



Province of Newfoundland

FORTIETH GENERAL ASSEMBLY
OF
NEWFOUNDLAND

Volume XL

Fourth Session

Number 58

VERBATIM REPORT
(Hansard)

Speaker: Honourable P.J. McNicholas

Friday

17 June 1988

The House met at 2:00 p.m.

MR. SPEAKER (McNicholas):
Order, please!

Before calling for Statements by Ministers, there is a matter I would like to deal with. I am now prepared to rule on the point of privilege raised by the hon. the Minister of Intergovernmental Affairs. At the outset let me say that I have no reason whatever to believe that the hon. the minister did anything improper, but that is not an answer to the question of whether or not the hon. the minister's privileges were violated.

The definition of privilege I like best is that of W. F. Dawson, "Parliamentary Privilege in the House of Commons" (in Canada), and it is as follows: "Some are personal to every member of the House and enable him to carry out his parliamentary responsibilities without interference; others are the additional privileges of the House as a body, breach of which is considered in law to be analogous to contempt of court.

The comment in question was made by the hon. the member for Fogo on June 2 when he said the minister "had used funds improperly." The dictionary meaning of the word improper or improperly is "wrong, inaccurate, unseemly, indecent." That is the Oxford Illustrated Dictionary. The word used in an ordinary context is therefore not particularly offensive. In the political context it could take on a rather different or sinister meaning. Had the hon. the member for Fogo not stated on June 9 that he was not alleging that the hon. minister had been "stealing from the public purse", I would be inclined to view the allegation

more seriously. The hon. member's comment is on page R2804 of the June 9 Hansard.

However, given this clarification I am satisfied that the hon. the member for Fogo was not making such an allegation and that it cannot be construed as such. I find there is no prima facie case.

Before calling for Statements by Ministers, I would like to welcome to the galleries forty-three Grade V students with two chaperons and two teachers, Eileen Murcell and Elizabeth Green from Paradise Elementary, Paradise.

SOME HON. MEMBERS:
Hear, hear!

Statements by Ministers

MR. TOBIN:
Mr. Speaker.

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

MR. TOBIN:
Mr. Speaker, I would like to inform the hon. House that between June 1 and June 15 of this year my department has approved an additional thirty-one community development projects for the Province.

For this period of time the total funding allocated was \$718,113, creating employment for 243 social assistance recipients in Newfoundland and Labrador.

To date this fiscal year, the Department of Social Services through the Employment Opportunities Division has created nearly 5,000 jobs - the exact

figure, Mr. Speaker, would be 4,950 - directly as a result of \$17,132,000 of provincial funding.

Mr. Speaker, I must again re-emphasize the success this program has enjoyed since its initiation by this government. The feedback received by the department from the many individuals and groups involved has been tremendous. The projects provide assistance to the general public at large from community councils, to senior citizens, to the handicapped individuals in our society.

Mr. Speaker, this government has endeavored to enrich the lives of the less fortunate in our Province and I would like to advise the hon. House today that we have committed ourselves to providing a further advanced and improved program in the department and I am sincere when I say, that like other divisions within the Social Services Department, employment opportunities is one of the best programs in Canada today.

MR. EFFORD:
Mr. Speaker.

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

MR. EFFORD:
Thank you, Mr. Speaker.

Mr. Speaker, no wonder the Minister of Social Services would find that statement difficult to read. No minister of this government should stand up and be proud of the fact that he has to create 5,000 jobs for people in this Province to keep them alive, \$8,000 a year being below the poverty level. Starvation and misery, that is all this

government can put forward to the people of this Province. I think the Minister of Social Services should hang his head in shame, hang his head down when he is reading statements like this, Mr. Speaker.

Mr. Speaker, for anybody to stand and say that this government is proud to have endeavoured to enrich the lives of the less fortunate. Forty per cent of the population of this Province are the less fortunate, forty per cent of the population of this Province are living below the poverty level.

MR. PEACH:
Your leader is not too badly off.

MR. EFFORD:
Sure, they are less fortunate, because of the disgrace this government has placed on them.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please!

MR. EFFORD:
A government which has no policy, a government which has to call in a consultant from Ontario to tell them how to run the Department of Social Services, to the tune of \$476,000 plus expenses, will stand here in this House today and take credit for something like this.

Mr. Speaker, I say to the Minister of Social Services, and to this government, put a plan in place which can better enrich the lives of these people who live below the poverty line, to get them up somewhere where they can have a decent standard of living and have some pride.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:
Order, please!

The hon. member's time has elapsed.

MR. LONG:
Mr. Speaker.

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

MR. LONG:
Mr. Speaker, it is early on a Friday morning and we have gotten off to a very noisy start here. I noticed from the reaction of our young friends in the gallery that they are quite shocked at the kind of noise levels we have already reached so early in the morning.

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

MR. SPEAKER:
Order, please!

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

MR. SIMMS:
Mr. Speaker, the Minister of Social Services gave a statement which lasted about a minute, at the most. The member opposite spoke longer than the Minister of Social Services, by my calculation, and now the member down here who is playing to the gallery, trying to make a comment in front of the students and teachers, has said nothing about the statement whatsoever. No doubt his time has expired by now, anyway, because he is only supposed to have half the time of the Official Opposition.

MR. SPEAKER:
Order, please!

There is no point of order.

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

MR. LONG:
Thank you, Mr. Speaker.

Obviously, the Government House Leader is in a frisky mood early this morning as well. The point I am making, Mr. Speaker, is that I do not think we are necessarily doing our best to address the very serious issues raised by the minister in his statement, and that is people who are suffering in this Province and who are in need of assistance, particularly with employment. The minister has brought in a statement on a program that I know, in some cases, is working well in putting social assistance recipients to work, but he has given us no material to work with in putting forward a proper analysis of the program.

Oral Questions

MR. SIMMONS:
Mr. Speaker.

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

MR. SIMMONS:
Mr. Speaker, I want to get the attention of the Minister of Municipal Affairs (Mr. Brett) for a moment. He may have seen the item which the CBC's **Here and Now** did last night on Mr. Jack King's situation. I believe, Mr. Speaker, anybody who saw that particular -

MR. SIMMS:
Sure he was interviewed on the

same program.

MR. SIMMONS:

I know that. I saw the item, and anybody who saw the thing had to be moved by it and jarred by it, maybe a bit disgusted - I am not sure if that is the term - but certainly moved by it. The minister appeared to be quite on top of the case, the Jack King situation, from the comments I heard him make on television last night. I think he was apprised of it, and familiar with it. Mr. Jack King of Fox Harbour had some problems, which are clearly documented, as a result of the contaminated water he was using to dress his stomach wounds.

I wonder would the minister indicate whether there is anything the government can do or contemplate doing to address his situation? I believe the minister is aware that he is in a fairly awkward situation in terms of his access to lawyers. I am sure he can get a lawyer, but the question of whether the town could pay, if the judgement were made against it, is a more operative one. I wonder would the minister indicate whether there is something the government can do to alleviate or address Mr. King's very particular situation?

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

Mr. Speaker, as I understand the situation, CBC very properly addressed two questions in this case. One is, first of all, why in fact lawyers, neither private nor otherwise, will take the case; and, secondly, I guess, if in fact municipalities should be allowed to operate without having

municipality liability.

The first question I cannot answer, as to why Legal Aid or private lawyers would not take the case. In the second instance, councils are not required under The Municipalities Act to have municipal liability. So I guess it is a matter of policy. It is a decision that government will have to make somewhere down the road. It is very expensive. I do not know what percentage of councils actually have liability insurance, I would suggest that most of them do, but obviously there are some that do not. I think the reason is the cost. It was, at one point in time, because I did discuss this with the staff, not really expensive. Today it is very, very expensive.

So I guess it is a matter of policy, Mr. Speaker, whether or not we want to force municipalities to have municipal liability. Then the question arises can they pay for it? And if they cannot, do we pay or whatever? But it is a very sad case, there is no doubt about that. Whether or not government would inevitably be held responsible, if in fact the case did go to court, I do not really know. I guess we could only determine that if in fact some Legal Aid lawyer or some private lawyer would agree to take the case to court; then if they won a judgment would be made if in fact government could be forced to be responsible. I cannot answer that at the moment. But I agree with the hon. member, it is a very sad case. And I think CBC did a good job for a change.

MR. SIMMONS:

Mr. Speaker,

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, the minister talks about the fact that some councils do not have or are not required to have this liability insurance. Has the department or the government contemplated, investigated the possibility of a blanket insurance policy? Certainly the rates would come down pretty quickly if government on behalf of the municipalities would acquire liability insurance, particularly, for the smaller municipalities such as Fox Harbour. Is that under active consideration? Does he see it as a reasonable likelihood?

MR. BRETT:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

Mr. Speaker, it is not under active consideration, but I can say that we will be looking at the whole matter of municipality liability as soon as we can get into it. That, again, is a very good thought. There is a possibility, I suppose, that we could have that type of insurance. There is something similar to that now for schools, I believe. Maybe something like that could be worked out. But I can assure the hon. member that we are going to be looking at municipal liability for councils.

MR. SIMMONS:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary.

MR. SIMMONS:

It goes without saying, of course, that had we this kind of insurance, and this is hindsight -

MR. SPEAKER:

Order, please!

MR. SIMMONS:

Had we this kind of policy -

MR. SPEAKER:

Order, please!

May I have a final question? The hon. member is making a statement instead of asking a question.

MR. SIMMONS:

I was about to ask the minister, Mr. Speaker.

MR. SPEAKER:

Please do.

MR. SIMMONS:

The minister realizes, of course, had this been in effect before, Mr. King might not have found himself in this situation. And in that context, but particularly in the context of the very unique set of circumstances that Mr. King finds himself in, I return to the essence of my first question: Would the minister indicate whether there is something specific to Mr. King's case that may be able to be done, or at the very least would he undertake to investigate that possibility in the interest of addressing this most unfortunate situation?

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

We all have twenty/twenty vision in hindsight, Mr. Speaker. However, all I can say is that I am not aware of anything that

government can do at this particular moment for Mr. King.

As to the second question the hon. gentleman asked, again I repeat that if some private lawyer or Legal Aid were to take this to court, then I guess a decision would be made whether or not government is ultimately responsible. I do not know. But at the moment there is nothing that I know of that government can do for Mr. King.

MR. LUSH:
Mr. Speaker.

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

MR. LUSH:
I have a question for the Minister of Municipal Affairs as well, and it is on the five-year plans which the provincial government requires councils to submit. Based on the fact, Your Honour, that government funds are severely limited, and based on the fact that government funds are allocated annually -

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

MR. SPEAKER:
A point of order, the hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:
I do not want to take up the hon. member's time, but we cannot hear a sound over here. There is no voice over here whatsoever.

MR. LONG:
Tell your own colleagues to be quiet.

MR. YOUNG:
But I cannot hear you.

MR. SPEAKER:
Order, please!

There is no point of order.

The hon. member for Bonavista North.

MR. LUSH:
Mr. Speaker, to the Minister of Municipal Affairs. Based on the fact that government funds are severely limited, and based on the additional fact that governments funds are allocated annually, and, in the case of Capital Works fundings particularly have become an intermittent, periodical, hit-and-miss funding system, is not the five-year requirement becoming a bit of an albatross or a bit of an exercise in futility for councils?

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

MR. BRETT:
Mr. Speaker, I do not really follow the hon. member's line of thought or reasoning. I am not sure what he is getting at. I think the reason for the five-year plans, more than anything was, was to try to determine what it is going to cost the Province over the next five years, if you will, for water and sewer services. Again, I do not follow the hon. member's reasoning. I do not know what he is getting at.

MR. LUSH:
Mr. Speaker.

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

MR. LUSH:
Mr. Speaker, is the minister aware of how frustrating it is to

councils who submit five-year plans, for capital works spendings in particular, but do not know from year to year what they are to receive? Specifically, Mr. Speaker, my question to the minister is this: Are monies that are allocated to councils, particularly Capital Works monies, allocated on the basis of identified and prioritized needs as submitted in the councils' five-year plans?

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

Now I know where the hon. member is getting his information. I know what council called him now. Generally speaking, I would say, Mr. Speaker, it is based on the five-year plan, but I do not think that any plans, particularly the five-year plans he is talking about, are etched in stone, and there would be nothing wrong with deviating from the plan if in any given year there is less money available than required to complete a phase that is recommended for a certain year. Of course the councils are frustrated. I suppose people are also frustrated because they do not have their roads paved, or because they do not have a new school, or whatever, but the hon. gentleman knows that this program, I guess like most of our capital works programs, are based on the economy, and if the economy is good in any given year then we can get more money. And, as we did last year and the year before, if the economy is down then there will be less funds.

MR. LUSH:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

The hon. the member for Bonavista North.

MR. LUSH:

When capital funding is made available to councils, are they allocated for specific areas of expenditure? If so, who makes this decision? I guess I am asking do councils have any discretionary powers at all once the Department of Municipal Affairs have awarded capital fundings to councils? Have they any discretionary power at all? Are they dictated to as to how they should spend this money, and whom are they dictated to?

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

I would suggest, Mr. Speaker, that very often, the council in consultation with their MHA, may decide that a particular project in a community should go ahead this year. I would hope that there is co-operation, from both sides of the House, with the councils in their areas. I have always co-operated with my councils. I have always been able to sit down with them in the Spring, Fall, or whatever, when they apply for their capital works, they advise me what their priorities are, and usually we are able to work out an arrangement between us. Obviously we try to accommodate the wishes of the council, but again there has to be co-operation between the MHA and the council.

MR. EFFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Port de

Grave.

MR. EFFORD:

Thank you, Mr. Speaker.

Mr. Speaker, my question is directed to the Minister of Consumer Affairs and Communications (Mr. Young), and it is the same line of questioning as that from the hon. member for Bonavista North. Now, I ask the Minister of Consumer Affairs, the member for Harbour Grace: In light of the fact that the town council of Spaniard's Bay this year had an allocation of some \$200,000, after they put engineering studies in, I ask the minister did he, as MHA for the district, interfere as to where the money was going to be spent and tell the council in what areas they should spend the money, irregardless of the five-year plan they had in place?

MR. SPEAKER:

Order, please!

