I think the Department of Consumers Affairs should advertise

more what these rights are to people to let them know and understand they have rights. A landlord cannot increase rent within thirty days without giving due notice and so on.

I have had many enquiries out my way, and I am sure other members have, about these matters. A lot of people do not understand their rights and I think a better advertising attempt should be made to make sure these people are understanding of what rights they have. It is a contract when they go into a apartment or rental accommodation. Both sides, the landlord and the tenant, have to fulfill certain obligations and I believe the tenant, on many occasions, does not really look at The Landlord and Tenants Act to see exactly what their rights are, and a great deal of confusion arises out of that. Maybe that is mostly the person's fault but, I think, we can do a much better job of letting the basics be known about the rights for tenants.

One other matter, I wonder if the minister could tell us if Newfoundland and Labrador Housing comes under this Landlord and Tenants Act. Do they come under this Act now?

MR. PEACH:

The market rentals do.

MR. K. AYLWARD:

The market rentals do. Okay, so if NLHC is increasing rents and so on, then the tenants in the units can appeal to the Appeals Board, right?

MR. DINN:

Not in the social housing, that is all (inaudible).

MR. K. AYLWARD:

Not in the social, no, but in the market rentals, for example, Goose Bay or Stephenville or wherever you have them. I think, under The Landlord and Tenants Act, we should ensure that provision is made to groups of individuals, especially those living in market rentals of NLHC. I represented a group of tenants in Stephenville against the increases in Stephenville by NLHC, and one of the problems they found is they had to come up with a very large amount of money to pay for legal fees, et cetera to put forward their case, whereas the Crown Corporation, NLHC, had a number of lawyers and accountants and so on all at their disposal. I think that provides an unfair advantage to the Crown Corporation. They have the monies and so on and the funding and all the people to put forward their case, but I think the tenants should be provided with resources to undertake their case. That was a problem. I think it was a specific problem which can be addressed by the Department of Consumer Affairs to make sure these tenants in these market rentals of Newfoundland and Labrador Housing, who see that their rents may be rising, if they want to appeal, I think they should be given some help with resources in preparing their appeal.

The Appeals Board, I think, has been functioning very well. As a matter of fact, when they made that historic decision where I help represent the tenants of Stephenville, I felt, Mr. Speaker, like I should become a lawyer.

MR. DINN:

It proved they do not need a lawyer.

MR. K. AYLWARD:

Which proves that they might not need a lawyer, but we had a great deal of trouble getting information and putting it together. They might not need a lawyer but some help with some resources could be provided.

AN HON. MEMBER:

(Inaudible).

MR. K. AYLWARD:

Exactly, but there is not that many around, and so there are only a few of us around who would be able to do this, and I never charged them a fee, as a matter of fact, so they were happy with that.

But, as I said, I want to make the point that the people living in market rentals, when they appeal to the Western Appeals Board or whatever Appeals Board there is, there are a number of them located around the Province, they should be provided with some stipend or resources to use to help with their case or have access to files so that they can develop their case, Mr. Speaker. I think it is very important for everybody to have their say, especially in this situation.

That is the concern I have with this and I hope it will be looked at by the hon. minister.

MR. SPEAKER:

The hon. the member for St. John's East.

MR. LONG:

Just a few brief words, Mr. Speaker, to say we are quite pleased the minister has brought forward this bill, which we have been asking for for sometime, indeed, for a number of years since the Supreme Court ruling of 1981 which he made reference to.

It was only a couple of months ago, earlier on in this session, I brought forward a petition on behalf of a couple of individuals who found themselves in a situation where they had no protection under The Landlord Tenancies Board because of the weaknesses in the act, which these amendments are intended to fix. We were quite pleased when we brought that issue forward in the legislature and the Premier responded immediately to the petition by saying he would ensure that the long awaited legislation will be brought in before the end of the session. So, we are quite pleased to see this.

In particular, the issue that was raised was the capacity of the Landlord Tenancies Board to make rulings with respect to evictions and maintenance issues which might be brought on behalf of tenants, or landlords, for that matter, but essentially to deal with the position of the tenant in having some recourse to fight unjust evictions or to take action against landlords who are not maintaining premises.

So, we are quite pleased to see that the amendments to the act in Section 39, under the heading Judicial Proceedings, lay out a set of procedures whereby The Tenancies Board will be able to refer to a court such issues and the court will essentially allow the Board to take the matter back and deal with it as a Tenancy Board with all the knowledge and wisdom and expertise in such complex matters. It takes it out of the realm of the court and give it back to the Tendancy Board and allow the Tendancy Board to rule. To us, that section is the essential purpose of these amendments. The most important

part of these amendments and the minister acknowledged that in his introduction.

But there is one other issue about the bill that is not addressed in the amendment that we at this point would like to give notice on. In Committee, we will present an amendment which is to delete Section 4, Clause (2) of the bill. The critic for the Official Opposition might make note of what we are intending to raise once we get to Committee. Section 4 is titled "Act binds Crown" and says that "The Crown is bound by the Act."

Then it goes on, in Clause 2 to say that "this Act does not apply with respect to residential premises owned or administered by or for the Government of Canada or the province or a municipality, or an agency thereof."

Mr. Speaker, we have, at other times, raised the issue of a lack of protection for tenants who are in properties owned by, particularly in this Province, the Newfoundland and Labrador Housing Corporation, but also the municipality of St. John's or other municipalities in which the Act explicitly makes provision for an exemption for all publicly funded agencies. The tenants who occupy premises belonging to these agencies are not included under the provisions of the Act.

We are quite concerned. Although the government has come forward with an important initiative in one respect to protect the rights of tenants, there is another whole area which is still seriously wanting, and that is the position of tenants who are generally people on fixed income, social assistance, senior citizens, whose

landlord might be the Newfoundland and Labrador Housing Corporation or the non-profit housing division of the City. Those tenants have no protection under this Act.

So, Mr. Speaker, I would like at this point to give notice that we will introduce an amendment which is an amendment that is very important to us and also to the people who have made representation to us on this, namely tenants themselves.

Before I sit down, the final thing I would like to say is I agree with the member for Stephenville (Mr. K. Aylward) who made a point of saying, now that we are adopting these amendments and strengthening the legislation, the government should make a commitment to publicize and promote the rights of tenants in this Province.

The member for Waterford - Kenmount (Mr. Gullage) asked a question about the imbalance in the legislation in the relative position of tenants and landlords. I think the answer to that is fairly obvious. Tenants do not have the equal power in the relationship which landlords have. In light of that, it is very important that tenants in this Province understand, under this law, they do have rights, and they do have recourse to the tenant's board.

Unfortunately, in our society where many people do not have access to information and when people are lacking basic life skills, like literacy, they are not aware of their rights as citizens.

So that would be the final comment we would make to the minister. In

the adoption of these amendments, we would hope the government would take a more active posture in publicizing and promoting the rights tenants have in this Province, and also give notice to landlords that tenants do have a body of rights under the law, and landlords who move in any way to violate these rights, will be prosecuted to the full extent of the law.

Thank you, Mr. Speaker.

AN HON. MEMBER:

Hear, hear!

MR. MORGAN:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Bonavista South.

MR. MORGAN:

Mr. Speaker, the comments made by the hon. gentleman leaves the impression that only the tenants have rights, but there are also rights for landlords. I happen to be one, Mr. Speaker, and I intend to speak on this bill accordingly.

MR. TULK:

You are in a conflict of interest.

MR. MORGAN:

Maybe, as the hon. gentleman from Fogo says, I am in conflict of interest. Well, maybe I am, but I am speaking as a member of the House and I am free to speak on any topic I want to, and on this bill in particular.

