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***PRELIMINARY REPORT***  
***(Hansard)***

***Speaker: Honourable Thomas Lush***

Tuesday

4 December 1990

The House met at 2:00 p.m.

Mr. Speaker (Lush): Order, please!

Before proceeding to the routine business, on behalf of hon. Members, I would like to welcome to the public galleries today, twenty children from the Janeway Hospital accompanied by their teachers: Pat Small, Ben Dalton, Jerry Barbour, and nurses: Ann Chaplin, Janette Noel, Hazel Alpuerto and Anna Marie Gibbons.

Some Hon. Members: Hear, hear!

#### Statements by Ministers

The hon. the Minister of Works, Services and Transportation.

Mr. Gilbert: Thank you, Mr. Speaker.

Mr. Speaker, I wish at this time to inform this hon. House of my Department's plans to call tenders over the next few months for highway improvement and construction projects.

These projects are covered by two agreements, namely the Canada/Newfoundland Subsidiary Agreement on highway transportation development and The Trans-Canada Highway portion of the Newfoundland transportation initiative.

The Canada/Newfoundland Subsidiary Agreement is cost-shared 62.5/37.5 with the federal Government, under the agreement, a total of \$57 million is being spent during the current fiscal year and we have proposed to spend a further \$37.2 million in the 1991-1992 fiscal year.

Mr. Speaker, included in the \$37.2 million, is \$17.8 million to be spent in 1991 to complete projects already tendered in 1990, which require two construction seasons to complete.

With respect to the Trans-Canada Highway Agreement, this provides for \$405 million to be spent between 1990 and 2003, and is 100 per cent federally funded.

\$31 million will be spent in the fiscal year 1991-1992 and included in the \$31 million is \$5 million to be spent in 1991 to complete projects tendered in 1990.

The agreement is designed to provide improvements on the Trans-Canada Highway and the Argentic access road -

An Hon. Member: (Inaudible).

Mr. Speaker: Order, please!

Mr. Gilbert: - and these improvements are of the utmost importance as the Trans-Canada Highway alone carries 80 per cent of the annual ten million tons of intra-provincial freight.

Mr. Speaker, the practice of early tendering gives successful contractors ample opportunity to carry out advanced planning and to upgrade their equipment during the winter months, so that they can be ready to start work as soon as the weather permits in the spring. Given our short construction season, early tendering allows for the maximum amount of work to be done.

Mr. Speaker, the total value of work contracted for the 1991 season will be \$68.2 million, which as already indicated, is comprised of \$45.4 million for new

projects and \$22.8 million for carry overs from projects awarded in 1990.

An appendix to this statement lists in more detail the various projects to which I have referred, Mr. Speaker.

So just for the benefit of members I will give you the benefit of them.

The ERDA Agreements, projects for the fiscal year 1991-1992, placement of surface course asphalt from Butterpot Park to Witless Bay line, approximately four kilometres; hydroseeding Trans-Canada Highway from Butterpot Park to Witless Bay line; paving approximately fourteen kilometres of the Trans-Canada Highway from Gander towards Gambo; -

Some Hon. Members: Oh, oh!

Mr. Gilbert: - hydroseeding the Trans-Canada Highway, Gander towards Gambo; hydroseeding the interchange on the Trans-Canada Highway at the west entrance to Bishop's Falls and the Grand Falls Industrial Access Road; hydroseeding Trans-Canada Highway, Red Cliff to Badger; -

An Hon. Member: I would not do it.

Mr. Gilbert: Hydroseeding Trans-Canada Highway from eight kilometres east of Howley to Deer Lake, paving route 362 and 363 from Harbour Breton towards Coombs Cove, approximately forty kilometres; paving the Mouse Island to Grand Bay east access road; construction of the remaining six kilometres to the Petit Forte Road together with the terminal at Southeast Bight; grading work on Curling Waterfront; access to the

Southside St. John's Harbour: New projects sub-total is 19.4 million and the carryover commitment is 17.8 million for a total of 37.2 million..

Under the \$ 405 million Trans-Canada Agreement, the projects for the fiscal year 1991-1992: Resurfacing the Argentic Access Road from the ends of this year's resurfacing towards Dunville, approximately thirteen kilometres; grading the Trans-Canada Highway Holyrood to Salmonier Line, approximately eight kilometres; paving Trans-Canada Highway Witless Bay to Holyrood approximately four kilometres; re-alignment of the Trans-Canada Highway at Tompkins together with the construction of a new bridge across Little Codroy River, approximately 2.5 kilometres; construction of a new weigh scales -

An Hon. Member: Too much for the Tories.