I do not think that question is in order. The hon. member should address a question dealing with the hon. minister's particular portfolio.

MR. EFFORD:

Well then, Mr. Speaker, I will direct the question to the Minister of Municipal Affairs. I ask the Minister of Municipal Affairs: Is he aware that the five-year plan submitted by the town of Spaniard's Bay was on a need basis for the area to which they had the money allocated, and that the MHA for the district interfered in that particular decision and told them that if they did not spend the money where he said, they would not get the money?

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

Mr. Speaker, I repeat that the five-year plan is not written in stone. The primary purpose of the five-year plan is to determine the amount of money that government will need over the next number of years. Again, Mr. Speaker, I would hope that always there is co-operation between the two levels of government, the municipal and the provincial. That means that the MHA and the mayor and the councillors in this district would co-operate and get the job done.

MR. EFFORD:

A supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. EFFORD:

I ask the minister: Is he aware, number one, that the council of Spaniard's Bay is very upset? Did they write him a letter explaining what the MHA for Harbour Grace (Mr. Young) was doing, expressing their concerns about their five-year plan, and that the MHA for Harbour Grace had written them a letter telling them where they had to spend the money?

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

If there is a problem there, Mr. Speaker, I would hope that the MHA and the mayor and councillors can sit down and work it out.

MR. EFFORD:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary.

MR. EFFORD:

Did the Minister of Municipal Affairs receive a letter from the Council of Spaniard's Bay explaining their differences, that they did not want to spend the money only in a need basis, and that they received a letter from the MHA from Harbour Grace telling them that they must spend the money where he said it has to be spent? Did you receive a letter from the Council of Spaniard's Bay? There was one from the MHA for Harbour Grace which caused the Council of Spaniard's Bay to write that letter?

MR. BARRETT:

Would you repeat the question?

MR. SPEAKER:

The hon. the Minister of Municipal Affairs.

MR. BRETT:

Mr. Speaker, between two and three o'clock yesterday, I signed something like 250 letters, and that is not unusual. I would not suggest that I sign 250 letters every day, but there is just a multitude of letters that go across my desk every single day. And sometimes there are two or three days when I do not get to see my mail. Now it is quite possible there could be a letter in from Spaniard's Bay, as a matter of fact there are dozens of letters. There is mail down there this morning that have not been opened yet. So it is possible that there is a letter on the way to me from the Council of Spaniard's Bay, there might even be one down in my office, but at this point in time I have not seen a letter from Spaniard's Bay, but that is not to say there is not

one down there, though.

MR. GULLAGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Waterford - Kenmount.

MR. GULLAGE:

Mr. Speaker, my question is to the Minister of Consumer Affairs and Communications (Mr. Young). Considering now that the House of Commons Committee on Banking has reported to the House, and we are sure to see some changes, I would think, in federal legislation dealing with banks and The Bank Act, what initiative has this government taken to intervene on behalf of the consumers of this Province, as far as banking is concerned, to see that new fees - it has been concluded that these fees have been excessive and charged without authority from consumers and from banking customers - and changes will be forthcoming, and that in fact the banks will be required, as they were years ago, to cover their expenses with the spread between savings dollars that they take in and lending dollars on the other end, rather than excessive fees as we see at present?

MR. YOUNG:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:

Mr. Speaker, at a conference of Consumer Affairs Ministers from across the country last February in Alberta, we discussed this matter, but it is under federal jurisdiction, and we have supported the federal government

in their programs to bring down the fees charged by the banks. Once the new act is in place, I presume that we will be following up, monitoring and looking into the situation in the Province.

MR. GULLAGE:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Waterford - Kenmount.

MR. GULLAGE:

Would the minister, considering the importance, of course, of banking - probably no other area of financial service is closer to us, to the consumer - will the minister now undertake to have a permanent joint committee set up, much as we have a committee dealing with the offshore, to monitor bank charges and service fees and, indeed, co-operate with The Bank Act more closely than we have seen in the past, realizing that it has been strictly federal up until now? Will the minister see that a joint committee is set up on a permanent basis to deal with The Bank Act in the future?

MR. SPEAKER:

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:

Mr. Speaker, I will take the hon. member's request under advisement and look into the matter. But we do monitor bank charges, and we do get complaints pertaining to them, and insurance rates and so forth. I will take the request under advisement.

MR. GULLAGE:

Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon.

the member for Waterford - Kenmount.

MR. GULLAGE:

As a further step, Mr. Speaker, would the minister consider changing the role of Superintendent of Insurance, which we now have in place dealing only with insurance companies, and jointly co-operating with the federal Superintendent of Insurance, to Superintendent of Financial Institutions as we see in some other provinces, to deal with an ever increasing confusion and intermingling, if you like, of financial institutions, and thus be more closely tuned to what is happening in the marketplace now rather than having a superintendent strictly dealing with insurance? Would he consider changing that role to Superintendent of Financial Institutions?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:

Mr. Speaker, again I will look into it. But I do know that the Superintendent of Insurance now has quite a work load. I suppose it would have to a government decision if we want to increase our staff, but I will take it under advisement and look into it.

MR. SPEAKER:

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

MR. LONG:

Mr. Speaker, I would like to put a question to the Minister of Culture, Recreation and Youth (Mr. Butt).

It has been a month since we in the Legislature debated and adopted a resolution calling for an investigation into the cultural economy of the Province and the status of the artist. I would like to ask the minister today could he advise the House what measures the department has taken to put in place the committee which is going to carry out this study and perhaps give some definition of the parameters of the study? Essentially, I want an update on what is happening with the issue.

MR. SPEAKER:

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

MR. BUTT:

Mr. Speaker, I thank the hon. member for his question. There is some preliminary work done on it but in fact there will not be a lot of work done on it, until July, after the conference in Stephenville. Because I am expecting that there will be some good information coming forward, good suggestions coming forward from the working artists, which will have to be embodied in the parameters of this comprehensive review that we are going to take. I think that I have indicated that to the House and to the hon. member before.

MR. LONG:

Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for St. John's East.

MR. LONG:

Mr. Speaker, I would like to ask the minister, in anticipation of the important conference which is going to occur in Stephenville at the end of July, could he give

some signal to delegates who will be attending this conference, to artists and people active in the arts community across the Province, about what kind of work they are expected to do by way of preparation for this conference for the two studies which are going to be done? If the minister could give some signal as to what is expected of people who will be coming to this conference in advance, I think that would assist the progress of the report that the minister is working on.

MR. SPEAKER:

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

MR. BUTT:

Mr. Speaker, I have not organized the conference, for one thing. I have been invited there as the Minister responsible for cultural affairs in the Province. There is an established committee in place that is drawing up an agenda for that conference, and I have every reason to believe that those people will do a good job in setting an interesting agenda and one that will give working artists attending that conference the flexibility to put forward their points of view. I have a message to bring when I go. Obviously I will not do that today, but I have a message to bring when I go there. I am also going there with an open mind to hear what those people have to say, which I think is equally important.

MR. LONG:

Mr. Speaker.

MR. SPEAKER:

A final supplementary.

MR. LONG:

Mr. Speaker, with the Stephenville conference still in mind, I would

like to ask the minister is he in contact with officials of the city of St. John's and the recently established Arts Advisory Committee, who are themselves preparing submissions and activities in advance of the Stephenville conference, particularly with respect to the developments around the York Theatre and a multi-purpose arts facility in the city? Does the minister have contact with this new committee that the city has established?

MR. SPEAKER:

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

MR. BUTT:

I have not had contact with the committee directly. But certainly those who were responsible for putting the committee in place, namely, the Deputy Mayor of St. John's, Mrs Duff, as late as last evening, as a matter of fact, we had a discussion on that very topic at the Museum for the opening of the Egbert Warren exhibit, **St. John's at the Turn of the Century**. I had about 150 people come to that event, and one of the things I discussed -

MR. LONG:

You did not invite me.

MR. BUTT:

I did not invite the hon. member. Well, I apologize, Mr. Speaker. I will keep that in mind for the next time around, to invite the hon. member. I thought you would have been on my list. I apologize to you.

I did have an interesting discussion with the Deputy Mayor of St. John's on that very matter, and, of course, as you know, that distinguished woman has devoted

more than passing interest in the historic and cultural events that take place in the city.

MR. GILBERT:

Mr. Speaker.

MR. SPEAKER:

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

MR. GILBERT:

Thank you, Mr. Speaker.

My question is for the Minister of Public Works and Services (Dr. Twomey). One of the exceptions to The Public Tendering Act, as reported in May, was a renewal of a lease on 2500 square feet of space from E.I.L. Holdings Ltd. for the Department of Health in Harbour Grace. Now, was the lease renewed at the same price per square foot as the original lease signed some years ago? I ask the minister that.

MR. SPEAKER:

The hon. the Minister of Public Works and Services.

DR. TWOMEY:

Thank you, Sir.

I am afraid that I will have to take that as notice. You can ask me about 600 other leases, at least, and it would be impossible for me to zero in at this particular time and give you any details about leases we have all over the Province.

MR. GILBERT:

A supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. GILBERT:

Why I thought the minister would

be familiar with this one is that when I tried to get the information yesterday from officials in his department, I was told that I would have to get this information directly from the minister. So if the minister has nothing to hide, why would officials in his department say that I had to get this information from the minister? That is why I asked him why, so that is why I figured he would know. So, will you tell me why?

MR. SPEAKER:

The hon. the Minister of Public Works and Services.

DR. TWOMEY:

I must say, Mr. Speaker, the question mystifies me. Why should I have something to hide about something I know nothing about?

SOME HON. MEMBERS:

Hear, hear!

MR. GILBERT:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. GILBERT:

Mr. Speaker, why would a department lease office space for the Department of Health in Bay Roberts for \$6.94 a square foot, yet pay \$16.04 a square foot for virtually the same premises in Harbour Grace, not twenty miles away? Would the minister tell this House if the reason for it is the fact that the owner of the property in Harbour Grace is a political ally of the former Minister of Public Works (Mr. Young)? Would that be the reason?

MR. YOUNG:

A point of order, Mr. Speaker.

MR. SPEAKER:

A point of order, the hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:

I think that is definitely out of order, Mr. Speaker. It was done through public tender. That is a slur on me, Mr. Speaker, and I feel sure when the hon. gentleman finds out it is an extension to a three-year lease plus a two-year option. That is what happened, Mr. Speaker. I do think he is giving wrong information to the House when he says it is \$16.00 a square foot.

MR. EFFORD:

To that point of order, Mr. Speaker.

MR. SPEAKER:

To the point of order, the hon. the member for Port de Grave.

MR. EFFORD:

The MHA for Harbour Grace, Mr. Speaker, got to his feet very clearly to explain about the tender, knowing full well what the MHA from Burgeo was getting at was the fact that his campaign manager, Mr. Speaker, owns that particular building.

MR. SPEAKER:

Order, please!

MR. SIMMS:

It is starting to get out of hand, obviously, Mr. Speaker.

MR. SPEAKER:

Order, please!

MR. SIMMS:

If the hon. member does not want anybody to get nasty and dirty, he should not get into that kind of

nonsense, because we could do the same thing, as he knows.

MR. BAIRD:

Because his brother could not build a building over there two or three years ago.

MR. SIMMS:

I think it was a distasteful question, and the Minister of Public Works did the right thing by not even giving it a response.

MR. SPEAKER:

Order, please!

There is no point of order, but the question was not quite a correct one.

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

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. DECKER:

Mr. Speaker, my question is for the hon. the Minister of Career Development and Advanced Studies (Mr. Matthews), who likes the Premier's seat. I want to ask the minister to clear up some confusion with the Cabot Institute. On the one hand, the minister is saying that the trade courses at the Cabot Institute are being transferred. On the other hand, people are saying that the courses are being cancelled. Now will the minister tell the House what are the facts? Are the trades about to be transferred or are the trades about to be cancelled?

MR. MATTHEWS:

Mr. Speaker.

MR. SPEAKER:

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

MR. MATTHEWS:

Mr. Speaker, the answer to that is some are being cancelled and some are being transferred.

MR. DECKER:

Mr. Speaker.

MR. SPEAKER:

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

MR. DECKER:

Mr. Speaker, what answer does the minister have for the people who are saying that the trades are being dropped at Cabot and they are not being picked up at the community colleges because the community colleges are already strapped for money and cannot afford the courses they have, let alone taking on the additional courses which are left over from Cabot? So people are saying that the trades are being dropped, all of them, not some and some. What answer would the minister give those critics?

MR. MATTHEWS:

Mr. Speaker.

MR. SPEAKER:

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

MR. MATTHEWS:

Mr. Speaker, the five community colleges of the Province are receiving \$32 million this year from the Province to carry out their programs in the various regions and communities of the Province. And as I said yesterday, consultation was held with the presidents of the community colleges, in the budget process, and each president feels

comfortable with the budget, except for one problem that has been highlighted in this House by the hon. the member for Stephenville (Mr. K. Alyward), because the Western Community College had a problem as a result of an unauthorized overexpenditure last year, which, of course, was brought to the House's attention a number of weeks ago.

But what we have to remember as well, Mr. Speaker, is that the institutes and the community colleges have presidents and they have Boards of Governors, and the Boards of Governors are representative of all the communities in the region of the community college. It is a localized Board. The reason that we have localized the Boards is to have input from the local communities to best determine the needs of the regions and communities. These Boards of Governors, we give them a grant in aid.

MR. LONG:
The community is angry.

MR. SPEAKER:
Order, please!

MR. MATTHEWS:
Mr. Speaker, we are here for the sentencing of one of those this morning, maybe we should sentence two. So I wish the hon. gentleman would be quiet.

Mr. Speaker, what I am saying is that the Boards of Governors make decisions relating to the community college regions of the Province. And we are spending \$183 million this year in post-secondary education.

MR. LONG:
That is irrelevant.

MR. MATTHEWS:
It is relevant that \$120 million of the \$183 million is being spent in the City of St. John's, and the hon. member is down there complaining!

MR. SPEAKER:
Order, please!

The time for Oral Questions has elapsed.

Presenting Reports by Standing and Special Committees

MR. J. CARTER:
Mr. Speaker.