MR. TULK:

You said you can speak as a landlord.

MR. MORGAN:

Yes, I can speak with some knowledge as being a landlord.

MR. TULK:

That is different.

MR. MORGAN:

From my knowledge over the last three or four years I have a number of rental properties around St. John's. I find that the landlord has very few rights.

I find many tenants have no respect for property, none whatsoever. I found that through experience.

MR. LONG:

Many landlord do not respect their property either.

MR. MORGAN:

When landlords keep their property in good state of repair, keep their property always in good condition, you have tenants coming in who will stay for two and three months, and pay the rent for two and three months and stay a further two or three months and not pay any rent. You cannot get them off the property, even with eviction notices, on many occasions, and during that period they are not paying rent, and you cannot collect their rent, and that is the time that they show a lack of respect for property. Nothing in this Act addresses lack of respect for property on the part of the tenant, except to say they will keep the property in the state of cleanliness, if I recall correctly.

MR. LONG:

It is a ground for eviction.

MR. MORGAN:

Mr. Speaker, grounds for eviction are fine, but when you give eviction notices to a tenant and they take them and tear them up, then what rights do the landlord have? That is the constant

problem.

This kind of legislation, in my view, deters people from investing in real estate properties in St. John's, in particular, and helping out the people who cannot find adequate housing. That is the reason why the City of St. John's got involved a couple of years ago because the businessmen with money to invest were not investing in properties in St. John's, so the City got involved in building these two apartment buildings around the City. They are lovely buildings and good properties.

I found, in seeing some of those properties built longer than two years ago, a deterioration, not by City Hall not doing their work on repairs, but because of bad tenants. So there are rights on both sides.

I think my good friend who is in the Chair, the Speaker, has been in a similar situation, I am sure, over the years as a businessman. In many or some cases you will find tenants have no respect for property. It is an issue that should be addressed and should be addressed in this bill, in my view.

Also, I would like to pose a question to the minister. It is a good bill and there are some good parts in the bill, let us address a question of when we, as a landlord or an owner of property, have to issue a copy of this bill, as mentioned by the member for Waterford - Kenmount (Mr. Gullage) to the tenants, the key question is: When that rent is being paid by someone other than the tenant, like the Department of Social Services, as an example, the Department of Social Services is paying for a tenant, renting a property and should this lease be

made available to the party? For example, it may not be the Department of Social Services, it could be an oil company who is paying the rent for the tenant, so then, should we also, as landlords, make sure this bill is made available to the people who are paying the rent? It does not cover that in the bill, because in many cases the tenant can look the landlord in the face and say, 'I am not responsible. I do not pay the rent. I am only living here.' The oil company or somebody else is paying for the rent. So the people who are paying the rent are also responsible.

So the key question in cases where there is no official lease in place, should the law apply to the persons paying the rent for the property or the people living on the property? That is not addressed in the bill, Mr. Speaker.

I do not want to carry on too long on this bill, but I will say again, it is find to recognize the rights of the tenants, sure, but there is also a point to be made and rights should be also recognized for the landlords.

SOME HON. MEMBERS:
Hear, hear!

MR. YOUNG:
Mr. Speaker.

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

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:
Mr. Speaker, I thank the hon. gentlemen for their comments, and, as my colleague said, there were

some good points. Referring to the last speaker, the landlords were consulted on this bill and they have more or less agreed to this new act. When a lease is signed with the landlord, as in one of the questions you just asked, and the person pays the bill.

The member for Stephenville (Mr. K. Aylward) asked about copies of the Act. When this bill comes into effect, there are brochures ready to go out to the people with questions and answers, and I trust they will be satisfactory to the people.

The Newfoundland and Labrador Housing Corporation comes under the Act, except where there is subsidized rental. As for the hon. the member for St. John's East (Mr. Long), we do receive complaints. I know there were two complaints, one of them was brought to my attention by, I think, the hon. member himself. Although he did not publicize it, I do know for a fact within a week everything was satisfactory to both the landlord and the tenant.

I feel in the Department of Consumer Affairs, when they receive complaints, their officials do look into the matter and usually come up with a satisfactory answer.

Mr. Speaker, I move second reading.

MR. SPEAKER:
Is it the pleasure of the House that the said bill be read a second time?

On motion, a bill, "An Act to Revise and Consolidate The Law Respecting Tenancies Of Residential Premises," read a second time, ordered referred to a Committee of

the whole on tomorrow.

MR. SIMMS:

We will jump down to Order 18, Bill No. 46.

MR. SPEAKER:

Order 18, Bill 46, "An Act To Amend The Child Welfare Act, 1972".

MR. SIMMS:

Mr. Speaker,

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

Mr. Speaker, on behalf of my colleague the Minister of Social Services, who is unavoidably absent on her Majesty's service, attending a minister's meeting, I believe it is, I shall attempt to enlighten members opposite particularly the critic about what this is all about. I am sure he is probably fully aware of it anyway, and quite familiar with it. I have some notes I will refer to.

The purpose of this bill is to respond to a decision made on May 17, 1988, by Judge Riche of the Unified Family Court, when he filled a decision on the matter of The Child Welfare Act, Statutes of Newfoundland 1972, Chapter 37, as amended, and in the matter of the enquiry into the apprehension by the Director of Child Welfare of one Christopher Little, the late Christopher Little, February 23, 1987, who was the infant child of Paul and Christine Little.

The major legal findings were that Christopher Paul Little was a child in need of protection on February 25 when he was apprehended by the Director. The Judge did not strike down Section

11(1) of The Child Welfare Act, which is the section under which Christopher Little was apprehended, and he further held that his apprehension and detention were not arbitrary or contrary to the Charter, but prescribed by law. He did hold that sections of the Child Welfare Act which permit the Director to consent to medical treatment when a child is in need of protection only because parents or guardians refuse to consent to the treatment, without notice to parents, or a court hearing, were contrary to the Charter and should be struck down and these are Sections 11 (3,4,5,6). He found that The Child Welfare Act itself was lacking in its failure to require that parents be notified forthwith of apprehension and the reasons therefor.

So, Mr. Speaker, as a result of this decision, amendments are obviously required to The Child Welfare Act and the effect of this proposed legislation would be that persons with authority under the Act to apprehend will be required to give notice of apprehension to the parents or guardians whenever a child has been apprehended.

Secondly, social workers will be required to give notice of detention to parents or guardians when a child has been apprehended and is kept in care, pending a court hearing.

Thirdly, the Director of Child Welfare or social workers acting on his/her behalf, who ever the Director of Child Welfare may be, cannot sign consents to treatment where the parents object to the medical treatment to be given to their child. It will be necessary for all such cases to be brought before the courts, and a court

order would be required for medical treatment where parents oppose the treatment.

Finally, it will allow all child welfare matters to be brought to the court in a more expeditious manner. Time frames for going into court have been reduced from what the old Act says.

I think those are the basic changes or explanatory notes with respect to this piece of legislation. There are some other changes in Clause 5 and Clause 6 which are really consequential amendments resulting from restructuring and renumbering.

I think that is about all the information I can provide in introducing the bill, we will see if there are questions and I will try and respond to them afterwards.

MR. WELLS:
Mr. Speaker.

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

MR. WELLS:
Mr. Speaker, the purpose of this legislation is sound, there is no question about that, and I have no quarrel with it. This is the first of several bills with which I take strong exception because I think they are mixing the jurisdiction of the Supreme Court and the provincial court and they are eliminating the distinction between those two courts.