Mr. Gilbert: - Trans-Canada Highway Port-aux-Basques area; replacement of the Cold Brook Bridge Trans-Canada Highway Codroy Valley area; resurfacing Trans-Canada Highway from Pasadena to Deer Lake approximately twenty kilometres; construction of two bridges across Steady Brook for Trans-Canada Highway four-laning; grading work for Trans-Canada Highway diversion Riverside to Massey Drive, approximately six kilometres; grading Trans-Canada Highway from Welkomin Inn towards Clarendville, approximately eight kilometres; grading Trans-Canada Highway from Glenwood towards Notre Dame Junction, approximately ten kilometres; resurfacing Trans-Canada Highway from Birchy Narrows towards Baie Verte Junction together with new passing

lanes, approximately 15.0 kilometers. For new project \$26 million and a carryover of \$5 million for a total of \$31 million.

Thank you.

Some Hon. Members: Hear, hear!

Some Hon. Members: Oh, oh!

Mr. Gilbert: A lot better than you ever done for it.

Mr. Speaker: The hon. the Member for Kilbride.

Mr. R. Aylward: Thank you very much, Mr. Speaker.

I want to thank the Minister for providing me with an advance copy of his statement, Mr. Speaker. And it certainly is a great day for me, as a Tory in this Province, to see that we are going to have these great Tory projects announced. Mr. Speaker, unfortunately they are announced by the wrong Minister.

Some Hon. Members: Hear, hear!

Mr. R. Aylward: Mr. Speaker, particularly, the Minister of Works, Services and Transportation has been one to berate the Roads For Rails Agreement on every occasion that he can, but he has no problem in spending the money that is 100 per cent funded by the Federal Government.

Some Hon. Members: Hear, hear!

Mr. R. Aylward: Mr. Speaker, I just want to make a few comments on this agreement. One of the roads that needs attention in this Province, and the Minister of Works, Services and Transportation is going to continue to play politics with it as long as he

can, is the Outer Ring Road in St. John's, of which there is not a mention in this agreement, Mr. Speaker, and it should be started immediately, particularly with the proposed developments that we hope to have here with the Hibernia project.

It is also noteworthy here that there is not one cent or one mention of the Trans-Labrador Highway -

Mr. Warren: Shame!

Mr. R. Aylward: - which is a very important project to the people in Labrador.

Mr. Warren: Where are the members for Labrador.

Stand up and be counted.

Mr. R. Aylward: It is going to be needed for any industrial development that may take place in Labrador, Mr. Speaker. I am sure the Member for Eagle River will have a few words with his Minister for ignoring the Labrador section of our Province, Mr. Speaker.

There is no upgrading whatsoever of the Burin Peninsula Highway, which is a very important road in our Province, Mr. Speaker, and that also should be given attention.

But I am very pleased to see in this announcement, Mr. Speaker, under the ERDA Agreement the completion of the six kilometers of road to Petit Forte, the road that the Minister never wanted to build, Mr. Speaker. And thank God for John Crosbie that he forced them into completing the road to Petit Forte.

Some Hon. Members: Hear, hear!

Mr. R. Aylward: Mr. Speaker, it has to be said publicly, it has to be said throughout this Province that the Wells Government which campaigned on supporting rural Newfoundland were determined not to allow an isolated area of this Province to break their isolation, Mr. Speaker, by giving them a basic service in this Province which is road access to the rest of the Province. And it was not a great deal of money that the Minister of Works, Services and Transportation and the Premier of this Province wanted to deny the people of Petit Forte their road, and, Mr. Speaker, the Opposition and the Federal Member for St. John's West made sure that they could not get away with it. And Mr. Speaker, those two groups will also be making sure that the Minister of Works, Services and Transportation will live up to the commitment to provide funding for the Outer Ring Road, Mr. Speaker, before all of this money is spent.

Mr. Speaker, this again, I am delighted this money is to be spent. I congratulate the Member for Harbour Main for bringing in the early tendering process in this Province. It is a good policy and it is only sensible that the Minister of Works, Services and Transportation follow this very sensible early tendering programme or policy, Mr. Speaker, and I recommend it to the Minister of Municipal and Provincial Affairs, that he do some early tendering on his capital works programmes for the municipalities in this Province, Mr. Speaker. Early tendering, as the Minister stated, is necessary in this Province because we have a short construction season and it is necessary for contractors and people who depend on this work for jobs -

An Hon. Member: (Inaudible).

Mr. R. Aylward: - and surveyors, yes, sometimes surveyors, although most of the surveyor's work is done well in advance of the early tendering.

Mr. Speaker: Order, please!

The hon. Member's time is up.

#### Oral Questions

Mr. Speaker: The hon. the Member for Kilbride.

Mr. R. Aylward: Thank you very much, Mr. Speaker. I had some questions for the Premier but in his absence I will ask the President of the Council.

The Premier has confirmed now that the Act tabled yesterday, the Act to abolish the Ombudsman's office, would go before the Legislative Review Committee, Mr. Speaker. And the Minister himself has stated in a press release that this legislation would go before the Parliamentary Review Committee. Will the Minister now confirm that the Parliamentary Review Committee will be allowed to hold at least a public hearing on this matter, and call witnesses, and hear from witnesses who would have an interest in this Act, Mr. Speaker? Or is it the intention of Government now to do as the Premier said the other day, not to allow any public hearings, and that the committees will have to act from now on on the whims of the Premier only?