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

MR. J. CARTER:
Mr. Speaker, I would like to present the report of the Standing Committee on Privileges and Elections:

The Standing Committee on Privileges and Elections received from the House on June 14 an Order of Reference charging it with the task of investigating and reporting on the disclosure by the member for Menihek of the contents of a summary of the draft report of the Standing Orders Committee.

Earlier in their present deliberations, the Standing Orders Committee agreed not to discuss their proposals outside the meeting without first giving notice of their intention to do so.

The member for Menihek admitted in the House that he had disclosed the contents of the draft report of the Committee to a **Sunday Express** reporter. The member

went on to say that he had informed the Chairman of the Committee that an article on the Committee's recommendations was likely to appear in the next issue of the newspaper.

Mr. Fenwick was not present on June 13 when the Chairman of the Committee, Hon. James Russell, rose on a point of privilege which resulted in this reference to the Committee of Privileges but in an interview with an **Evening Telegram** reporter said, among other things, that Mr. Russell had been "extremely dishonest" in that he has misrepresented the situation.

In his statement to the House on June 14, Mr. Fenwick admitted disclosing the information in question to a reporter but said that he had believed that he had complied with the Committee's notice requirement in that he had advised the Chairman of the forthcoming newspaper article. Mr. Fenwick also stated that he had believed all the caucuses would have had the opportunity to review the contents of the draft report before the newspaper article appeared. Mr. Fenwick stated that he realized he had been wrong to disclose the information in question, accepted full responsibility, and apologized for his actions.

We are unaware of any previous premature and deliberate disclosure of the committee's report in Newfoundland and Labrador. This disclosure was no casual slip of the tongue or inadvertent lapse of caution. Mr. Fenwick admitted that this was a deliberate and premeditated act and in our opinion was an attempt to circumvent and subvert the very institution of parliament.

The public is right to demand a strict accounting by government and the only effective instrument to ensure such an accounting is parliament. Governments may and sometimes should be brought down but any action which threatens the very institution of parliament must be viewed as an extremely serious matter. In Newfoundland because we have been in living memory (1934 - 1949) been deprived of this institution we should be particularly vigilant in ensuring its vigor.

It is clear from the authorities that premature disclosure of the contents of the report of a parliamentary committee is a breach of privilege: "The publication or disclosure of proceedings of committees conducted with closed doors or of draft reports of committees before they have been reported to the House will, however, constitute a breach of privilege or a contempt." Erskine May, **Parliamentary Practice**, Twentieth Edition, Page 154. This reference is adopted by Beauchesne in the Fifth Edition of **Parliamentary Rules and Forms** on Page 203. The reason for this is obvious. A Committee which meets in camera depends for its success on mutual trust among its members which must respect the confidentially without which such a committee would be seriously hampered in carrying out its parliamentary duties.

Mr. Fenwick has admitted the alleged premature disclosure and we find that these actions constitute a clear-cut breach of privilege and demonstrate contempt for the Assembly of which he is a part. Although Mr. Fenwick has apologized we find that such a serious breach warrants firm

action by the House, and we, therefore, recommend as follows:

That because committees which work in camera depend for their success on trust, confidentiality and honour, qualities not demonstrated by Mr. Fenwick, he be barred from sitting on such committees for the duration of this House of Assembly;

That the member for St. John's East, Gene Long, be invited to replace Mr. Fenwick on such committees, where the House deems that the third parliamentary group be represented;

That Mr. Fenwick be suspended from this House for three clear days;

That the Speaker, reprimand Mr. Fenwick for the allegation of dishonesty on the part of the Chairman which was quoted in The Evening Telegram;

Finally, we recommend that the House take steps to provide that in future suspension from the House shall entail a loss of salary for the period of the suspension.

Mr. Speaker, this report is unanimous, sincere, and deeply felt.

MR. SPEAKER:
When shall the report be received?

MR. SIMMS:
Now, Mr. Speaker.

MR. SPEAKER:
Now.

MR. SIMMS:
Mr. Speaker.

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

MR. SIMMS:

Mr. Speaker, having heard the report of the committee, it is my responsibility, as the Government House Leader, to propose the appropriate motion. The only one I intend to propose is the one specifically dealing with the question of suspension.

Taking into consideration the seriousness of the matter, and certainly the conviction of the committee, which was made up of members from both the government side as well as the Official Opposition side, I would move that the three sitting days, recommended by the committee, be accepted as suspension for the member for Menihek, but that one of those days would include today, the remainder of today's sitting. In other words, the remainder of today's sitting, and Monday and Tuesday of next week.

I make that motion.

MR. SPEAKER:

Before putting that motion, would the hon. the member for Menihek like to make a brief statement? Then I will ask him to withdraw.

The hon. the member for Menihek.

MR. FENWICK:

Mr. Speaker, I am not going to argue with the findings of the committee. I find a committee that is composed of three members of the government side and three members of the Official Opposition, with no representation from our caucus, makes it difficult -

SOME HON. MEMBERS:

Oh, oh!

MR. FENWICK:

No, if it is representative of the

House, it is representative of the House - it makes it very difficult to know even when the committee sat. The Chairman of the committee says there was an investigation. I notice that nowhere along the line has there been an invitation extended to me to go before the committee to answer the charges you established a prima facie case for.

I understand the procedure. You said there was a prima facie case. This, I would say, corresponds with the question of a preliminary hearing in a criminal case and would indicate there was, on the surface, enough evidence to proceed. On that basis, then it is referred to the committee, which then establishes, I would assume, similar to a trial, the rest of it. I am a bit disappointed the committee did not even ask for any explanations whatsoever from me on this particular issue.

I looked it up and there were eleven questions of privilege entered into the record this session, probably a record high, quite frankly.

MR. SPEAKER:
Order, please!

I ask the hon. member just to speak to this particular matter.

MR. FENWICK:
Okay.

I know. Mr. Speaker, that the situation was one that I am not particularly proud of, and I apologized for. In looking back at the other questions of privileges that were raised, it does seem to me in other instances an apology was considered to be acceptable. In the case, for

example, that you ruled on today, there were allegations of improper spending on the part of one of the ministers made by the Opposition House Leader.

MR. SPEAKER:
Order, please!

MR. FENWICK:
Just to summarize, Mr. Speaker, what I am saying is this House is obviously master of its own destiny, it can establish whichever rules it wishes. I just feel the procedure was seriously flawed in that I was not given an opportunity to speak on my own behalf.

MR. BAIRD:
Sure you admitted it.

MR. FENWICK:
The situation seems to me to be, in this situation, a reaction considerably different than there has been in other circumstances similar, such as the Government House Leader or the Leader of the Official Opposition (Mr. Wells).

On that basis, Mr. Speaker, there is not much I can do about it, so I will sit down.

MR. SPEAKER:
All those in favour of adopting the motion, please say 'aye'.

SOME HON. MEMBERS:
Aye.

MR. SPEAKER:
Those against 'nay'.

SOME HON. MEMBERS:
Nay.

MR. SPEAKER:
It is carried, unanimously.

MR. LONG:

It is not unanimous.

MR. SPEAKER:

I ask the hon. member to withdraw as that was the import of the motion.

O O O

MR. WINDSOR:

Mr. Speaker, I would like to revert to Reports of Standing Committees.

MR. SPEAKER:

I am sorry, the hon. the Minister of Finance.

MR. WINDSOR:

I would like to table the Financial Statements to December 31, 1987 for the Province of Newfoundland Pooled Pension Funds.

Orders of the Day

MR. SIMMS:

Mr. Speaker, on page 5 of your Order Paper you will see on the bottom of the Motion section, Finance Motions. The last one, number 8, should be located elsewhere on the Order Paper, because that is actually a bill. You understand the one I am referring to, Mr. Speaker, Bill No. 60. I would like to do first reading of that.

Motion, the hon. the Minister of Finance to introduce a bill, "An Act To Amend The Financial Administration Act, 1973," carried. (Bill No. 60).

On motion, Bill No. (60) read a first time, ordered read a second time on tomorrow.

MR. SIMMS:

We will move into Committee of the Whole, Mr. Speaker.

On motion, that the House resolve itself into Committee of the Whole to consider certain bills, Mr. Speaker left the Chair.

Committee of the Whole

MR. CHAIRMAN:

Order, please!

Order 3, Bill No. 24.

The hon. the House Leader.

MR. SIMMS:

Mr. Chairman, just a brief word of explanation with respect to bill No. 14. As the minister indicated in second reading, there are a few amendments which will be proposed during Committee stage which, I believe, members opposite will be familiar with, and have copies of now, I hope. The amendments do not occur until clause 62, then clause 90 and clause 185.

AN HON. MEMBER:

Why do we not move clauses 1 through 61 in a block?

MR. SIMMS:

That is what I was going to suggest, Mr. Chairman, that we deal with them in some order. There seems to be agreement, so perhaps Your Honour could ask shall clauses 1 through 61 carry? and then call clause 62, in which case the minister can get up and explain his amendment and we can have some debate back and forth. Is that fair?

MR. CHAIRMAN:

Yes.

On motion, clauses 1 through 61, carried.

MR. CHAIRMAN:

Shall clause 62 carry.

MR. DOYLE:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Transportation.

MR. DOYLE:

Mr. Chairman, what we are doing here is making amendments to clause 62, subsection 4, and clause 90, subsection 2. Clause 90, of course, is on page 51 of the bill. The amendment to clause 185, which is on page 101 of the bill, will remove from the bill the provisions respecting the establishment of the demerit point system.

When I presented the bill to the House back about a month ago, we indicated at that time that the demerit point system would be dropped from this bill and that the department would be undertaking an educational and driver campaign, and that the postponed, if you will, or the cancellation would be for an indefinite period of time. Because of that, we have amendments to clause 62, subsection 4, clause 90, subsection 2, and clause 185, which will remove from the bill the provisions respecting the establishment of the demerit point system.

MR. CHAIRMAN:

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

MR. GILBERT:

Thank you, Mr. Chairman.

When the bill was originally introduced there was a provision for a point and demerit system in it. We agreed with this, even though we had some concerns about the fact that this was going to be introduced too quickly and we felt a longer education period was needed.

When the minister made his statement on May 16, I guess, I understood from his statement that the point demerit system was not going to be deleted but was going to be deferred and introduced at a later time. Now we find the amendment is going to take the demerit system out.

I am very concerned about this. I go back to September 1985. The previous minister issued a White Paper on the demerit system and he put out a press release which starts off: 'A point system for drivers is intended to identify those drivers who violate the traffic laws on a regular basis. These people, through their poor driving habits, can be classified as high-risk drivers who would likely be involved in motor vehicle accidents.' He also says: 'To address the problem, eight Canadian provinces and forty U.S. States have instituted a system of point assessment. Point indicators consistent with the severity of the offence are placed on the driver's record to mark each conviction. At a predetermined point level a warning letter is sent to the driver in question advising that if the second level of point assessment is reached, driver licence suspension action will be taken. The first advisory letter is sent in the hope that the driver will improve his or her driving habits. If no improvement is achieved, licence suspension

will occur at a second level of point accumulation. The point system in other provinces is not meant solely as a punishment to the driver but as a tool to improve a driver's ability to a level where that driver is not a hazard to others on the road.'

He then goes on, 'The punitive aspects of such a system can act as a rehabilitative device. Punishment for violating the traffic laws is, in many cases, enough to deter someone from committing the same offence or similar offences a second time.'

Now that is the initial thrust of the former minister's statement, in September 1985. Then we find, this minister came in with his statement on May the 16th, and it is interesting that one of the points he made in his statement was: 'However, we feel, after careful consideration, the system which has been developed and recommended for implementation is too punitive and does not afford drivers adequate warning and opportunity to correct their ways before being suspended.'

Now the previous minister put a lot of time into this, and I have another statement here which he issued on February 18, 1987 in which he says: "There are many valid reasons for implementing the new system. It has been apparent for some time that certain drivers violate traffic laws on a regular basis because of their poor driving habits. They are in a high risk driver category and will most likely be involved in motor vehicle accidents.

The point system will identify those individuals, and the appropriate action will be taken to reprimand them. All other

provinces, excluding Saskatchewan, now operate on a point system for drivers. Therefore, the initiative by the Province of Newfoundland and Labrador will contribute to standardizing highway traffic laws across the Nation.'

This law, as I understand it, is an accumulation of all the amendments that have been made to The Traffic Act since 1970.

Further on in this statement, of course, the minister says, 'This will come into effect in April of 1988.' Well, we, on this side, think there should be a demerit system in place; we do not think this provision should be taken out. Every other province, with the exception of Saskatchewan, has a points demerit system. The study has been done. The government recommended it. Why, all of the sudden, do we now find it too punitive, when the reason for it is not as a punishment but to rehabilitate the drivers who have bad driving habits? The previous minister pointed out only certain drivers are accumulating those points, so why this flip-flop situation now?

I say to the minister, there is obviously another agenda here that we have not seen. Is it a political consideration? Is it the fact that some people have said, 'We do not want this; putting in this point system is going to harm us politically in a possible election year; some of our good workers are going to lose their licence?'

What we have to look at is the fact that this act is going to save lives. The study done by the minister's department said the people who are going to be victims

of this deserve to be, because of their poor driving habits. The majority of drivers on the roads in Newfoundland expect to have protection like the rest of Canada.

Under this act we are going to adopt the National Safety Standards. We are going to adopt the National Safety Standards in this act, the highway safety standards for the rest of Canada, yet we are not going to bring in a point system. The minister is going to tell me in a few minutes that he is going to have an education system for those drivers. I say to the minister, you can have the education system and the demerit system. I say the demerit system should remain in this act. It does not have to be implemented as of July 1. There should be a six to a twelve-month education period. It should be put in place in a year's time, after we have given everyone ample warning and everything else that has to be done to implement this system.

If the minister has some fears for the political ramifications of this system, I say to him now, do not take out the demerit system, but take twelve months to introduce this system rather than one month or two months, as he was going to do. Take the time to do it right now so that people in Newfoundland can have the protection this system would give them. We were going to rehabilitate some of those people with poor driving habits.

I realize the minister has obviously had problems. I heard one of the members say in speaking to this when the bill came through, that the problem would be in enforcing it. The system was outlined in the White Paper, in

the press releases, and in the study that was done by the officials. I say to the minister the senior officials in his department did the study in conjunction with the Newfoundland Safety Council. They all agreed with it at the time, so why was it withdrawn?