I just spent the last hour or so talking to the Minister of Justice (Ms. Verge) and a solicitor from the department about this bill and several other bills that involve this. This particular one creates less of a problem in that regard,

although it has the basic problem in that it defines, for purposes of this section, the term 'judge' to mean a judge of the provincial court, the Trial Division, or the Unified Family Court. Now, what you are doing is lumping the three together.

The Unified Family Court does not cause any problems because it is a Supreme Court judge anyway, but a provincial court judge is a different beast altogether. There is no comparison between the jurisdiction and powers and basic nature of a provincial court judge and a Supreme Court judge. A provincial court judge is created by statute and has only the powers that are given by statute and cannot exceed in any way the powers that are statutorily given.

A Supreme Court Judge has what is called inherent jurisdiction and when you put the two together like this, you confer on the provincial court some of the same kind of jurisdiction the Supreme Court Judge has. As well, Supreme Court Judges are appointed by the federal government, under Section 96 of the BNA Act, commonly referred to as Section 96 Judges, and this kind of legislation can, although this particular one maybe does not, trespass upon the federal power to appoint superior court judges by giving to judges appointed by the provincial court the kinds of powers that Supreme Court judges only have.

In speaking with the solicitor from the Department of Justice, and the Minister of Justice a few moments ago, they just gave me the head note of a case in RC in 1982 where this issue arose. In a split decision, the Supreme Court of Canada held, in that particular instance, it was constitutional;

it did not offend the constitution to do that, although two of the judges, including the Chief Justice, felt that it did offend the Constitution.

This particular piece of legislation, while it is the first of a number of pieces of legislation that give rise to this problem, it does not have the kinds of concerns in it that bother me like The Family Law Act and The Law of Children Act, which really goes I believe much further than was the case in BC, based on a reading of the head note. I am concerned that it may be struck down on constitutional grounds, but quite apart from that, I think it is going to create significant difficulties in the administration of justice when you attempt to put the two courts together in this way because it is like mixing oil and water; they are of a totally different nature.

Frankly, Mr. Speaker, I feel some other method must be found to facilitate this. For purposes of this act, this is the kind of a jurisdiction which only the Supreme Court has had in the past and the Supreme Court has jealously guarded the kind of jurisdiction found in Subsection (2) of Section 12, which would allow a court to order the seizure of a child from its parents where the parents were refusing medical care or attention to the child, for example, in the blood transfusion case, as was the case with the Little family. This would now allow the Provincial Court to besiege the jurisdiction in such a case and make such an order.

Frankly, I have not read the whole of the B.C. case because I do not have it; I just asked the

solicitor for the department to get it for me and he is in the process of doing it. Sometime over the next twenty-four hours I will have a chance to read that case. But I would be most surprised to find that the BC law enables the Provincial Court to have that find of jurisdiction which would allow a judge of the Provincial Court to make an order compelling medical attention to a child against the wishes of the parents.

AN HON. MEMBER:
It did.

MR. WELLS:

I do not know, maybe it did. I will see when I get the case. But I would be most surprised to find that, because that is the kind of inherent jurisdiction only the Supreme Court has exercised. And frankly, Mr. Speaker, I would be surprised to find that this will stand up to constitutional examination on that point.

This Act does not go quite so far as the other bills that are proposed to be brought in here do, but because of what it is doing to the courts and the approach it is taking, I have suggested to the Minister of Justice (Ms Verge) it might be preferable to defer implementing this legislation at this stage, defer passing it, in fact, at this stage to allow for a more detailed examination of it and a public response to it by persons interested and concerned in this issue. I had no idea that this particular legislation was being proposed until the bills were distributed in the House. I knew there was legislation consequent upon the Little decision, but I had no idea that it would propose to confer such jurisdiction on the Provincial

Court.

Mr. Speaker, I frankly feel it would be unwise to enact legislation at this stage conferring such legislation on the Provincial Court until there was adequate time for people concerned, particularly, those in legal practice, and others concerned with these matters, had an opportunity to have some input in this. Well, I will speak to the other bills as and when they are called. But some of the same concerns arise, and more of those concerns arise in respect of the other legislation and in respect of this one.

I feel, Mr. Speaker, we should not now approve this in principle because of what is embodied in it until we have had an adequate opportunity to refer it for appropriate examination. I do not think any great harm would be done by delaying it, and even if there were no Fall session of the legislature, it would only delay it until the next Spring session, and that is only the next eight or ten months; that would not cause any kind of harm. The jurisdiction that has existed all along can still exist and this problem can be solved now by leaving this jurisdiction with a judge of the Supreme Court for purposes of this Act at the moment. These changes can be made, but I would suggest that is what should be done with it at this stage.

If the minister was prepared to indicated she was prepared to do that, I would have no objection to it, because I think this bill should be passed. What I am suggesting is, proceed with the basic plan of the bill but change subsection (3) of section 12 and

any other section that may be necessary and - I do not know that there is one, I do not think there is - say for purposes of this section, the term 'judge' use a judge of the Trial Division or the Unified Family Court. That would confine it and then, between now and the next sitting of the House, the whole issue could be examined and a decision made as to whether this was the appropriate course to follow. I have grave doubts that it is, Mr. Speaker.

MR. SIMMS:
Mr. Speaker.

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

The hon. the President of the Council.

MR. SIMMS:
Thank you, Mr. Speaker.

Mr. Speaker, all I can say in response is the hon. member's comments are well taken. They are legitimate comments, but it is not to say that his opinion is necessarily the right opinion or the only opinion.

My understanding, from talking to my colleague, is that this particular piece of legislation has some urgency attached to it and that it is very important that the legislation, as drafted here, be approved and be implemented.

MR. WELLS:
We could (inaudible) the Supreme Court.

MR. SIMMS:
Well, I am telling the hon. member that this is the advice we have from the departmental officials, based on the court ruling and

because of the court ruling, there is some urgency associated with bringing in this piece of legislation. If he has other comments to make, which he has made, then that is fine. But I mean the government has decided, based on the best advice it has, to proceed with this piece of legislation, which I think he has already indicated is important. There is no question about it. From that perspective I can only tell him that there is some urgency to it and that the government intends to proceed with it.

If there are other matters that could be associated with this issue that should be looked at, then that is fine too. We should do that as well and I agree with him. I have no problem with that; no problem recommending it to my colleague, the Minister of Social Services, under whose responsibility this particular piece of legislation lies.

I cannot say much more than that, Mr. Speaker. We could have further discussion on it tomorrow or whenever we get into committee on the bill and perhaps we will have some other information to respond to the member's comments at that time.

I move second reading.

On motion, a bill, "An Act To Amend The Child Welfare Act, 1972," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. SIMMS:
Mr. Speaker.

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

MR. SIMMS:
Before we get into the Justice bills, before I go back to Order 16 because there are a fair number of Justice bills there right in a row, and I anticipate we will have some debate of course on all of those bills. The minister is not exactly in her seat. I wonder if we could just jump to Order 24, which is the amendment to the Municipalities Act, similar I understand to the one that was done today when we did the

AN HON. MEMBER:
(Inaudible).

MR. SIMMS:
It is not, I am sorry. Order 24 and 33, two Municipal Affairs bills, we will do those two and then we will go back to Order 16, the Justice bills. So I call Order 24, the Minister of Municipal Affairs.

Motion, second reading of a bill, "An Act To Amend The Municipalities Act". (Bill No. 57).

MR. BRETT:
Mr. Speaker.

MR. SPEAKER:
The hon. the Minister of Municipal Affairs

MR. BRETT:
This is a minor amendment, Mr. Speaker. It is housekeeping. It is an amendment to the Municipalities Act and it would provide that a council or a member of a local Service District Committee is not liable for damages that result only from that councillor's or member's carrying out his or her duties, or exercising his or her lawful powers. It is a very minor housekeeping amendment, Mr. Speaker.

I move second reading.

MR. LUSH:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Bonavista North.

MR. LUSH:

Mr. Speaker, we have nothing to say negatively with respect to this bill. It is something that the councils of this Province have been fighting for for sometime. Particularly, I believe, the minister will know and I am sure he does that it is something that the Federation of Mayors and Municipalities have been recommending for quite some time. I have checked it out with many councils in my own area and they are quite please with this particular bill.

However, Mr. Speaker, it raises the question though of having some protection for people and companies, in particular, who do work for councils or for individuals for that matter and find themselves in an unfortunate position of having to make a claim to a council.

We are just wonder whether the minister has not thought about having some insurance scheme, either an insurance scheme that is partly shared by government or an insurance scheme that it gotten for councils at an affordable price so that individuals working for councils and companies working for councils doing contractual work do have some form of protection in the event that unforeseen circumstances arise. As I said, we see the situation clearly that we cannot make individuals responsible but certainly the councils as a

collective body must be responsible for their actions in terms of contracts and this kind of thing.

So I am just wondering if the minister would not give consideration to having some sort of insurance for councils so that the individuals and companies working for councils are protected and do have some kind of protection in the event that problems are dealt with, when they arise, so that the companies and the individuals are not left holding the bag or are not in a situation where they are going to be hurt.

I believe, the member for Fortune - Hermitage (Mr. Simmons) raised an issue a couple of weeks ago that certainly points out the necessity for insurance. He might want to address the situation, since that particular problem is an example of what we are talking about.

Mr. Speaker, about the bill itself, we certainly will support the bill, but would certainly hope the minister will look at the situation and certainly give it serious thought in terms of having an insurance scheme in place either jointly sponsored by the government or some insurance scheme that can be affordable for councils throughout the Province.

Mr. Speaker, I will stop on that note.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

On the issue that my friend from Bonavista North referred to, the need for liability insurance by councils is one, I believe, the minister ought to address. Indeed, in fairness to him he made an undertaking, or let me say it differently, he indicated to the House he was prepared to think about this.

I raised the issue, the case of the King family, remember down in Placentia area, Mr. Speaker, and I rise now because my friend from Bonavista North mentioned the desirability of liability insurance in terms of the protection of councils and councillors, and that is one aspect of the issue.

The other aspect, of course, is the blood out of a turnip syndrome, in that the King family, for example, or Mr. King himself, one of the aspects of his dilemma is that he realizes the council in that area does not have the funds to compensate him for his misfortunes, even if he won the case in court. That became an aspect - I do not think I am saying anything out of turn - of the dilemma in which he found himself. The council itself did not have the resources and was not required to have liability insurance. In consequence, the protection was not there for the average citizen who, through no fault of his own, finds himself in the kind of situation that Mr. King finds himself in.

So, just to amplify what my friend for Bonavista North (Mr. Brett) has said, there are two sides to this: Councils ought to have some protection and so ought those people who deal with council, even if they are citizens, as in the case of the King example. I would

ask the minister if he might, in closing the debate on the bill, might want to address that particular issue. I think it is an important one.

I think the people of the Province will be well served by an initiative by the Province maybe to provide blanket liability insurance.

MR. TULK:

He should have a time set as to when he wants to see it done.

MR. SIMMONS:

Well, my friend for Fogo (Mr. Tulk) suggests that maybe there ought to be some time parameters spelled out by the minister. I do not know if he has had an opportunity since it was raised or since it came to his attention, but he might want to indicate to the House where it is in terms of the progress at the moment, and what his views are on there being a deadline by which time it will be done or all councils will be required to have this liability coverage.

The question of who pays, of course, needs to be addressed. I believe the argument has been put before, Mr. Speaker, that if it were done as a blanket policy, then there ought to be some savings. The cost could probably then be prorated among the councils, but I say to the minister, I am just thinking out loud, but I think the objective is a good one. I am sure there are different ways to reach that objective.

I would hope the minister would continue in the vein that he was in the day he answered the questions in the House, in which he showed some sympathy for the

idea. I look forward to hearing from him on that issue, Mr. Speaker.

MR. BRETT:
Mr. Speaker.

MR. SPEAKER:
If the hon. minister speaks now he closes the debate.

The hon. the Minister of Municipal Affairs.

MR. BRETT:
Mr. Speaker, the member for Bonavista North (Mr. Lush) really addressed two issues, although I think he only intended to address one because he mentioned liability insurance, and then promptly got it a little bit confused with the insurance of contractors or companies who may be working with councils. Obviously, it is two different things. I would assume any contractor or company that would be working for a council or a Local Service District would be bonded and they would have their own insurance.

What I was saying is I think the hon. member for Bonavista North probably unintentionally confused the two issues, one being liability insurance. I think that is what the hon. member wanted to talk about, but he went on to talk about companies working for councils and Local Service Districts. What I said was that these private companies would have their own bonding and their own insurance.

But the matter of liability insurance is, as the hon. member indicated, and as was indicated in the House last week or the week before, is a cause for concern and has been brought to the forefront, as the hon. member said just now,

as a result of the King family. I can only repeat really what I said in the House the other day.

Municipal liability insurance is not mandatory at the moment and therefore we cannot force councils to have it. Probably the reason some councils do not have it is because of the cost of it, although I do not really know if the cost is prohibitive or not. But it is my intention over the next few months to discuss this.

I think it should be discussed fully with the Federation of Municipalities, in the first instance. The first opportunity I get I will discuss it with the Federation, and also, of course, with the staff of the department, with a view to determining whether or not we can make it mandatory. I suppose government can, we can do it arbitrarily, if we wish to, but I certainly would like to do it with the blessing of the Federation, rather than arbitrarily.

On that note, Mr. Speaker, I move second reading.

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

MR. SIMMS:
Mr. Speaker.

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

MR. SIMMS:
Mr. Speaker, Order 33, Bill No. 61, the other amendment from the Minister of Municipal Affairs.

Motion, second reading of a bill,

"An Act To Amend The City Of Corner Brook Act, 1985, The City Of St. John's Act And The Municipalities Act." (Bill No. 61)

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

This, Mr. Speaker, is the bill we included in The City Of Mount Pearl Act this afternoon as an amendment, and as I indicated at that time, in particular, the City of St. John's have been requesting government to introduce legislation so they could set up BIAs or Business Improvement Areas in the City. Government decided that since we were going to do it for the City of St. John's, we should also do it for the City of Corner Brook and then, of course, we would also have to do it for the City of Mount Pearl, which we did this afternoon.

As I explained this afternoon, Business Improvement Areas would allow cities and municipalities in the Province to create improvement areas for the purpose of promoting business and retail activities within those areas. A business improvement area would be under the management of a board appointed by a municipality or city and funding would be provided through a surcharge based upon business taxes within the area.

Now, there is a whole lot more in the bill. I may get some questions on it, although it is really very simple. It would be administered by the board, as I just said, and I understand any taxes collected by the board, or by the city in the Business Improvement Areas would have to be spent on the Business Improvement Areas themselves. But it is

something that the City of St. John's have been looking for for a number of years. They were very adamant that we get it through this Session of the House because they waited for a long time. I would suggest that they will be very happy tonight when this passes in the House.

MR. GULLAGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Waterford-Kenmount.