For this reason, Mr. Chairman, we on this side, are going to vote against the demerit system being taken out of this bill. We think it should be maintained, and we think it should be given a longer lead time to be introduced. I do not think the safety of the people of Newfoundland should be put in jeopardy for any political end, or means. The minister, for some reason, now feels his political agenda says that this cannot go in, and that is the only reason I can see right now why the demerit system is not being put into this Act. It was there, the work has been done, and if it was good enough to be recommended by this government two years ago, it is no good for the minister to get up in this House today and tell me that the action is too punitive, that the punishment factor is not there. It is not a punishment factor we are trying to get, it is to save the lives of Newfoundlanders and to rehabilitate people in Newfoundland who are committing those offences to try and improve their driving record.

I understand, from talking to some of the insurance companies, that if this demerit system is not put in place there is going to be a continual increase in the insurance policies that all Newfoundlanders have to pay. Not the few who are involved in breaking the law, but the general population of Newfoundland is

going to be affected by increases in insurance because of the fact that those poor drivers are still on the road, the ones the previous minister talked about, those certain drivers who are going to violate the traffic act, going to have accidents. If they are going to continue to have accidents, it means that all of us are going to have to pay the increase in insurance rates.

For this reason, I say to the minister, we should not take the demerit system out of this bill. It should remain there. We ask that it be included, with a twelve month introduction period. The minister was not listening earlier, so maybe I will say it again. He is going to come back and say that he talked to the insurance people and they did not give him anything; he talked to the Newfoundland Safety Council and they are prepared to accept his recommendation. I say no, let us keep the demerit system in. Would the minister like to have a few words to say on this?

MR. WELLS:
Mr. Chairman.

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

MR. WELLS:
Mr. Chairman, the hon. member for Burgeo - Bay d'Espoir perhaps does not know how persuasive his speech has been. While he was speaking, I spoke with the hon. the Minister of Transportation and the Government House leader and they have led me to believe that they are prepared to consider eliminating those proposed amendments so that the bill will remain intact as far as provision for the demerit system is

concerned.

If those amendments now proposed by government, amendments 1, 3, and 4, are eliminated and not proceeded with, then the legislation would remain in tact as far as the ability of the government to implement a demerit point system six, twelve, or eighteen months down the road, if the government of the day saw fit. It would not have the system in place. The legislation would permit the enactment of regulations which could implement the system.

On that basis, I would have nothing further to say about these points. If the government will agree to that, it is not necessary for me to make a more lengthy speech, but otherwise I would say, Mr. Chairman, we strongly oppose these particular amendments, 1, 3, and 4, which would eliminate the ability to implement a demerit point system.

MR. DOYLE:
Mr. Speaker.

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

MR. DOYLE:
Mr. Chairman, after consultation with the Government House Leader, we do not have any difficulty at all, because I think I moved the first amendment already, withdrawing amendments 1, 3, and 4, to those particular Clauses. As the Government House Leader pointed out to me, it is permissive legislation anyway and with leaving those amendments in tact the government has the ability, whether it is year or two years, or ten years down the road to implement the demerit point

system.

We have made the decision not to go with the demerit point system at this time, but there is certainly no difficulty from this side in just leaving the ability there for government to act on it at some point in the future. So, Mr. Speaker, I have no difficulty with that at all.

MR. LONG:
Mr. Speaker.

MR. CHAIRMAN:
The hon. the member for St. John's East.

MR. LONG:
My understanding then is that the amendments are not now before us. They have been withdrawn.

MR. WELLS:
Amendments 1, 3, and 4, only the three that apply (inaudible).

MR. LONG:
Right, and there are other amendments in this package which have to do with other wording changes in the fixing up of the bill, and have no reference to the demerit system.

I would like to have a few words, Mr. Chairman, on the motion then and on the bill, and also on what has just happened. I must say I am somewhat amazed at the process sometimes where we can negotiate here in the House to bring forward positive changes to strengthen the governments own legislative agenda. I must give some credit to the member for Burgeo - Bay d'Espoir, who has been clear and consistent on addressing the demerit system.

But I really do not know sometimes what to make of how the

government, various government departments and various ministers proceed in bringing forward legislation. I think what we have witnessed with this bill is quite a fiasco and must be commented on with respect to the management of the government's legislative agenda.

The Minister for Municipal Affairs came forward with the bill that was consistent with the direction the Department of Transportation had been moving in for the last number of years, in accepting representation from the Newfoundland Safety Council and hon. members in the House, and went in a direction that had a lot of common sense and based on a lot of evidence from other jurisdictions and based on the need for addressing the problems of safety on our roads and punishment for drivers, the whole question of the insurance system and how it responds to drivers who continue to violate laws and affect others who are in the road and others who are availing of insurance.

The minister came forward with a proposed plan to introduce the demerit system. At the time we supported the initiative taken by the minister, as did the official Opposition, and were quite surprised that shortly after we were told differently from the good offices of the Legislative Council and the good folks who do such hard work for all hon. members of the House, but especially for the government, in drafting very complex pieces of legislation. Obviously, in this case, we have a kind of omnibus bill which is maybe the largest bill that has been brought before us in terms of the number of pages and the number of sections and

subsections.

Then we had a whole set of amendments introduced that would fix this bill so that it would not contain what was perhaps the most important new initiative in the legislation, which was the initiation of a demerit system.

Now, we gave the benefit of the doubt to the process there and began to understand that what the government was wanting to do was bring forward its bill and keep everything else in the legislation intact that it was needing to do, much of it being housekeeping, but that the essential piece of the bill we were quite interested in, the proposal for a demerit system, would be gutted from the bill and then we would have a bit of legislation which would not have a whole lot left to debate.

Then, today we see, after the good offices of the Legislative Council had done such hard work to fix the government's inability to be clear and consistent and to make a decision it would stick with on a political issue, namely, the introduction of the demerit system as a new initiative that was obviously drawing a response on both sides from people in the Province, the government comes in today and says, 'Well, maybe what we have done is decided that the demerit system is a good thing after all, but we do not think there is a problem in introducing it in the bill in the way that we have done.' So I am just trying to keep up with the -- I mean, hon. members and the House Leader have had great fun in the past, talking about the flip-flopping of the NDP.

MR. SIMMS:

(Inaudible). I hoped you would understand the process. You

obviously do not understand.

MR. LONG:

Well, I am not going to allow the House Leader to interrupt me, because I am dealing with what I am saying is my understanding of a very strange process.

MR. SIMMS:

You are wrong.

MR. LONG:

Well, it may be wrong, but it my own understanding and it is based on my experience in seeing a series of moves by the Minister of Transportation (Mr. Doyle), the latest of which is this morning, in which the House Leader is anticipating a lengthy debate here in this House on both sides, the opposition parties were going to oppose a new set of amendments that the Minister of Transportation had leave to introduce. I mean, the process was already sloppy enough.

At the end of the process, we finally have the Minister of Transportation getting some guidance and assistance from the House Leader to drop these amendments. So what we are left with -- maybe the House Leader and the Minister of Transportation, at some point, can speak and clarify, not so much for members in the House who are participating in this charade, but for the people out there who are going to be affected by this legislation, what exactly is the intention of the government.

Obviously, the legislation makes it clear this government is committed to the introduction of a demerit system. What the legislation does not do is give any indication of when and how that is going to be introduced.

So we are back to where we started, I guess.

MR. GILBERT:

After the next election.

MR. LONG:

Right.

I assume we are back to where we started. Government has been moving in the direction of giving a commitment to introduce a demerit system and now, we have that in the legislation. Now, we find ourselves back to a point where the government is saying it is introducing and will pass legislation that has a demerit system in it. This Province will see, at some time, the introduction of a demerit system.

MR. LONG:

So now we are hearing that although these amendments have been taken away, the bill stays as it was with the demerit system in it and that does not mean that the government has a commitment to introduce the demerit system.

AN HON. MEMBER:

That is right.

MR. SIMMS:

It is permissive legislation.

MR. DOYLE:

It is permissive legislation.

MR. WELLS:

Maybe the member's problem will be solved if I assure him that as soon as a new government is elected, it will be done.

MR. LONG:

So what we have is permissive legislation that can allow the government -

MR. SIMMS:

Perhaps the hon. member's problem could be resolved because I will give him the same commitment when the new government is formed, we will deal with the matter.

MR. LONG:

You will also deal with it.

I appreciate the interventions by both other parties here, but it just confirms, I am amazed at what we have here. We are now back to a point in which we have a piece of legislation which is described as permissive so the government can do one thing and it can also do another. We have a classic case of the government deciding, I guess after consultation with the good offices of the Legislative Council, that this legislation does not need to be amended because it was originally drafted in a way that leaves the door wide open for the government.

My concern essentially, and this is why I am speaking to this, and the Minister for Transportation (Mr. Doyle) may not take it as a serious concern or he may, but I would say to him that there are people out there watching with interest the direction the government is taking on the introduction of a demerit system. At this point it is absolutely unclear what the people of this Province can expect in the way of an eventual introduction of a demerit system. We are saying that we are passing legislation that has provision for the introduction of a demerit system, but there is no indication of how or when this government is going to bring it in. Now we have commitments, I guess, by both parties, whoever is the government the next time after the next election, people can expect that.

I will not say a whole lot more except we can all look forward to the next election campaign in which there will be promises of the introduction of a demerit system to address the issue of drivers and safety on the roads in this Province.

For now, I think this is an incredibly stupid way for the government to go about its own legislative agenda. I do not know if there will be any notice given it because like many other things, if there is no coverage of this in the media, it is like a tree falling in the woods. Nobody is there, so it does not make a noise. Does it really exist that the government has gone about its business in such a way, if there is no media coverage of it, I do not know.

But I have certainly learned a lesson and it has been made very clear to me that this government in so many ways really does not know what it is about. I am certainly, as one citizen of this Province, no clearer today than I was a month ago when the amendments were first brought in as to what the intentions of the government are with this piece of legislation concerning the demerit system.

MR. SIMMS:
Mr. Chairman, just a brief word.

MR. CHAIRMAN:
The hon. the House Leader.

MR. SIMMS:
I must have a brief word, I cannot let that go by without having a brief word of explanation afforded to the member for St. John's East (Mr. Long).

I do not wish to be nasty, but the

fact that he is no brighter now than he was earlier on this particular matter is of little consequence. I mean, we are all aware of that and familiar with that fact. He need not get up and admit it here in the House.

Look, all that has transpired here is that the government announced its position with respect to the introduction of the merit system some time ago, and indicated we would not be proceeding with the introduction of it at this point in time. We said that clearly in our statement -

MR. DOYLE:
A Ministerial Statement.

MR. SIMMS:
- at this point in time.

In dealing with the legislation, then, in consultation with the law clerks and ourselves, the position simply was we could either leave these clauses in there, which were permissive clauses, or we could remove them. It did not really make any difference because at some time in the future you could just amend the legislation to bring it back anyway. We just took the position at the time, well, we will take it out because it will emphasize the fact we are not going to proceed with the introduction of the demerit system at this time. That is all. No more, no less, quite simple, and quite straightforward.

In consultation and discussion with the Opposition here today, who have a real problem with it, or presumably have a real problem with it, we really had no real difficulty with leaving the clauses in there. It is just not a big deal. It gives us permission to do it sometime in

the future.

MR. DOYLE:

Mr. House Leader, his own leader came to me and asked me to do just that.

MR. SIMMS:

Perhaps the hon. member's seatmate has not been communicating with him.

MR. LONG:

You still do not know what you are doing with the demerit system.

MR. SIMMS:

I see.

I understand your own leader, the member for Menihek, asked the Minister of Transportation to do exactly what we have done, and in the spirit of co-operation, we have agreed to do it. That is all, Mr. Chairman. There is nothing to get excited about, or get all flappy and fluffy about. Just relax and take it easy. Go out, talk to the media and criticize the government. That is no problem. We can handle that kind of stuff.

But, please, do not delay the work of the House with matters like that. If you want some explanation, come and ask somebody and we will give it to you. That is all.

MR. SIMMONS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Thank you, Sir.

The process that is happening here this morning, I believe, is a good

process. We sometimes, as an Opposition, criticize that we are not being heard, or that we do not have input. I believe, basically what happened this morning, is that the Leader of the Opposition and the gentleman for Burgeo - Bay d'Espoir made a point to the government, the government considered it and then took its decision. The government is there to make the decisions, we are here to make some suggestions, and when the two come together, it makes for better government.

Mr. Chairman, that process, which is a good process, should not be confused with another process which the gentleman for St. John's East referred to. I say to him, instructively, there is a difference between consultation resulting in a decision modification, and the thing popularly and properly known as flip-flopping, in which you do something today, the opposite tomorrow, and the first thing on the third day. Now, that is flip-flopping in its most vulgar form. That is flip-flopping, genuine NDP invented and preserved flip-flopping. That is being on both sides of the issue on successive days, but never to mind, because by the third day we will be back to the first position. That is flip-flopping.

Now, what we are doing here, Mr. Chairman, is not at all like that. It is a good process. The two processes are different. If they are happy with flip-flopping, that is fine, but we are comfortable with this here. The demerit system, when the former minister, the gentleman for St. George's (Mr. Dawe), propounded the idea, sounded like a good idea and since then I got some very favourable feedback from people

about the merits of the demerit system.

Government, in its wisdom, has seen reason to put the thing on hold. What we are saying is, 'On hold, maybe. We respect your right to do that, but do not throw it out the window. Do not put it beyond the pail. Leave in there any permissive legislation which would allow you to exercise the option at the appropriate point in time.' I think, that is essentially what we are saying.

That is our concern and, I think, to achieve that this morning, as we have, is a good process.

MR. SIMMS:

If you would excuse me, I just want to say this is almost precisely what we wanted to do in the first place. That is what we were going to do. Then we said, Well, if we do that, the Opposition will kick up a big fuss because we still have it there. So, we said, we will drop it. That was the simple way. We can always bring it in at any time in the future.

MR. SIMMONS:

He comes across as the sensitive man I know him to be.

MR. SIMMS:

You have given us what we were looking to do, anyway. That is why we have no problem.

MR. SIMMONS:

I am delighted with the process, and I stand foursquare against flip-flopping as always.

MR. CHAIRMAN:

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

MR. LONG:

Perhaps I could have another word on this just to be clear on what is happening. The House Leader talks about the NDP taking up the time of the House, delaying the time of the House. Part of my concern in speaking to this is how the government has taken up the time of the House in going about the business of this bill in the way it has. I think it is quite shocking that government has been unable to have a clear agenda on what is a very important issue. If it takes the kind of last minute recognition of --

MR. DOYLE:

But your leader asked that we amend the bill.

MR. LONG:

Exactly! Months ago, my leader, and I am sure the Leader of the Opposition, made it clear to the minister that if you bring in amendments to this bill to drop the demerit system, then you will have serious opposition when we get to Committee stage or final reading. So why, a month ago, the minister could not have seen what he has seen this morning, that the legislation is permissive, it did not need amendments and government could give a commitment to the demerit system but not introduce it right away, is beyond me.

AN HON. MEMBER:

(Inaudible) rules and regulations anyway.

MR. LONG:

Right. So it is done. If the Government House Leader wants to try and score some cheap political points, then the point remains that on this issue the question is still not fully resolved; the Minister of Transportation still does not know what he wants to do with the demerit system.

We might have resolved the issue of the passage of this bill, but the essential issue has not finally and in a complete way been given resolution by what the House is doing in agreeing to pass the bill without any amendments.

On motion, clause 62, carried.

On motion, clauses 63 through 80, carried.

MR. CHAIRMAN:

Shall clause 81 carry?

The hon. the Minister of Transportation.

MR. DOYLE:

Amendment number two, Mr. Chairman. The purpose of this amendment to clause 81, which is on pages 50 and 51 of the bill, is to clarify that a person who shows proof of financial responsibility may only obtain his or her driver's licence provided arrangements have been made to satisfy the judgement outstanding against him or her and the person has continued to adhere to those arrangements. That is there in the bill.

What we want to add there is, where a person is deemed to be not in default pursuant to subsection (2), which only clarifies what subsection (3) is about. That is all.

On motion, amendment carried.

On motion, clause 81 as amended, carried.

On motion, clauses 82 through 190, carried.

MR. CHAIRMAN:

Shall clause 191 carry?

MR. DOYLE:

The amendment to clause 191 is just consequential to the enactment of Bill No. 55, "An Act To Incorporate The City Of Mount Pearl." As we know, we are going to have a City of Mount Pearl, so that must be put in there.

St. John's is already mentioned in the bill in clause 190, and the City of Corner Brook in clause 191. So the amendment is consequential to the enactment of Bill No. 55 for the City of Mount Pearl.

On motion, amendment carried.

On motion, clause 191 as amended, carried.

On motion, clauses 192 through 212, carried.

MR. CHAIRMAN:

Shall the Schedule carry?

The hon. the Minister of Transportation.

MR. DOYLE:

There is an amendment to the Schedule of Fines attached to the bill, which would be amendment No. 6. The purpose of the amendment is to give effect to the increase in the fines for violations of the provisions of the bill. These increases were announced during the budgetary process.

On motion, amendment, carried.

On motion, schedule as amended, carried.

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

MR. SIMMS:

Mr. Chairman, we will move on now

to Order 4, Bill No. 2, which was adjourned last day on Clause 19, as I recall. There are two clauses left which need to be carried. It is the one on private schools. We were in Committee and we went as far as Clause 19. There are two clauses left, so you have to call Clause 19 to get back on the track.

MR. CHAIRMAN:

Bill No. 2, "An Act Respecting The Regulation Of Private Training Institutions."

Shall Clause (19) carry?

MR. LONG:

Mr. Chairman.

MR. CHAIRMAN:

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

MR. LONG:

I would like to speak to Clause (19) before we dispense with this bill, because there are a number of important and outstanding issues, that is to say, issues which have not been seriously addressed by the minister.

The last day, before we adjourned, there were a number of points being made. In particular, the minister was not in his place at the time. The member for Port de Grave raised the issue of students attending private institutions who are unable to receive a consistent and clear directive from the offices of the Unemployment Insurance Commission about their status as claimants of UI.

I do not know if the minister is completely unaware of this problem, but this is a problem that I have had experience with this year, and the member for Port de Grave talked about the numerous

students he has been dealing with. At the time, the Government House Leader gave an undertaking to communicate to the minister the spirit of the speeches that were being made, and that is that in introducing this bill and allowing for the regulation of private institutions, there is a lot more government needs to be doing in addressing the situation of young people who are trying to finance their way through these schools and facing incredibly high costs of tuition and room and board, especially people who have to come in to, in this case, the City of St. John's from across the Province.

The minister may or may not be aware, or may not have any sympathy with the difficulty that young people find themselves in when they are not able to have access to publicly funded vocational programs in the colleges and that is, in part, what I want to also address in speaking to the bill today, that students who are, for whatever reason, forced or chose to enroll in a private institution, I want to come back to this UI question for a minute here, the experience has been throughout this last year that the Unemployment Insurance Commission does not have a policy with respect to the eligibility of students attending private institutions.

The Commission readily admits there is no policy and each individual case is decided on its own merits. What you have are students attending courses here in the city, in one class you may have students who are attending school and receiving UIC and others who are attending school and are declared ineligible for UIC because they are going to

school. In many cases in the last year, what we have seen is a number of students who have had to quit their courses because they had been declared ineligible.

Mr. Chairman, the minister may or may not be aware that this is a very serious problem. But it is a problem not unrelated to other initiatives being taken by the minister, namely, to cutback publicly-funded training courses especially in the city. That is what I am dealing with because that is what my experience is, people who are longtime residents of the City of St. John's but also people who come in from the outside.

What we have is, in the event that students are not able to take courses in clerical, accounting, or secretarial science, the word processing course that has been cut from the Cabot Institute, and a number of other business administration courses that will no longer exist at the Cabot Institute, they are going to be invited to try and find a way through the difficulties any student faces in enrolling at a private institution and judging their own situation to determine whether or not they will be able to handle the pressures of going to school and meeting their own needs.

If they are on their own it is difficult, especially if they have come in from outside St. John's, paying rent, paying heat and light during the winter months, finding enough time to perhaps get part-time work and ensure they are in a situation which allows them to be able to focus on their studies and do their course work properly and to not be constantly preoccupied with survival.

What is being asked of the minister here is that he make direct representation to the Unemployment Insurance Commission and call for the Commission to determine and establish a clear policy with respect to the eligibility of students attending private institutions for UIC. Because what you have in the absence of a clear policy is counsellors in the UIC offices all across the Province giving conflicting advice and in some cases giving conflicting advice to the same person.

Students are being told they can go and register for a course and will find that their eligibility for UIC will not be jeopardized as long as they tell the counsellors at the UI offices they are ready, willing and able to work, like anybody else. And then you have other counsellors telling students who are considering applying and enrolling at a private institution, if they do so, they will jeopardize their ability to be in receipt of UIC. So, what we have seen the last number of months is a total lack of involvement by this government on this issue.

The member for Port de Grave (Mr. Efford) talked about the large number of students he has assisted going through an appeals process at the UIC office.

I think what is in order here is that the minister, on behalf of this government, given the context of the legislation before us, an Act to regulate private institutions, begin to take a more active role in being an advocate for those who are in need of support and assistance while attending these schools.

I do not know if the minister is interested in this advice that he is receiving now from both opposition parties, but that is something that those of us individual MHAs who have had numerous experiences this year in dealing with students in this position, that we would beg of the government to play a more active role in approaching the federal authorities and to call for a clear policy so students can know what their position is.

The other thing I would say to the minister by way of general concern at this time with the introduction and the adoption of this legislation is the minister may think he can come in during question period and dismiss quite out of hand, the concerns that have been raised during the last number of week about the cutbacks in the public funded community college system.

MR. SIMMS:

A point of order, Mr. Chairman.

MR. CHAIRMAN:

The hon. the Government House Leader.

MR. SIMMS:

I have put up with as much as I can. It is obvious to me that the member for St. John's East, acting on the instructions of his Leader, has been instructed to filibuster all the legislation he can, speak as often as he can for as long as he can, so that there is nothing progressing in this House. That is what is happening here because what the member is talking about has absolutely nothing to do with the Clause we are dealing with. It deals with regulations.

MR. LONG:

What is your point of order?

MR. SIMMS:

My point of order is you are irrelevant in your speech, and you are not allowed to speak irrelevantly, especially in Committee of the Whole where you are supposed to be even more precise and more concise with respect to your speaking. The hon. member, as I have said, has one thing in mind, but I can assure him we are not going to stand for it, if he is going to continue to act this way.

If he wants to make some legitimate points about legitimate legislation and about specific legislation, let him do it and let other members have an opportunity to speak in this debate if they wish to. But if not, do not filibuster, let us get on with the work of the people. That is what this is intended for here in this legislature.

MR. BAIRD:

Good point, good point!

MR. CHAIRMAN:

A point of order. The Chairman recognizes himself for a period of time you were swaying from the subject matter and certainly irrelevant. So I ask the hon. member to stay with the subject matter. The regulation that is this Clause.

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

MR. LONG:

Thank you, Mr. Chairman.

Yes, Mr. Chairman, I am quite committed to addressing specifically the Bill in front of us, which is an Act Respecting The Regulation Of Private Training Institutions.

AN HON. MEMBER:

(Inaudible) the clause.

MR. LONG:

Yes, we are speaking towards the enabling Clause, which is the most significant section of the Bill which lays out the regulations the Cabinet, the Minister of the Department, the Lieutenant-Governor in Council may make governing everything that has been the foregoing in the Bill, all regulations governing the operations of the private training institutions.

The Government House Leader may or may not appreciate that on certain pieces of legislation members in this House are going to want to debate the important issues of the day as they relate to the government's legislative agenda. If the Government House Leader does not appreciate that, that is too bad.

MR. SIMMS:

Mr. Chairman.

MR. CHAIRMAN:

A point of order, the hon. Government House Leader.

MR. SIMMS:

The hon. the member has not yet understood the process of the legislature.

MR. LONG:

Right, give me another lecture.

MR. SIMMS:

He does not understand it. Now, we gave him a lot of leeway the first year, but he has been in the House now a couple of years. Surely he should know, when you are debating in Committee of the Whole, clause by clause, it is quite different from debating the principle of the bill. That has

already been done, and accepted by this House.

So, if you are going to speak against the principle of the bill, you should have done it in second reading and you are, out of order. That is what I am arguing with the Chairman. That cannot be permitted in Committee of the Whole, clause by clause debate. It cannot be permitted.

Now, if the hon. member insists on continuing to filibuster and break the rules of the House, then the Chair will have no choice but to name the hon. member and then he can join his buddy.

MR. CHAIRMAN:

To that point of order, when the hon. member was allowed to speak again, after the last point of order, I told him to stay relevant to the clause, the subject matter. When the hon. gentleman did rise, he did not utter one sentence that pertained to that particular clause.

MR. BAIRD:

His time is up now, Mr. Chairman.

MR. SIMMS:

You can order him to take his seat, too, Mr. Chairman, if you wish.

MR. CHAIRMAN:

The hon. gentleman is going to have to stick to that clause, stay with that clause and the subject matter therein.

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

MR. LONG:

Thank you, Mr. Chairman.

Obviously I am interested in getting the work done, and that is

what I am addressing myself to, the specific bit work that is in front of all hon. members. I am doing my best, Mr. Chairman, to address specifically this clause outlining the regulations which will govern the operations of private training institutions in the Province.

The Government House Leader will be happy to know that I am just about to conclude my remarks, but I am not going to allow the opportunity to go by, with this important piece of legislation, without reminding the Minister of Career Development and Advanced Studies that in bringing forward the bill that will define the regulations governing private institutions, which we are quite pleased to see the government has done in this session of the House, that there are very many other serious concerns that remain about the introduction and the expansion of private training institutions in this Province, and we will continue, day in and day out, to raise the concerns about the impact on the publicly-funded vocational and community college system that is being created by the proliferation, with the encouragement of this government, of the private training institutions, and the essential direction the government is moving in, which is to encourage the privatization of post-secondary institutions and to help with the students and the difficulties they face as a result of that.

On motion, clauses 19 through 21, carried.

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

MR. SIMMS:

Mr. Chairman, if hon. members are listening, I do not intend to proceed with Order 5 until the Minister of Health (Dr. Collins) returns. I will proceed with Order 6, Bill No. 19, Mr. Chairman.

A bill, "An Act To Amend The Hospitals Act, 1971." (Bill No. 19)

MR. TULK:

Mr. Chairman, on a point of order.

MR. CHAIRMAN:

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

MR. TULK:

Did I understand the hon. gentleman to say that he would not proceed with Order 5 because the Minister of Health was not here?

MR. SIMMS:

Yes.

MR. TULK:

I just want to point out to you that The Hospitals Act is the same minister.

MR. SIMMS:

Oh, yes. It is just No. 5, itself, that I want to discuss with the minister.

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

MR. SIMMS:

Order No. 7 Bill 25.

"An Act To Amend The Public Utilities Act." (Bill No. 25)

MR. CHAIRMAN:

Shall clause 1 carry?

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

Mr. Chairman, maybe the hon. minister could tell us why this needs to be retroactive?

MR. CHAIRMAN:

The hon the Minister of Finance.

MR. WINDSOR:

Gladly! In fact, I dealt with that when I introduced the bill. It is somewhat unusual that something is retroactive.

MR. WELLS:

That is right. You avoid it at all costs.

MR. WINDSOR:

I appreciate the concern. In this case, there is one development going somewhere on the South Coast. I do not recall the name. I did know it. There is one small development going now by private enterprise and we gave them an undertaking that we would ask that it be retroactive. Obviously, if hon. gentlemen do not want to make it retroactive, then that is fine. We did give them that undertaking, that we would make it retroactive.

I appreciate that retroactivity is not something that any House wishes to agree with, because that tends to be imposing something on somebody who did something in good faith when it did not apply. In this case, this applies only to that one development. It is the first, and the only one in the Province. Private enterprise of that size is doing it and they were under the understanding that we would ask the House to approve it retroactively. So, it is to benefit them. That is the sole

purpose.