MR. GULLAGE:

Mr. Speaker, it is with great pleasure I respond to this particular bill. As the minister has said, not just St. John's, but also Corner Brook and indeed Mount Pearl will benefit from this particular bill because the legislation speaks to a concern St. John's has had for some time in that, being able to progress beyond a certain point with rehabilitating and restoring a major part of the City, you can only go so far with cost-sharing programmes that are made available from the federal, provincial and local government to initiate a lot of restoration. To ensure that the business community plays an ongoing part year after year in the future, not just on a one or two or three year basis, but indeed plays a part, you really have to have legislation such as this.

Business Improvement Areas across Canada, in most major cities, have played a major role and continues to play a major role as the business community enters into a kind of partnership with the local council. They are paying a portion, up to 10 percent extra, on their business tax, which has

to be agreed to by the business improvement area in question. So as the minister rightfully said, and as the bill outlined, if an area is designated as a Business Improvement Area, there has to be a vote and at least 70 percent of the businesses involved have to approve of that particular area becoming a Business Improvement Area and they also have to approve of the amount of tax or surtax, if you like, that is going to be added to their business tax.

So it is a very progressive piece of legislation. The minister has been called many, many times by the mayor, deputy mayor, I have asked him myself about it and the City of St. John's is very, very happy to see this come to be, because it will mean, not only can we continue on with the work that we have started in the downtown area, in the area we have already pinpointed as a Business Improvement Area, but we can add now other areas, assuming that the business community wants a business improvement area put in place.

There is no question that Corner Brook and Mount Pearl will indeed want to take advantage of this legislation, no doubt on a smaller scale. But I think they too will have areas where the business community and the city will cooperate on and make full use of this legislation.

So, Mr. Speaker, I have read it thoroughly. In fact, I am very, very familiar with it because I played a part in the City requesting this legislation to start with. I am very, very happy to endorse it and I really see no fault in the bill at all.

MR. LONG:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for St. John's East.

MR. LONG:

Yes, Mr. Speaker, I would also like to have a few words on what I think is an important piece of legislation. I have also had some personal involvement with this matter by way of conversations and contact with business owners in my district, in the East End of St. John's and the downtown area, Duckworth Street and Water Street, who have been involved in the activities under the auspicious of the City Council and the Downtown Development Corporation in coming forward with a plan to replace the Downtown Development Corporation and the St. John's Main Street Program with a structure that will allow for the kinds of activities that have been developing over the last number of years through both these agencies, the Main Street Program and the DDC, to replace those activities with a new permanent structure that will function under the sponsorship of the City Council.

We know that businesses in the downtown St. John's area, and I understand there are some areas of the City, like Churchill Park, in which small business people may consider taking advantage of such a program, but we do know that in the downtown area many of the small business operators have been looking forward to getting this off the ground for sometime and were quite concerned we might go through this year without any mechanism in place to take over the activities of the DDC and the Main Street Program. So, we commend the minister and the government for bringing forward

the legislation in this session.

I do want to raise one concern with the minister. I assume that the language in Section 5 of the bill in which it gives the powers to the council to designate a business improvement area with a board that where it says that the council 'shall appoint annually a board of management,' that that will allow for council to choose some method of selection of the board which might not be an appointment, but might be an election. City Council may determine a more democratic, if you will, process than mere appointment. I think there are members of the business community in the downtown area where this has been a subject of some debate. To what extent should the Board of Directors of the business improvement area be elected, by the members or perhaps by the general public? I think these questions, perhaps, have not been finally resolved. I would not want to see that the legislation in any way restrict the council from being able to do what it wants to do in the way of defining a structure for the Board.

So, unless the minister has anything to say to that, I would assume Section 5 is not a restrictive clause in any way, and the word 'appoint' will mean that the council can give its own definition to appointment and whatever the process of selection will be, it will serve to be an appointment.

Finally, I will say, as the member for Waterford - Kenmount (Mr. Gullage) pointed out, there is a certain amount of a democratic process involved in this because a Business Improvement Area will not be allowed to be constituted, Mr.

Speaker, until a full process has been conducted in the business community in which all businesses resident in the Business Improvement Area are polled and have an actual vote on whether they want to constitute such an improvement area.

It may be interesting to see the way this actually develops in the City because I understand there is some debate in the downtown area of what the physical parameters will be of such an improvement area when you have a concentration of small business owners on Water Street and Duckworth Street, bounded by the Hotel Newfoundland on one end, and on the other end by the Radisson. Now that the Radisson has been built and is operating, there is some concern, I think, by the folks who have been working toward the development of the BIA, small business operators may lose their power to a very large corporate interests. I guess that is the concern that is not the purview of the government but City Council will have to take under its own consideration how to ensure that there is a balance of representation within the Business Improvement Area.

Finally, on this issue of accountability, I think it is important to note in the bill that although the council will establish a board and, through the legislation, there is a process that must be followed, the Board is given a certain degree of autonomy, but ultimately, when we look at Section 9, where the council may, 'in order to provide revenue for a board, impose an annual surcharge,' the whole business of the Business Improvement Area, namely, the finances of the board and the

structure of the organization in financial terms, is ultimately accountable to the City Council. So, we do not have a completely autonomous agency that does not have any public accountability. The City Council will have a final say in terms of the collection of taxes and indeed the operations of the Business Improvement Area

Mr. Speaker, all of these things together represent a very positive initiative by the government. I am sure in the case of the downtown business community, many of the operators will look forward to taking their responsibility, along with the members of City Council, in seeing to it that a business improvement area is constituted, and given its own set of by-laws by the City Council, which the legislation allows it to do. I certainly, as one member, representing an important part of the business community of the downtown area, look forward to working with these business operators and ensuring that perhaps the first - I assume it will be the first, because folks are well on the way there - Business Improvement Area in the Province will be a resounding success.

Finally, Mr. Speaker, by way of the last word, I would encourage the government to do everything it can, beyond the passing of this legislation, to facilitate the activities of the Business Improvement Area, with particular reference to the whole issue of preservation of heritage and historic areas. I think the Business Improvement Area Board will now be an agency that can be a new level of government to take responsibility for the protection of our historic, heritage areas, particularly in the downtown

area. I am sure they will be coming back in the future looking to this government for support in their activities, with particular reference to the preservation and protection of historic buildings and the development of the heritage area as part of business improvement.

Thank you, Mr. Speaker.

MR. BRETT:
Mr. Speaker.

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

The hon. the Minister of Municipal Affairs.

MR. BRETT:
Just to clarify a couple of points, Mr. Speaker. On the autonomy of the board, I would assume that since the board is an arm of the council, then it should therefore have to report to council. I guess the autonomy of the board would be something like the autonomy of a Crown corporation. A Crown corporation is part of a government, therefore has to report to government.

With respect to the appointment of the board itself, I think the word "appoint" had to be used because of the additional tax because the tax that would be charged would be in addition to the normal business tax that would be collected in the City. Every business pays a business tax and in the Business Improvement Area there could be an additional tax put on. Since only the council can be responsible for taxes, then obviously they would have to appoint the board. It is my understanding a board could be elected but, in the final analysis, the council is

responsible, as I said, because of the fact taxes will be collected.

Just in closing up, Mr. Speaker, I guess it is nice to know that once in a while we can bring in a piece of legislation that everybody, every single soul in the House agrees with and seems to be quite happy over. This seems to be the case with this, and I am sure that the business people of St. John's in particular maybe moreso than business people of Corner Brook and Mount Pearl, will benefit greatly - I hope so at least - from this particular piece of legislation.

So I move second reading.

On motion, a bill, "An Act To Amend The City Of Corner Brook Act, 1985, The City Of St. John's Act And The Municipalities Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow.