MR. WELLS:

If the sole purpose is to benefit one institution, organization, corporation or individual, that should be specifically provided for. There may be merit in it, but it should be specifically provided for rather than making the provision generally retroactive. You do not know what factual circumstances are out there, and really retroactive legislation is, in my judgement, to be avoided unless it is totally unavoidable. In this case, where there is only one body or organization involved, then there could be an exception made for that particular one rather than blanket retroactivity.

AN HON. MEMBER:

What is the difference?

MR. WELLS:

The difference is you do not know what you are providing for when you provide for it to have retroactive effect.

MR. CHAIRMAN:

The hon. the Minister of Finance.

MR. WINDSOR:

Mr. Chairman, I have no argument with the hon. gentleman at all. I agree entirely with what he is saying. It could have been done either way. I assure him that there is only that one development so that, in effect, it is the same thing. I did have the name and some notes here. If I find them, I will give you the name and location; it is a small development that is ongoing.

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

That is the only circumstance the hon. minister knows of at the moment. As far as he knows there are no other circumstances, and I accept that.

MR. TULK:

But, there could be.

MR. WELLS:

We do not know with certainty. There could be. This act does not apply to a public utility where the public utility became a public utility on or after March 1, 1987. What about what is going to happen in the future? Any public utility that becomes a public utility at sometime in the future, this would not apply. It is on or after. 'This Act does not apply to a public utility where the public utility became a public utility on or after March 1, 1987.' So not only is it retroactive from March 1, 1987 to now for all others which became public utilities during that period, it does not apply to any body that becomes a public utility in the future.

MR. SIMMS:

We have given the assurance it does not. By giving you that assurance -

MR. TULK:

But the legislation says something different.

MR. SIMMS:

It does not say anything different.

MR. WINDSOR:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Finance.

MR. WINDSOR:

The hon. gentleman, I might suggest, is reading this wrong. What this does is apply that any small public utility that is created after that time is exempt from the Public Utilities Act. That is the purpose of this Act.

MR. WELLS:

What about 1990?

MR. WINDSOR:

In 1990?

MR. WELLS:

You are exempting them all prospectively in the future, no public utilities?

MR. WINDSOR:

All small ones less than 1000 kilowatts will be exempt from the Public Utilities Act. That is the purpose of this exemption, so that these small, private developments do not have to go through all of the exhaustive and expensive process of meeting the requirements of the Public Utilities Act.

That is what we are doing. The retroactivity simply provides that that one development -

MR. WELLS:

Takes it back to that one.

MR. WINDSOR:

- that has been done will not be covered by The Public Utilities Act. All in future will not be covered.

MR. WELLS:

All under one thousand, in future. I understand that.

MR. WINDSOR:

All under one thousand in the future. That is the whole purpose of the amendment.

On motion, clauses 1 and 2 carried.
Motion, that the Committee report having passed the bill without amendment, carried.

MR. SIMMS:
Order 8, Bill 24.

A bill, "An Act To Amend The Newfoundland And Labrador Hydro Act, 1975". (Bill No. 24).

MR. CHAIRMAN:
Shall clause 1 carry?

MR. WELLS:
Mr. Chairman.

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

MR. WELLS:
I just remind the hon. the minister of the comments of the hon. member for Gander at the time this was introduced, and I ask the hon. minister if he has checked those figures to find out whether or not the concerns expressed by the hon. member for Gander were well-founded?

MR. WINDSOR:
Mr. Chairman.

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

MR. WINDSOR:
I think the hon. gentleman is referring to items we are borrowing for under this.

MR. WELLS:
Yes.

MR. WINDSOR:
Later on that day I gave the hon. gentleman a listing, verbally, of the items, and it would include the development at Paradise River,

the woodchip operation at Roddickton, the upgrading of the Holyrood Thermal Station, the \$40 million headquarters and Central Control Building, and it includes some transmissions. I think it is around \$200 million, which is a standard amount for upgrading and maintenance, capital improvement on transmission facilities across the Province. I did provide a breakdown.

MR. WELLS:
The other question he raised is what is the point of this Assembly providing an authorization up to a certain limit if, in fact, the Hydro Corporation, with the approval of the Lieutenant-Governor in Council, is going to borrow in excess of that limit anyway? and he referred to the borrowings over a period of time and that it exceeded the limit. I understood that the minister was going to check to see if, in fact, the limits had been exceeded in prior years. That was the question. Has that been done?

MR. WINDSOR:
Mr. Chairman.

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

MR. WINDSOR:
No, the limits are not exceeded. What happens from time to time is that as debt is paid off, then that gives room for the Corporation to borrow additional funding for additional purposes, all of which is approved by the Board of Directors, approved by Cabinet and tabled in the House of Assembly, and is provided in the statements tabled in the House of Assembly every year. So I think there is adequate recognition of what happens, adequate answering to the House.

MR. WELLS:
Mr. Chairman.

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

MR. WELLS:
Would the minister consider, at least in future if they are still holding that office, when another piece of legislation is necessary spelling out the individual items of approval, as he has given it to the hon. member for Gander. Because this amounts to really a blank cheque. It is our responsibility to check the expenditures, yet we have no assurance in this House that one dollar of that will be spent on the additional thermal unit at Holyrood. There is no means by which the House can be sure. The authority is blank. So a blank cheque is being signed. Now albeit we recognize that the utility, Hydro, has to answer to the Lieutenant-Governor in Council. But we are not prepared to give the Lieutenant-Governor in Council a blank cheque either, so we should not be giving it to the Newfoundland and Labrador Hydro Corporation.

However, that was debated and opposed on second reading and I do not want to get into that again; I will just ask the minister if he would consider this in the future.

MR. WINDSOR:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the minister of Finance.

MR. WINDSOR:
Yes, Mr. Chairman, I will consider it. Let me add one final point. That blank cheque is also given to the Public Utilities Board, which

looks at every expenditure made by the Corporation, as to whether it is necessary, when they are doing rate hearings. We are answerable to the public through that board, as well, so there are really two checks.

On motion, clause 1 carried.

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

MR. SIMMS:
Mr. Chairman, if hon. members opposite are ready, we will move on to Order 9, Bill No. 10.

A bill, "An Act To Amend The Retail Sales Tax Act, 1978."
(Bill No. 10)

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

MR. SIMMS:
If everybody is ready.

AN HON. MEMBER:
We are ready.

MR. SIMMS:
These are only very short bills anyway, one clause usually. Order 10, Bill No. 11.

A bill, "An Act To Amend The Insurance Companies Tax Act."
(Bill No. 11)

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

A bill, "An Act To Amend The Mineral Holdings Impost Act."
(Bill No. 12)

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

MR. SIMMS:

Mr. Chairman, since the Minister of Finance is in his place to answer questions if there be any, perhaps we could jump down to Order 16 for the moment, bill No. 28.

A bill, "An Act Respecting An Increase Of Certain Pensions." (Bill No. 28)

On motion, clause 1 carried.

MR. CHAIRMAN:

Shall clause 2 carry?

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

I believe we dealt with the question of the unfunded liability and the impact on the unfunded liability of this provision in second reading. It has been approved.

On motion, clauses 2 through 4, carried.

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

We will now go back to the order we were following: We are at Order 12, which is Bill No. 6.

A bill, "An Act To Amend The Newfoundland And Labrador Housing Corporation Act And To Repeal The Harmon Corporation Act, 1966-67." (Bill No. 6)

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

MR. SIMMS:

Order 13, Bill No. 15.

A bill, "An Act To Amend The Fish Inspection Act." (Bill No. 15)

On motion, clause 1 carried.

MR. CHAIRMAN:

Shall the title carry?

The hon. the member for Twillingate.

MR. W. CARTER:

During the Second Reading of this bill it was my impression that this amendment would only cover cases where the minister was going to deputize one of his staff or second a member of his staff to act as an inspector. The minister is not here, but I want to make that clear. Because if it were a case of new appointments, then, of course, we would have to object. But on the basis of what we understand from the minister, then we have no objection to it.

I just want to make that point clear, Mr. Chairman.

On motion, title carried.

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

MR. SIMMS:

Order 14, bill No. 22, Mr. Chairman.

A bill, "An Act To Amend The Fatal Accidents Act." (Bill No. 22)

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

MR. SIMMS:

Order 15, Bill No. 20.

A bill, "An Act Respecting The Newfoundland Hospital And Nursing Home Association." (Bill No. 20)

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

MR. SIMMS:
Order 17, Bill No. 9.

A bill, "An Act To Incorporate The Newfoundland And Labrador School Trustees' Association." (Bill No. 9)

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

MR. SIMMS:
Order 18, Bill No. 27.

A bill, "An Act To Amend The Newfoundland Teacher (Collective Bargaining) Act, 1973". (Bill No. 27).

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

MR. SIMMS:
Order 19, Bill No. 38.

A bill, "An Act Respecting The Newfoundland Institute of Agrologists". (Bill No. 38).

MR. TULK:
Mr. Chairman.

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

MR. TULK:
I take it, Mr. Chairman, that the only change taking place here is the adding of 'and Labrador' to where we now have in the legislation presented just 'Newfoundland', is it?

MR. SIMMS:
Yes, which was a recommendation, I believe, from one of your own members.

MR. TULK:
And it should be.

MR. SIMMS:
Yes, the member for Naskaupi (Mr. Kelland), I believe. That is the only amendment there, Mr. Chairman.

MR. LONG:
Mr. Chairman.

MR. CHAIRMAN:
The hon. member of St. John's East.

MR. LONG:
I was going to ask if that was the only amendment, because we did not receive it. You probably forgot to table a copy of the amendment. There is a single amendment only to change the name?

MR. SIMMS:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the House Leader.

MR. SIMMS:
There are three or four amendments, but they all relate to adding 'and Labrador', because at the present time the bill just says 'Newfoundland'.

MR. LONG:
I guess, the Government House Leader is very pleased that members opposite are so diligent in catching government where it sometimes makes a mistakes. Of course, Newfoundland and Labrador should always be included in the Statutes. I am sure the Government House Leader will make sure that happens with everything.

MR. SIMMS:

I was charged earlier with being very pesky this morning, but I have a feeling that I have a good buddy here.

Mr. Chairman, I agree with him.

On motion, clause 1 carried.

On motion, clauses 2 through 29, carried, including those clauses amended.

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

MR. SIMMS:

Mr. Chairman, I thank hon. members for their cooperation in dealing with these bills in Committee of the Whole. We now have to move out of Committee and back into the Whole House so that we can deal with some second readings. The first order will be the continuation of the debate on The Act To Incorporate The City of Mount Pearl.

On motion, that the Committee rise, report having passed several bills and ask leave to sit again, Mr. Speaker returned to the Chair.

MR. SIMMS:

As soon as Your Honour has an opportunity to accumulate all the right wordings to that we would be happy to continue.

MR. SPEAKER:

Order, please!

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

MR. PARSONS:

Mr. Speaker, the Committee of the Whole has considered the matters to it referred, and has directed me to report bills 19, 25, 24, 10, 11, 12, 28, 6, 15, 22, 20, 9, and

27 without amendment, and bills 2, 14 and 38 with amendments, and asks leave to sit again.

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

On motion, amendments read a first and second time, bills ordered read a third time on tomorrow.

MR. SIMMS:

Mr. Speaker, we are going to move back to Order 39, Bill No. 55, The City of Mount Pearl Act, and continue on with the debate which was adjourned by the member for St. John's East.

MR. SPEAKER:

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

MR. LONG:

Mr. Speaker, just a few brief words on the bill to incorporate the City of Mount Pearl.

I was pleased to see during the debate the other day that we had a delegation of important dignitaries from Mount Pearl, namely, the mayor and a number of councillors. I want to congratulate the minister on his efforts to bring this forward in good time, especially in advance of the Summer Games which are coming up in August. I think all members of the House will be proud to join the minister at that time in opening the games, with the City of Mount Pearl having achieved its city status in advance of what is going to be, I am sure, a very promising event that all residents of Mount Pearl will take great pride in. Also, people from around the Province will be coming to the new City of Mount Pearl and will join in

wishing especially the members of the city council, and, indeed, all residents of Mount Pearl, good wishes.

I want to say, by way of being a member representing one of the townie districts, that it is perhaps an important event in the life of this Province, with the ongoing historical divisions that are a reality of a certain kind between the Capital City of the Province and everybody outside the Capital City. Perhaps now that we will have an officially designated place that is a city in its own right, right next door to the capital city, some of the animosity which is often expressed, I am sure, in good faith and very much in a positive spirit of rivalry and competition, may take the edge of some of the things directed towards the City of St. John's and the residents of St. John's, and now the city of Mount Pearl can join in some of that healthy competition with all others.

I know, having been a sports enthusiast in my younger days and played on teams in hockey and soccer which represented the City of St. John's, whenever you would take a team outside the City, no matter where you were playing in the Province, no matter who you were playing, the fans of the local community would also make sure they were there whenever the St. John's Caps were playing to come and scream, 'Harbour rats' and 'Townies' and to cheer against anybody playing for the City of St. John's and in favour of the opposition.

It is a healthy kind of rivalry that exists, I think, and perhaps now that the City of Mount Pearl will be able to participate in

those kinds of contests and introduce a new element that will open up for new expressions of a healthy rivalry between the City of St. John's and the City of Mount Pearl.

I also want to say, on a more serious note, the establishment of Mount Pearl as a city is, of course, occurring at a time when there are very serious issues relating to the relationship between the City of St. John's and the municipality of Mount Pearl.

In particular, the release some months ago of the report of the Fagan Commission has brought forward many areas of concern with the distribution of responsibilities and the provision of services. In particular, I am one person representing the old historic district of St. John's East, and only recently have raised concerns that are very real and very pressing about the provision of fire fighting services in this City. That is one issue that was raised in a significant way in the report of the Fagan Commission.

I think there are very, very many outstanding questions I want to remind all hon. members and, I am sure, the member for Mount Pearl is quite aware of them. There are many serious questions that need to be addressed by the provincial government in supervising the distribution of responsibilities, the demarcation of responsibilities between the City of St. John's and the City of Mount Pearl. In particular I want to say the whole issue of the provision of fire fighting services is a very serious one.