MR. SIMMS:

Order 23, the geoscientists and professional engineers Bill, Bill No. 54.

Motion, second reading of a bill, "An Act To Incorporate The Association Of Professional Engineers and Geoscientists of Newfoundland." (Bill No. 54).

MR. YOUNG:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Consumer Affairs.

MR. YOUNG:

On this bill, Mr. Speaker, the engineers and geoscientists Act, the professional engineers and geoscientists in Newfoundland, as elsewhere, work closely on a

variety of projects, however, Mr. Speaker, up to the present, geoscientists have not been under the Newfoundland Professional Engineering Act which is to be repealed by the new act.

This bill incorporates the present Engineering Act and brings geoscience under a joint regulatory scheme which provides for enhancement, disciplinary procedures and an appeal process to govern both professions.

The public interest is served well by having geoscience regulated in this manner for the first time and by the upgrading of the regulatory controls over professional engineers which exist under the present act.

Also, Mr. Speaker, I will move an amendment at the appropriate time for Clause 4, section (2).

Mr. Speaker, I move second reading.

MR. GULLAGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Waterford-Kenmount.

MR. GULLAGE:

Mr. Speaker, we note that under definitions, section 2, where it describes what the Association is to mean and the Board of Examiners and the Council and Discipline Committee and so on, in section (j) of section 2, it defines the 'practice of engineering' and then goes on to describe what is encompassed in that particular description.

It ends off by saying, "and includes providing education instruction on the matters contained in this paragraph to a

student at an educational institution but excludes practicing as a natural scientist." So, it excludes natural scientists under that particular section, excludes them from the practice of engineering, but under Section (k), which refers to 'the practice of geoscience', it does not end off that way. It ends off with the same description, "and includes providing educational instruction on the matters contained in this paragraph to a student at an educational institution," but does not say, "excludes practicing as a natural scientist."

We would like to suggest that the exclusion of 'natural scientists' should apply to the practice of engineering description as well as the practice of geoscience descriptions. We think that is an error in the bill and the wording should be added to paragraph (k) just as the wording is included in paragraph (j).

AN HON. MEMBER:
In third reading.

MR. GULLAGE:
So I wonder would the minister agree to adding that wording. Would you make a note of it for committee?

Thank you.

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

MR. SIMMS:
For the edification of the hon. member, the appropriate time to make the suggestion for the amendment would be in committee or at committee stage, probably tomorrow. You have made your comment. I am not sure it is an

error, as the hon. member suggested, but we can have a look at it, sure, tomorrow. The Clerk is taking note of it and we will see about it tomorrow.

Sorry, Mr. Minister, I did not mean to interrupt.

MR. YOUNG:
Mr. Speaker.

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

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:
Mr. Speaker, I move second reading.

On motion, a bill, "An Act To Incorporate The Association Of Professional Engineers And Geoscientists Of Newfoundland", read a second time, ordered referred to a Committee of the Whole House, on tomorrow. (Bill No. 54).

Motion, second reading of a bill, "An Act To Amend The Fishing Industry (Collective Bargaining) Act, 1971 And The Labour Relations Act, 1977". (Bill No. 66).

MR. BLANCHARD:
Mr. Speaker.

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

MR. BLANCHARD:
Mr. Speaker, I am pleased to introduce this bill for second reading. This bill would amend The Fishing Industry Collective Bargaining Act and The Labour Relations Act to make the holding of hearings in relation to an application for certification or an application for revocation of

certification a discretionary matter for the Labour Relations Board.

At present, the Labour Board is required to hold a hearing in every case of revocation of certification where one is requested.

Mr. Speaker, I would note for the House that in 1985 I brought in an amendment to The Labour Relations Act to give the Board discretionary power to decide whether or not to conduct a hearing on an application for certification. At that particular time, the Board was getting a number of rather frivolous applications for hearings, but that is not to say that the Board would ever deny natural justice and have a hearing, if one is necessary.

So, Mr. Speaker, at that particular time, we just changed the legislation to give the Board powers of discretion with respect to the holdings of hearings in cases of applications for certification under The Labour Relations Act. The intent of this bill would be to harmonize the procedures for the holding of hearings for both applications for certification and applications for revocation of certification under The Labour Relations Act.

With respect to The Fishing Industry (Collective Bargaining) Act, it would afford the same powers of discretion to the Labour Relations Board as to whether or not to have a hearing in every case where one is requested. They are obliged to do that at the present time.

So, Mr. Speaker, I do not want to belabour the thing. It is just a

kind of simplistic bill to give the Board what most other Boards in Canada have, a discretionary power as to whether or not to hold a hearing.

MR. K. AYLWARD:
Mr. Speaker.

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

MR. K. AYLWARD:
Thank you, Mr. Speaker, with reference to the bill brought forward, Bill 66, to amend The Fishing Industry (Collective Bargaining) Act, as the minister stated, the intent, I think, is to make the process a little bit more easier and make the Labour Relations Board able to take upon itself the cases that are presently before it.

On the amendment brought in in 1985, he indicates the applications for certifications at that time, you were able to do it the discretion of the Board, whether they were able to call a hearing. The minister tells us that at that time they should have brought in this amendment which would have, for the process of revocation of certification, also given the Board a discretionary power to hold a hearing.

We feel on this side pretty well the same way, that this is an amendment which is due, which will probably make the Labour Relations Board more effective in dealing with the matters it has to deal with, whereas right now, especially in the fishing industry, there is a backlog of hearings and this will probably help the Board in its dealings.

The concern we do have, by

bringing forward this amendment, is that it be monitored. I know the board will be more responsible in the sense that they understand that this is an increased power that they have now in dealing with cases and that every consideration be given to parties which would like to have a hearing.

We want to make sure that every party, be it an employer or a union group have the ability to have a hearing and to present their case. That is why, I believe, the hearing was put in the legislation in the first place. We just want to ensure this is allowed to be kept going in the future, that a request for the hearing and that that hearing be given very careful consideration by the Board. It is a very serious matter which affects the future, I suppose, of a union or an employer or an employee organization.

So we do not have any major problems with it, Mr. Speaker. Like I said, the concern is that the Labour Relations Board, with this extra discretionary power it now has, look very carefully in making sure that the rights of unions and employers are looked after, and that this power is not used, I suppose, Mr. Speaker, in a manner which would not be to the best interest of workers of the Province.

So with those few comments on it, Mr. Speaker, those are all the concerns we have.

Thank you.

MR. BLANCHARD:
Mr. Speaker.

MR. SPEAKER:
If the minister speaks now he will

close the debate.

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, with respect to the point made by the hon. member for Stephenville (Mr. Aylward), the Board has had extra discretionary power with respect to the holding of hearings in applications for certification since 1985, and there has been no miscarriage of justice. I do not think there has been any criticism that they have not afforded the opportunity for a hearing where one has been considered necessary.

One of the things, Mr. Speaker, I would like to point out here is this amendment has the blessing of labour. It has been run by the Federation of Labour, by the Fishermens' Union, and by the construction unions, and it has the blessings of labour. It certainly has my blessing, Mr. Speaker. It will save money and time for unions. It will save money for government where we will get away from frivolous hearings.

I am very pleased to propose it for second reading.

On motion, a bill, "An Act To Amend The Fishing Industry (Collective Bargaining) Act, 1971 And The Labour Relations Act, 1977," read a second time, ordered referred to a Committee of the Whole House presently by leave. (Bill No. 66).

DR. COLLINS:

Order 20, Bill No. 60.

Motion, second reading a bill, "An Act To Amend The Financial Administration Act, 1973". (Bill No. 60).