I only hope that now with the municipality of Mount Pearl being

established in an official way as a city in its own right, the Minister for Municipal Affairs (Mr. Brett) and the Member for Mount Pearl (Mr. Windsor) and, perhaps, the Member for Waterford - Kenmount (Mr. Gullage) who represents a part of this City of Mount Pearl and also sits on the City Council here in St. John's, that there will be a commitment by all hon. members perhaps under the leadership of the Minister of Municipal Affairs and the officials in his department to get to work in quick order and assist some of the work the Minister of Justice (Ms. Verge) will be doing with recent events in conducting an enquiry into a fire on Springdale Street.

I hope they begin to address some of the larger and very complex questions relating to the provision of fire fighting services and the coverage by those services of the whole area which includes both municipalities, St. John's and Mount Pearl.

With that said, perhaps we might return to this at another point. I think many people, especially those who are concerned with civic affairs in the City of Mount Pearl, are looking forward to some activity by the minister and his department in the way of an official response to the Fagan Commission Report. I think the contents of that report, and any initiative which might be taken by the minister, is something certainly the members from districts in the area look forward to, indeed, with some urgency.

Beyond that, Mr. Speaker, I would wish the member for Mount Pearl (Mr. Windsor) all the best in his dealings with the Municipal Council and I look forward to

getting -

AN HON. MEMBER:

And the member for Waterford - Kenmount (Mr. Gullage).

MR. LONG:

Of course, the member for Waterford - Kenmount who is responsible for part of the area of Mount Pearl as well. I look forward to the invitation which the member promised to participate in in an official capacity in the Summer Games as the member from St. John's. I look forward to being out in Mount Pearl in August when the eyes of the Province will be on that municipality.

I join in congratulating the municipality on receiving its city status.

Thank you, Mr. Speaker.

MR. GULLAGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Waterford - Kenmount.

SOME HON. MEMBERS:

Hear, hear!

MR. GULLAGE:

Thank you, Mr. Speaker.

It is indeed a real pleasure to have the opportunity to speak on this most important bill in that it is history making, setting up a third city in the Province.

Of course, yesterday was quite a day for the council and for the mayor, who were here when the bill was first announced. Unfortunately, I did not get leave to speak to it yesterday. I would have liked to when the council was here, but nevertheless, it is good

to be able to speak to it now.

Mr. Speaker, as a member of the St. John's City Council, of course, I have had dealings with the town of Mount Pearl, as it was, over a considerable number of years, since 1973, about the same time, as the minister mentioned, he was the city engineer at the time for Mount Pearl.

There has always been a great spirit of co-operation, in spite of what we sometimes hear in the press, between St. John's and Mount Pearl, friendly competition at times, but certainly great co-operation.

Donovans Industrial Park, as the minister mentioned yesterday, is a logical extension and a logical addition to Mount Pearl. It was not surprising when it was added to Mount Pearl a few years ago when the town was expanded. It is a logical addition and it provides Mount Pearl with an industrial and business area, and space for the municipal depot for their own services. It also means that as a City now, and with the expansion that took place, including Newtown as well, and the provision for even more expansion as Newfoundland and Labrador Housing continues to develop land as they have done in the past, particularly with Newtown, it gives great scope to the City to be able to market the City of Mount Pearl as an area that is very, very important to the St. John's metropolitan area, as it is commonly known.

Many people are choosing to live in Mount Pearl, and we know that to be so because recent figures over the last few years have shown that the population of St. John's is dropping, as much as we in St.

John's would not like to see that, but statistically it is pretty hard to argue because Statistics Canada tells us their figures are accurate and, in fact, people are choosing to live, particularly younger families purchasing homes for the first time, in Mount Pearl, and Conception Bay South in some cases. Predominately, a lot of the growth in Mount Pearl are people that probably in the past would have settled in St. John's, but are choosing, for a variety of reasons, to live in Mount Pearl.

I think one of the reasons is the closeness of the community. I think it is rather unique in that it is becoming a City now but, I think it will always have a particular closeness of its people. Down through the years, whatever they have accomplished, I think, has been due to the people being behind all of the efforts of indeed the members that have represented Mount Pearl and Waterford - Kenmount, but also the initiative of council. Whatever initiatives that have come forward by the two levels of government have been backed up well by the people. They are always their to get behind any initiative brought forward.

Last week, I attended with the minister the opening of the new library in Mount Pearl. People spoke of the fact that the people were behind the library and had tolerated a less than adequate facility down through the years, but once it was decided to put a new library in place, a committee was formed that worked hard over a couple of years, but certainly worked very hard in terms of seeing that that library became a reality.

I think that initiative is

indicative of initiatives that are common as far as people being able to work hard. They are willing to work hard to see that facilities are brought to Mount Pearl to bring it up to a standard that, indeed, it deserves, with a population now of some 22,000.

The Summer Games, of course, are going to be very, very important and facilities have been put in place, just about finished now I understand, but certainly facilities that are second to none and are going to be very beneficial, not just to the Province as the Summer Games take place, but will leave facilities in place that can be used by the City of Mount of Pearl and its people in the future.

I noted in 1945, which was ten years before the town was originally incorporated, as the town publishes a publication, one of the milestones indicated that in 1945 there were only 200 families residing in Mount Pearl and the other population was made up of people who had summer homes in the area. That is rather incredible and that was ten years before the town was officially incorporated with a population at that time, in 1955, of only 1,500 people.

During the Waterford -- Kenmount campaign I spoke to many people. A lot of the district I represent, I guess it is about, I am not sure of the exact breakdown, but I suppose about one quarter to one third of Mount Pearl is in the Waterford -- Kenmount district. It was interesting to talk to many of the people in the old Mount Pearl which was, of course, the start of Mount Pearl.

MR. WINDSOR:

It was called Mount Pearl Park.

MR. GULLAGE:

Yes, Mount Pearl Park.

Many of them told me what it was like years ago. I am speaking particularly now about the older residents of Mount Pearl. They spoke about what it was like when in fact it was a place of summer homes and 200 to 300 residents only, and how different it was then compared to now. There are residents along Park Avenue and Smallwood Drive who are old enough, of course, to be familiar with the town at the time of its incorporation up to the present day and indeed they have seen a phenomenal growth in Mount Pearl.

There are a couple of areas I would like to address. I can see now that it has city status, it becomes even more important that as a city it will, of course, market itself as such. That distinction of being able to say that they are a city now, versus a town, means, I would think, Mount Pearl will attract more industry, and will certainly attract, as it is doing now, a lot more people.

I think we are going to see a great growth in population over the next few years as it moves away from becoming simply a bedroom community of the city where people live but work in the city. We are seeing a change in that. I think we are going to see a great development in Mount Pearl in business expansion and expansion of industry itself, which speaks to a problem I think this House and the government is going to have address, of the vast amount of land.

I know there is a lot of land undeveloped in Mount Pearl in the

minister's seat, but there is a tremendous amount of land in Waterford - Kenmount that is unserved, undeveloped, and will have to be given priority over the next few years, as indeed Mount Pearl attempts to expand its population base and expand its business and industrial base to allow it to maintain reasonable taxes for its people.

We will have to provide water and sewer services and trunk lines for the vast area bounded by Kenmount and Topsail Road, in particular, water and sewer services that will be necessary to support the development and expansion of Mount Pearl.

There is also an area in the older section of Mount Pearl that I spoke of, the original town of Mount Pearl, Park Avenue, Smallwood Drive, and all the streets that run off those two main roads, many of those streets are badly in need of repair and upgrading. That will be a priority with me, as the member for Waterford - Kenmount, but I hope it will be a priority of the government as well. Now that we have a third city in place, we should ensure that services and standards are brought up to par, and indeed these necessary services of streets and water and sewer will be put in place over the next few years as Mount Pearl continues to expand.

Mr. Speaker, I would also like to note that Mount Pearl now has its own Constabulary office. The police have recognized, with the urging of council, that there should be a separate office of the Constabulary maintained in Mount Pearl and that has been accomplished. No doubt that will eventually become a precinct with

separate recognition entirely from the St. John's Division. But the first step was to set up the office and that has been done.

The same thing is true, of course, of fire fighting services. A first station has been initiated as well.

No doubt in the future, as we see the recommendations of the regional authority come into being, the Fagan Commission, as it is known, as a recommendation is eventually accepted by government, whatever that might be, whether it is a commission of sorts that would have a broader mandate that just services or not is questionable, and that is for the government to decide. Certainly the very least, I am sure, we will see put in place is a Regional Services Authority with the mandate to look after the water supplies of the region, the various water sources that we have, and looking after fire, possibly police protection, but certainly fire protection, and becoming really a regional servicing board.

Mount Pearl and the City of St. John's will be the two major players as far as representation on that Regional Servicing Board and will see, I think, an even closer tie between the Cities of St. John's and Mount Pearl as they will have to co-operate more so than they do now because they will be given the major authority, a major mandate to provide regional services for St. John's, Mount Pearl and the surrounding community as they participate on a regional servicing board which the government would eventually, I think, have to decide on. I think the only thing outstanding possibly is how broad a mandate

that Board will be given.

Mr. Speaker, the only thing I would like to add is that as the member for Waterford - Kenmount, I am more than delighted to see a large portion of the district I represent, about a third of the district I represent now has become, or will soon become, when the bill is finally passed, a recognized city per se, joining the cities of St. John's and Corner Brook with a population of about equal to Corner Brook. I think they are both about 22,000.

As the member for Waterford - Kenmount representing, as I do St. John's and Mount Pearl, I look forward to representing the people of Mount Pearl in the future and ensuring it continues to expand and continues to be a very prosperous and good place to live for its people, and that as it expands and adds industry and business and residential areas, as the Newtown portion continues to be developed by Newfoundland and Labrador Housing and by the private sector, and as we see Mount Pearl developed into a city of, as the minister said yesterday, some 35,000 to 50,000 people potential and I am sure that potential is there, I look forward to representing the part of Mount Pearl that is in the Waterford - Kenmount and, indeed, fighting for the many services that are still necessary in Mount Pearl and in the part of Mount Pearl that is undeveloped and a part of Waterford - Kenmount.

As the member for Waterford - Kenmount, Mr. Speaker, I indeed am more than thrilled that Mount Pearl has finally achieve a status which it richly deserves and will see it as it is now continue to expand and continue to be one of

the most important areas in this Province, an area that will continue to play a major role in the development of the St. John's - Mount Pearl region as it expands into the future.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:
Hear, hear!

MR. WELLS:

Mr. Speaker, everything that really needs to be said in the House with respect to this bill has really been said by the four speakers who have spoken before me. I only wish to make a couple of particular comments, and they are not specific to the bill itself.

I think what the hon. the minister said yesterday afternoon, when he outlined the guidelines the government has now agreed to establish for purposes of determining whether or not a municipality should be incorporated as a city, is significant.

He laid out five that I think are fair and reasonable: A population of 20,000, and there should be evidence of progressive economic growth. Mount Pearl clearly qualifies in the first one and it clearly qualifies in the second one. The economic growth of Mount Pearl is the envy of the rest of the Province, in fact, Mr. Speaker. That is the reality of it.

He also outlined three others: A record of financial responsibility, and it is clear that the municipality of Mount Pearl has demonstrated that, and I suppose credit for that should largely go to the councils that

have been elected over recent years; a commitment to organized development, which is another criteria the minister mentioned, and that is sensible, because for too long in this Province too many of our areas have developed in a disorganized manner and we have very often had to pay a very high price for dealing with the consequences of such disorganized development; and the fifth one he mentioned was that there should be adequate municipal infrastructure in place. Now, clearly Mount Pearl also qualifies by that standard and that is an appropriate one as well.

Frankly, I cannot think of any other I would suggest the minister might consider adding in the future. I think that that is a fairly simple and straightforward and a fairly reliable standard for judging whether or not a municipality ought to be incorporated as a city.

The fact we are here today debating this bill, I think, really reflects the energy and the enthusiasm and, I suppose, the initiative and community spirit of the people of Mount Pearl, and all of us ought to commend them for that. We have seen what was a fairly small bedroom community, adjacent to St. John's, over a period of twenty to twenty-five years grow into a very vibrant, self-confident and self-sufficient community.

When people take an area and produce that kind of a community, they are collectively to be commended. I suggest, Mr. Speaker, all hon. members feel the same way in that regard.

The bill itself is patterned after The City of Corner Brook Act, and

that, of course, probably automatically assures it of future success. It also relieves this House of responsibility to do an extensive and detailed discussion of most of the sections because it is really applying tried and true legislation that has been tried over the years and has worked fairly well, so it relieves members of the House from doing an extensive, detailed discussion.

I appreciate the minister reading out the list of changes from The City of Corner Brook Act. If he would do us the courtesy of providing us with a copy of the written form of it, if he did not mind, that also would be helpful and aid in our Committee consideration of the bill.

On the whole, Mr. Speaker, I am happy on this side of the House to confirm the support expressed by the member for Waterford - Kenmount, who, of course, is a member for part of the soon to become City of Mount Pearl.

I am happy to join with him and all other hon. members in extending the sincere congratulations of members of the House to the people of Mount Pearl and the council of Mount Pearl for their achievement.

SOME HON. MEMBERS:
Hear, hear!

MR. WELLS:
I am confident also when we do that, we are speaking for the vast majority of the people who live in Newfoundland and Labrador. They express their sincere congratulations on those achievements as well. They might do so with some considerable envy, but we all understand that. Nevertheless, I do not think that

that in any manner diminishes the sincerity of the congratulations that are extended to the people of Mount Pearl. We wish them well in the future.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

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:

I want to thank the members of the House for their comments and their co-operation in the speedy passage of this bill.

The hon. Leader of the Opposition is right when he says it is pretty well a carbon copy of the City of Corner Brook Act and therefore, I suppose, is not necessary of any great debate. I note some of the members who spoke are very familiar with the town. My shadow on the other side indicated he lived there for some time. I am not really familiar with the geography of the town itself.

The only thing I can say is that it is one of the few councils in the Province that is paying its own way.

Mr. Speaker, I move second reading.

On motion, a bill, "An Act To Incorporate The City Of Mount Pearl," 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 Council.