DR. COLLINS:
Mr. Speaker.

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

DR. COLLINS:
Mr. Speaker, the Minister of Finance (Mr. Windsor) is unavoidably absent on government business at the moment, so I am bringing in this bill on his behalf.

It proposes two changes to The Financial Administration Act. When there are surplus funds in a sinking fund for a bond issue that has come to maturity, it is not clear where those surplus funds should go. This amendment will ensure that they are paid into the consolidated funds of the Province.

Hon. members may remember that there were some accounting changes made recently to how the earnings on sinking funds were handled. Previously, if there were surpluses, they were used as non-budgetary items. There were accounting changes made so they, in actual fact, would be put into current account and into the consolidated fund, that is, if there were any surpluses whilst the bonds were not redeemed. What this is doing now is what happens to the surpluses when the bonds are redeemed and there is a surplus there, it is unclear where those surpluses should go. So this will make sure that those surpluses also go into the consolidated fund. That is the first clause.

The second clause deals with giving authority, with the approval of the Lieutenant-Governor in Council, to the Auditor General to charge

auditing fees for duties performed in regard to Crown Corporations, Boards, agencies and other government funded bodies. In that particular regard, Mr. Speaker, this was a change that is advised and agreed to by the Auditor General.

So these are two, I suppose, small, but important changes to The Financial Administration Act, and I move second reading.

MR. BARRY:
Mr. Speaker.

MR. SPEAKER:
The hon. member for Mount Scio - Bell Island.

MR. BARRY:
Mr. Speaker, we will support this legislation. It seems to be, in the first case, very much housekeeping and in the second case, while it appears to be robbing Peter to pay Paul, it is probably a better way of keeping, if you have a profit centre in a Crown corporation, then all clauses should be attributed to that Crown Corporation, including the cost that might be incurred by the Department of the Auditor General. This would be a better way, I think, of fully recognizing the expenses incurred by a Crown Corporation, otherwise the Auditor General would be performing services, there would be a cost to government and there would not be really any recognition of that in the books of the Crown corporation.

On the first item, I am not sure I understand how or why a surplus would be built up in a sinking fund because usually the sinking funding is tied to the -

DR. COLLINS:
(Inaudible) mainly through

earnings on investments.

MR. BARRY:

Earnings on investments while the funds are -

DR. COLLINS:

(Inaudible).

MR. BARRY:

Yes, and presumably the rate, you cannot predict that beforehand because the rate you earn on your investment would fluctuate from time to time. This seems to be fairly straightforward, Mr. Speaker. We would support this legislation.

DR. COLLINS:

I move second reading.

On motion, a bill, "An Act To Amend The Financial Administration Act, 1973," read a second time, ordered referred to a Committee of the Whole House presently. (Bill No. 60)

Motion, second reading of a bill, "An Act Respecting The Registration And Licensing Of Hearing Aid Dealers." (Bill No. 63)

DR. COLLINS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Health.

DR. COLLINS:

Mr. Speaker, this bill will establish, for the first time, a hearing aid dealer's board to regulate the activities with regard to these business people. There will be a six member board made up of three hearing aid dealers.

MR. TULK:

Will the minister say why it is

necessary?

DR. COLLINS:

Well, it was recommended by the hearing aid dealers in the Province essentially because there use to be some dealers, or some vendors of hearing aids who would come into the Province, sell some hearing aids, leave the Province and there would be no responsibility taken for guaranteeing the adequate operation of the hearing aids, there would be no services available, so on and so forth. We looked into this point and we were satisfied that to give quality hearing aid facilities and appliances to the people of the Province who needed them, the activity needed to be regulated, otherwise the purchaser of a hearing aid could be quite exposed. He would buy something on good faith and actually find himself without an item that was doing him any good and he would be left with the cost of it. It seemed to be a legitimate thing to do and, of course, it is quite in keeping with other similar types of boards we have set up to regulate similar activities.

As I mentioned, there would be three hearing aid dealers, an audiologist, a medical practitioner and a representative of the general public on the board. The board would be responsible for examining the credentials of the dealers for registration and licensing purposes. They would provide for any examinations that were necessary. They would issue the licenses. They would also hear complaints from the public about hearing aids and would administer any disciplinary actions that were necessary.

The Bill also gives the board the authority to make regulations, and these regulations would pertain to continuing education courses, approval of training programs, and the definition of improper conduct, incompetence and would prescribe whatever fees were necessary for licensing purposes.

There would also be a grandfather clause in the Bill so that any person who is presently a hearing aid dealer, and has been for at least two years before this Act comes in, would automatically be given a license. They would not be subject to examination or anything else. If he is in the business for two years already, he would, through this grandfathering clause, automatically have a right to a license.

Another provision of the Bill is that it would protect the rights of audiologists in government and the technicians working under audiologists to be able to carry out their duties without having to be licensed. This is for audiologists and technicians who are working under the direct supervision of audiologists.

So, Mr. Speaker, this is a new initiative, but it is not an unusual type of initiative. It is something that is done for the protection of the public essentially and, in particular, will protect them against fly-by-night vendors of hearing aids.

I move second reading.

MR. EFFORD:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Port de Grave.

MR. EFFORD:

Mr. Speaker, the concern I have with this particular bill, if you listen to what the Minister is saying, it is probably a protection for the consumer. Am I understanding that is what the minister is saying, that it is a protection for the consumer? I suspect -- it has crossed my devious mind -- that it is a protection to control the market for hearing aids? Is that the concern? I am surprised because I do not really see the need for this particular bill. There is a lot of work gone into this and we question that there is actually a need for it.

I suppose, as far as the consumer is concerned, if that is the only reason, to protect the consumer from the fly-by-night people coming into the Province selling hearing aids and then taking off without warranty or guarantee to get them fixed, but once a person becomes licensed, there is nothing to keep him in the Province. If he is selling a particular brand of hearing aid and he decides to pack up tomorrow morning, his license is not going to keep him in the Province.

MR. DINN:

If he is licensed, he is qualified anyway.

MR. EFFORD:

He is qualified, that is true, but he also just said that anybody who has been practicing in the Province for the last two years automatically gets a license. If he has been practicing two years under no act, what is to say he is qualified? If he has been practicing two years, it does not necessarily mean he is qualified, but the minister just said he automatically gets a license and

is under the act.

DR. COLLINS:

That is just for this grandfathering period. Any new person would have to be licensed with the proper credentials.

MR. EFFORD:

I understand any new one would have to be qualified, but how do we know that the people who have been here for two years are qualified? To me it seems as if this particular group, the board, is trying to set up to control the market in their own particular area.

I do not think the reasoning for this bill was brought in for the protection of the consumer at all. I think the purpose of it is to put a market control in there, because there is no way you can convince me that by licensing a board and by having this act put in place that is going to keep anybody in this Province. If that is the only reason, so that anybody who buys a particular hearing aid brand, if they need servicing the company will be there, that is certainly not going to keep them in the Province.

I would like for the minister to clarify the exact reason why this particular bill was brought in. I think it is a lot to do about nothing. I do not really see the necessity for it. It does not state anywhere in this particular bill that it is for the protection of the consumer. All it does state, very clearly, is that the audiologists are going to get control of the market, and then in the future, anybody new who gets that license are the only people who are going to get the license. The minister could probably address that. Other than that, I

cannot see where the minister can convince us that this bill is really necessary.

DR. COLLINS:

Mr. Speaker,

MR. SPEAKER:

If the minister speaks now he closes the debate.

The hon. the Minister of Health.

DR. COLLINS:

Mr. Speaker, as I said originally, this is not a unique type of activity. We have boards and we do license various people who supply goods to the public, particularly in the area of health care. The hon. member is suggesting it might give a certain group an undue power in the market place. I suppose you could say that about any licensing activity, for instance, lawyers. You might say that lawyers are licensed to give them particular power in the market place, and perhaps it does to a certain extent. However, its primary objective is to make sure that people who practice law are duly qualified and are practicing law ethically.

MR. BARRY:

It is the same thing for doctors.

DR. COLLINS:

Well, it goes without saying for doctors, but do not know if it very generally recognized in terms of lawyers. That is why I wanted to emphasize this point, that it is a good idea to have the benchers. But, as the hon. member says, the same thing applies to the medical profession and applies to many other groups.

There has, in actual fact, been a problem with people selling hearing aids and taking absolutely

no responsibility thereafter. As long as they sold the item and got the money, the person was left on their own. I do not know how many hearing aids are lying around in cupboards and in drawers in this Province because they were not appropriate in the first place with the particular difficulty the person had, and secondly that they turned out to be defective and the purchaser had no recourse.

That has been a significant problem and this act probably will not be a 100 per cent cure of all the difficulties one can envisage, but I think that there is a significant way. I think that if we find the difficulties as we go along, we might end up bringing in some amendments.

I move second reading.

Motion, "An Act Respecting The Registration And Licensing Of Hearing Aid Dealers", read a second time, ordered referred to a Committee of the Whole House presently.

DR. COLLINS:
Order 30, Bill No. 64.

Motion, second reading of a bill, "An Act To Amend The Physiotherapy Act". (Bill No. 64).

DR. COLLINS:
Mr. Speaker.

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

DR. COLLINS:
Mr. Speaker, this amending bill is being brought in primarily in satisfaction of certain representations made to the Department of Health by the Newfoundland and Labrador College of Physiotherapists. This is the

governing body of physiotherapists in the Province.

The first clause will prescribe additional conditions on the renewal of licences and this is a trend that is becoming more and more common now, that if you had a licence for something or other, you just do not automatically have the right to renew the licence. There are sometimes conditions put on that other than just paying the fee, and these conditions are particularly aimed at those persons who have been out of their trade or profession for a period of time and there is some question whether their skills are up to scratch. So, the additional conditions might be that they would have to take a period of training or a refresher course before they can renew their licences in that situation, where there has been a gap in the practicing of their trade or their profession. As I say, there are a number of acts now that have this provision in them and I think it is a good move.

Clause 2 will allow the college to make regulations respecting such courses and continuing education and, again, as I mentioned, will help to improve the quality of the service given to the public.

Clause 3 clarifies the grandfathering clause. As I mentioned just a little while ago, there was a grandfathering clause put into this bill originally and it was really put in there just to give protection to just two physiotherapists. There was no regulation for it and these physiotherapists had no formal qualifications, but they had been in the business for a long period of time and were well recognized and well esteemed in the public.

But, when the grandfathering clause was worded, it was worded in such a general way that it is now possible for other people who have qualifications to take advantage of certain exemptions that these grandfathered people had, that they did not have to meet certain requirements which registered physiotherapists normally have to meet. So this Clause (3) will close that loophole so that people who have the qualifications and should meet all the responsibilities, that the act applies to them and they cannot escape in some way under this grandfather clause.

The final clause, and I guess this is the most important one here, will enable physiotherapists to see patients on referral from physicians as opposed to treating patients under the direct supervision of physicians. In other words, a physician can refer a patient and then the professionally trained and licenced physiotherapist can determine the type of physiotherapy treatment given with the objective the doctor had in mind, but the person would not have to actually be supervised in that care by the physician. We canvassed the various provinces across the country and this is the way the majority of them have gone. This is also in keeping with The Occupational Therapy Act we have in place which permits occupational therapists to accept patients upon referral without the need of direct supervision.

I think those were the remarks I wish to make and I move second reading.

MR. EFFORD:
Mr. Speaker.

MR. SPEAKER:

The hon. the member for Port de Grave.

MR. EFFORD:

I just have a couple of minutes, Mr. Speaker, but it is amazing the fact the minister just brought in An Act To Amend The Physiotherapy Act and The Act Respecting The Registration And Licencing Of Hearing Aid Dealers. I mean, when it comes to the protection of the general public, I agree with him, I understand it, and it is a protection of the health system for the people of this Province.

But how can the minister sit there and justify bringing in this when we have the chiropractors in this Province, with absolutely no regulations, no licencing whatsoever, and they are allowed to come into the Province. We do not know if they are qualified. We do not know if they ever had any training whatsoever. We have had representation from a college in Toronto and from the professional chiropractors across Canada. There are nine other provinces they are licensed in, fifty-two states, many other countries in the world, and this little province down here will not accept them. You will bring in bill after bill and you will not even mention the them.

We are not asking for the extra things that they need, but just an act to protect the people of the Province! How can the Minister of Health (Dr. Collins) justify this and expect this to pass when these sort of amendments and new acts are being set up. It does not make any sense.

People ask me continuously, day after day, and I know the member for St. John's North (Mr. J.

Carter) there is sitting and a beany to the top of his nose to try and get up and condemn the chiropractors, but the question is not condemning the chiropractors, whether they are capable or not. The question is the protection of the people of the Province! This is what the Minister of Health is neglecting in his duty to do.

SOME HON. MEMBERS:

Hear, hear!

MR. EFFORD:

Probably 99 per cent of the people who are practicing chiropractors in this Province now would be kicked out if there is a proper licencing board set up. I do not know that, nobody knows!

Tomorrow morning, the member for St. John's North - Heaven forbid! - could hang out a shingle and practice chiropractics. Heaven forbid if he ever took it in his mind! Mr. Speaker, that is how crazy, ridiculous and ludicrous the minister is acting in his responsibility to the people of the Province.

This particular bill, Bill No. 64, we have absolutely no complaints with. It is just a regular housekeeping bill. There is certainly the need for this act to be amended. It is there to protect the people of the Province.

But the chiropractors, my goodness when is he ever going to show responsibility to the people of this Province and set up a licensing board to protect the people.

Mr. Speaker, I have people kicking me in the shins and pulling on my clothes.

To adjourn the debate, Mr. Speaker.

MR. SIMMONS:

Is there a chiropractor in the House?

DR. COLLINS:

Mr. Speaker.

MR. SPEAKER:

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

Did you adjourn the debate?

MR. EFFORD:

I adjourned the debate, Mr. Speaker.

MR. SIMMS:

If the hon. member wishes to continue, we can wait for a few minutes.

MR. BAIRD:

No. He is finished. His legs are too sore.

MR. SIMMONS:

His handlers have decided.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

If the hon. member wants to carry on for a few minutes, we would be happy to wait. That way, tomorrow we would have all the Justice bills remaining and that would be nice and comfortable.

MR. EFFORD:

I need to take some time.

MR. SIMMS:

Oh! You have an extensive speech, okay.

Everything was working out so nicely, Mr. Speaker. We would have had a nice compact matter to deal with tomorrow then, of course. It would have been Justice bills and we would sort of be all on the same train of thought most of the way through but, it is fair ball. I understand the hon. member's needs and difficulties.

Anyway, Mr. Speaker, I thank the hon. members for their co-operation tonight and tomorrow we shall sit at ten. As I said, we will continue on with the debate on this particular bill and then we will move back to deal with the second readings of the Justice bills, of which there are ten. We shall see how that progresses and go from there.

So I move that the House adjourn until tomorrow, Friday at 10:00 a.m. and that this House do now adjourn.

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

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