MR. SIMMS:

We will revert back now to Order 24, Bill No. 31.

Motion, second reading of a bill, "An Act Respecting The Public Library Service In The Province."

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

MR. RUTT:

Thank you, Mr. Speaker.

I am privileged today to introduce some amendments to the Public Libraries Act to reflect the new makeup of this very important institution in the Province, to streamline the provincial, regional and local aspects of the Public Library system.

There is basically eight areas we will be getting into. The first one is to clarify and expand the definitions under the previous act because this act was introduced originally in 1935. Then, there was a new act brought in in 1975 and that was amended in 1986. This will clearly streamline things.

The second point was to divide the act according to the types of Library Boards operating in the Province, i.e., either provincial, regional, and local libraries, and to provide a general section in the act which will have application for all types of Library Boards, Mr. Speaker.

The fourth point was to provide for the making of regulations for specific aspects of the operations

pursuant to the act.

Five, to clarify the role and responsibility of each type of Library Board.

Six, to clarify the provincial services to be provided through the regional systems.

Seven, to clarify the authority of the Public Libraries Board to establish other library boards.

Eight, to provide easier reference to various levels of service provided through the act as in a new format.

Those are the amendments I put forward for your consideration, Your Honour, and members of the House. If there are any questions, I will be happy to answer them.

Therefore, I move second reading.

MR. TULK:
Mr. Speaker.

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

MR. TULK:
Mr. Speaker, I see nothing wrong basically with the corporate structure the hon. gentleman is prescribing, I guess, or putting forward to us in regard to Public Libraries in the Province. But I say this to him: He is aware of because I remember this Winter having three letters from my own constituents, one on Fogo Island, one in Gander Bay, and I believe one in the Musgrave Harbour area, concerning the amount of funding available for Public Libraries in the Province.

Mr. Speaker, I suppose there is nobody in this Legislature would

debate the importance of the print media and perhaps expanding libraries into some other electronic media as well, but there is nobody certainly that should debate the importance of having a good public library serve every community in this Province.

I say to the minister, as a former teacher, one of the things you could always be certain of is that if a child, and I am talking about education, came from a home where there was good reading material and where reading was very important, nine chances out of ten, that child came to school very well-equipped to start reading. I would suggest to him in many of our outposts in the Provinces and in many of our smaller centres in the Province that type of material is still not available to many of the children. Let us, for the moment, forget the senior citizens or the senior people in our community. It is still not available to many of our children, even in the school libraries.

As the minister knows, in some of the school libraries today we have a combination of public library and school library. As a matter of fact, I was the principal of the school that had the first public library combined with a school library in the Province, in Carmanville.

MR. HEARN:
And the new school in Fogo.

MR. TULK:
The new school in Fogo adopted it some years afterwards.

I say to the minister there is a great concern, as was witnessed the year by a number of letters I received which I passed it on to

the minister, that in a time when the government says they are operating on a tight budget, in a time when they are trying to hold back funds from certain things in this Province, there is a great concern that the first thing that gets the axe is the public library system. There is a great concern being expressed by the Public Library people throughout the Province that that is indeed the case now.

The minister has promised us - I think the minister made a commitment to me in a piece of correspondence that he sent to me this year - that when he went to Cabinet, he would make a substantial effort to see that the amount allocated for Public Libraries in the estimates were substantial.

Now, the minister may call what he has done substantial in that he has raised the amount from 1987 - 1988 of \$5,024,000 to \$5,482,000, he may consider that to be substantial. Yet, I say to him one of the items you buy today which has a large inflationary factor are books. The inflation factor in books is probably the highest you will find in any item that you have to buy.

I say to the hon. gentleman that while he has increased the estimates by \$400,000, the amount is not going to make any substantial improvement in the amount of reading material available to the public in our smaller centres in the Province.

I would like for the minister, when he is closing debate on this bill, to address that issue, to tell us just what the program of development he has in his department for public libraries is

and just what program does he has in place. How does the government propose to increase the amount of material that is available to smaller centres in the Province, and in particular the smaller schools that the Minister of Education (Mr. Hearn) referred to, like the combined library in, say, Carmanville and Fogo?

It becomes important that you increase that amount of money so the amount of material directly available to students and young people is available in an ever increasing quantity. So I would ask the minister, when he is closing the debate on this Bill, to address that issue. Just how does he intend to improve substantially the amount of material available for the people through the public library system?

Does he intend to carry on and push that program of having public libraries combined with school libraries in the Province and does he intend to see that there is more money made available for salaries for public librarians so that they can serve the school population right in front of them? I would like for him to address that issue.

MR. LONG:
Mr. Speaker.

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

MR. LONG:
Mr. Speaker, I just have a few words to add to what the member for Fogo has raised. I think he has put the question in the proper context and that is to consider the amount of support the government is making available to

the libraries of the Province.

I wanted to add to that general concern perhaps a specific reference the minister might also address and that is with respect to the establishment of the literacy office in the Department of Career Development and Advanced Studies which is charged, in its first year of operation, with limited budget and limited resources, to come up with a development plan for literacy programs in the Province.

My understanding is the folks who are working in the literacy office, and I understand there is only a very small staff there, one person really who is developing the program, and some support staff, are not able to clearly project a long-term development program for literacy and the delivery of educational services outside the regular school system and the post-secondary system because they did not have a clear sense of what kind of resources would be available to them if they put forward a proposed program to expand and extend and develop new initiatives in the important area of addressing the literacy needs of the people of this Province, especially in rural areas.

I think this is an issue which necessarily brings in the whole question of what is happening to our publicly-funded library system. It seems to me it would help the people who have been charged with developing a literacy policy for the government and to set out some new initiatives in the way of a literacy program, if they were able to integrate into their planning some consideration of an expansion in resources to the libraries. Obviously, the people who are going to be working

on developing new literacy programs are going to have to rely in a very critical way on the facilities of the public library system.

I would think the member for Fogo has made the case quite properly that, when we are talking about libraries, we are talking about the general welfare of the population. There is a basic question of resources and dollars here.

The Royal Commission on Employment and Unemployment went a long way towards promoting the cause of education and literacy in this Province as a fundamental aspect of all development needs. We can do all the high-tech and advanced studies and we can do all the economic planning and talk about big industrial projects and so on, but we have to come back to a fundamental issue of the ability of the population of the Province to cope in this day and age with respect to its literacy capacity.

In that light, it is correct to bring the public library system into focus as a developmental issue. We are going to be able to develop as a population and as a Province, only insofar as we are assisting our population to address very, very fundamental needs. I think the government has given an indication it is committed to addressing the whole issue of literacy and literacy skills and training, especially for adults, and seems to be committed to an expansion of adult training.

But I would urge the minister to consider in the remarks which have been put to him by the member for Fogo (Mr. Tulk), the whole issue of literacy development and the

place and role of the public library system in that.

Thank you, Mr. Speaker.

MR. BUTT:
Mr. Speaker.

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

MR. WELLS:
Mr. Speaker, I would like to speak before the close of the debate. It is now 1:00 p.m., so there is not time.

So I move the adjournment of the debate.

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

The hon. the President of the Council.

MR. SIMMS:
Mr. Speaker, I wish to thank hon. members for their co-operation today.

I wonder, if I might, ask the Opposition House Leader, in particular, since we seem to be making some good progress, and to keep the momentum going, would members opposite be prepared to extend our hours for next week only, at least at this stage, on Monday, Tuesday and Thursday, which would be the government days, by an hour, so that we would sit from 2:00 p.m. to 6:00 p.m., instead of from 2:00 p.m. to 5:00 p.m.? It would give us an additional hour, and maybe we could get a fair bit of work done.

MR. TULK:
Mr. Speaker.

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

MR. TULK:
Mr. Speaker, I think it was in yesterday's **Evening Telegram**. I do not want to have the mistaken belief about that the Opposition, and I do not suppose, the Government House Leader either, but certainly not the Opposition, are trying to close down this House so we can have a good Summer holiday.

We agree, sure, if we need more hours to do the work that needs to be done in this House, then by all means, let us do it. We will probably even take a look at, if you wanted to, having extra sittings; I mean, that is possible.

I do not want the media to get the impression that this side of the House is in any rush to close this House. We are not. We are not here to unnecessarily hold it up, either. But we are here to see the work that we believe has to be done, is done, and when that is done, then we will close the place down. Under those conditions, we would have no objection at all to sitting from 2:00 p.m. to 6:00 p.m.

MR. LONG:
Mr. Speaker.

MR. SIMMS:
We need to stop the clock, Mr. Speaker.

SOME HON. MEMBERS:
Agreed.

MR. SPEAKER:
It is agreed to stop the clock.

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

MR. LONG:

Mr. Speaker, I appreciate that we would have to have leave by all members to do such a thing, to extend the sitting hours. I would have appreciated some notice so I might have been able to consider whether Monday and Tuesday it makes sense for the position I am in in conducting the business of a caucus, with my leader having just been tossed from the House.

MR. SIMMS:

It is the business of the House we are talking about, not the caucus.

MR. LONG:

Right, we are talking about the business of the House. I do not really understand why the House Leader needs to add extra hours on the day early next week to get through the business. It seems to me to reflect on the government's inability to move forward its legislative agenda.

MR. SIMMS:

Yes or no, that is all we want. We do not want to hear a speech. If you do not want to do it, fine.

MR. PEACH:

Say yes or no and sit down.

MR. LONG:

I would say no, Mr. Speaker. I am not in a position to give leave for an extra hour on Monday and Tuesday. I am committed to stay here, like both other parties, as long as it takes to get the business done. So leave is not granted.

MR. SIMMS:

Thank you, Mr. Speaker.

That is all we need to hear. We understand the hon. member's attempt to get a bit of notoriety out of this, no doubt, and to flog

this thing to death. We have ways of dealing with members like the hon. the member for St. John's East. Undoubtedly, he will be looking for something in a co-operative spirit himself one of these days. If he is not prepared to put the business of the House and the people of Newfoundland and Labrador ahead of his own personal interest in the New Democratic Party, well, then, that is all that needs to be said, Mr. Speaker, because that is precisely what has happened.

MR. MORGAN:

To him, the NDP party is more important than the Province.

MR. SIMMS:

You are more interested in your own political little games than you are in the business of the House and in the people of the Province, and that is fair ball.

MR. MORGAN:

The NDP will be wiped out totally in the next election with not a seat in the House.

MR. SIMMS:

Anyway, Mr. Speaker, next week, I can inform hon. members of the House, all members, including the member for St. John's East, whether he wants to hear it or not, I intend to deal with legislation continuing. I intend and hope to deal with and conclude the Budget Debate, which has to be concluded at some time. It is my intention, hopefully, to conclude the Budget Debate sometime next week. I am not prepared to say when.

AN HON. MEMBER:

(Inaudible) last week.

AN HON. MEMBER:

(Inaudible) Monday morning.

MR. SIMMS:

Yes, well, I will get to that if hon. members will let me finish.

Next week, I hope to deal with legislation, conclude the debate on the budget and Meech Lake. That is what I am looking forward to getting into at some point or other during next week.

On Monday, specifically, we will do legislation, beginning with second readings that we will have on the Order Paper as of tomorrow, if it gets printed in time tomorrow. I guess it will.

So that is what we will be doing, Mr. Speaker.

Now, before I move adjournment, Mr. Speaker, I am almost reluctant to do it, but I suppose I have to, since it was a recommendation of the Committee on Privileges.

MR. TULK:

I do not think the hon. gentleman said what he would like to do.

MR. SIMMS:

Legislation, second readings.

MR. WELLS:

In the order in which they are on the Order Paper?

MR. SIMMS:

Yes.

MR. TULK:

Okay.

MR. SIMMS:

Well, there could be slight amendments, more or less.

MR. TULK:

Yes.

MR. LONG:

(Inaudible) back on Monday?

MR. BAIRD:

Your buddy will not be back on Monday.

MR. SIMMS:

I am not talking to the hon. member now!

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMS:

The Committee on Privileges and Elections, Mr. Speaker, recommended in their report that the member for St. John's East (Mr. Long) be named to the Standing Committee on rules in the stead of the member for Menihek (Mr. Fenwick), who has resigned and/or been flung out. Now, I do not have to make that motion today, I suppose I could wait. Yes, I think I will wait, Mr. Speaker, there is no need to do it today.

I move that the House adjourn until tomorrow, Monday, at 2:00 of the clock and that this House do now adjourn.

On motion, the House at its rising, adjourned until tomorrow, Monday, June 20, 1988 at 2:00 p.m.

HOUSE OF ASSEMBLY
FOURTH SESSION, FORTIETH GENERAL ASSEMBLY
PROVINCE OF NEWFOUNDLAND:

Hon. P.J.McNicholas..... Speaker
 Mr. Glenn Greening.....Deputy Speaker
Chairman of Committees
 Mr. Kevin Parsons.....Deputy Chairman of Committees

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Mr. R.Alyward.....	PC.....	Kilbride
Mr. Baird.....	PC.....	Humber West
Mr. Baker.....	Lib.....	Gander
Mr. Barrett.....	PC.....	St. John's West
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Mr. Patterson.....	PC.....	Placentia
Mr. Peach.....	PC.....	Carbonear

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Premier Peckford.....	PC.....	Green Bay
Mr. Power.....	PC.....	Ferryland
Mr. Reid.....	PC.....	Trinity-Bay de Verde
Mr. Rideout.....	PC.....	Baie Verte-White Bay
Mr. Russell.....	PC.....	Lewisporte
Hon. Mr. Simmons.....	Lib.....	Fortune-Hermitage
Mr. Simms.....	PC.....	Grand Falls
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Mr. Tulk.....	Lib.....	Fogo
Dr. Twomey.....	PC.....	Exploits
Ms. Verge.....	PC.....	Humber East
Mr. Warren.....	PC.....	Torngat Mountains
Mr. Wells.....	Lib.....	Windsor-Buchans
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	President of Treasury Board
	Government House Leader
Mr. Tobin.....	Social Services
Dr. Twomey.....	Public Works and Services
Ms. Verge.....	Justice
Mr. Warren.....	Minister Responsible for Northern Development
Mr. Windsor.....	Finance
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