Mr. Speaker: The hon. the Government House Leader.

Mr. Baker: Yes, the question and

a lot of the things that go along with the question are very confusing to me today, Mr. Speaker. He seems to be saying two or three different things in contradiction to each other; however, the situation is very straightforward. The bill was printed and was given to the Legislative Committee and was distributed to Members in the House and will be called in due course. As a matter of fact I intend to call second reading today on that particular bill and I have had, at this point in time, no indication from the Committee as to what they want to do with it.

Mr. Speaker: The hon. the Member for Kilbride.

Mr. R. Aylward: Mr. Speaker, from what I know from the Committee or from our representative on the Committee, that the bill has not formally been presented to the Committee yet, we are going to have second reading on this very important bill today before it ever reaches the Committee.

Well, Mr. Speaker, it is obvious that the Government has no intention of allowing this bill to go to public hearings, it was confirmed earlier by the Premier. Mr. Speaker, now that the Government has decided not to have public hearings and they are going to dictate to the Legislative Review Committee that they cannot have public hearings, would the Minister agree to allow the Ombudsman to appear before the Bar of this House to defend his office and his own performance? And does he not agree that an officer of this House deserves that opportunity?

An Hon. Member: Hear, hear!

Mr. Speaker: The hon. the President of Treasury Board.

Mr. Baker: The problem with the long preambles, Mr. Speaker, is that they stimulate so many thoughts in one's mind before they get to the question. For instance, Mr. Speaker, the bill has not been formally presented to the Committee. Now, I do not know if there was any ceremony or any special arrangement or anything like that that was done when all the other bills were presented before the Committee. So, I suppose there has not been a formal presentation of any bill before the Committee and, Mr. Speaker, there never was any intent to have a formal presentation. So I do not really know what the member means by a formal presentation to the Committee. The bill has been given to the Committee, every member in the House, and every member of the Committee is sitting in this House, therefore, every member of the Committee has a copy of the bill. So the bill is available to the Committee. It has been given to the Committee in the normal process. And there has been no formal presentation, Mr. Speaker, obviously because there is no mechanism for any formal presentation. In answer to his question, Mr. Speaker, we have no intention of doing so.

Mr. Speaker: The hon. the Member for Kilbride.

Mr. R. Aylward: Thank you, Mr. Speaker. What is the minister's response to Dr. Peter Boswell's column? I quote Dr. Boswell where he says, 'if this odious bill is ever passed, some future dictator in a distant land seeking to rid his political system of a fundamental citizen protection

would surely raise his glass in a toast to Newfoundland Premier, Clyde Wells, the first leader in any Government anywhere to abolish an Ombudsman's office.' Mr. Speaker, what a way to be remembered.

Mr. Speaker: The hon. the President of Treasury Board.

Mr. Baker: Mr. Speaker, I read Dr. Boswell's column and generally he does a superb job in his column of analysis. I also have read the column to which the hon. gentleman has referred, and my response to it is that I would suggest that it was a little bit hysterical, and a full answer to Dr. Boswell's column I will give in the twenty minutes I have allotted to me to introduce the bill.

Mr. Speaker: The hon. the Member for Kilbride.

Mr. R. Aylward: Mr. Speaker, the hon. minister has slipped already. He said twenty minutes to speak, so obviously he already intends to bring in closure and we have not even had the bill read a second time yet.

Mr. Flight: How boring.

An Hon. Member: Not as boring as your (inaudible).

Mr. R. Aylward: If anyone heard your speech yesterday, they would not call me boring.

Some Hon. Members: Hear, hear!

Mr. R. Aylward: Mr. Speaker, does it not concern the minister that distinguished political scientists, like Stephen Owen, Dr. Roland Rowat, and Dr. Peter Boswell, are all saying that this Government is completely wrong in

what they are doing?

Mr. Speaker: The hon. the Government House Leader.

Mr. Baker: Yes, Mr. Speaker, it obviously is of some concern and would be to anybody. However, I would like to inform the hon. member that the reasons for us eliminating or repealing The Parliamentary Commissioners Act will be obvious as we go through the bill. All I can say is that we do not have time to give a full explanation in Question Period, but we will avail of the opportunity in debate to fully explain the reasons why. To the other question I thought he had there - again, I sometimes get confused in his preambles - something about already deciding to bring in closure, the answer to that, Mr. Speaker, is not necessarily closure, but it is something that we do not rule out in extreme circumstances of provocation and filibuster and obstruction.

Mr. Speaker: The hon. the Member for Kilbride.

Mr. R. Aylward: Thank you, Mr. Speaker. I guess the hon. minister will suggest as the Premier did, that the Opposition is going to call closure and try to justify it that way.

Mr. Speaker, can the Minister confirm that shortly after the last general election a prominent Central Newfoundland businessman was promised the position of Ombudsman, and it was only after they took office and discovered that the Ombudsman's office was for a term of ten years and they could not give the job to this gentleman, and the only way they could get rid of the Ombudsman was

to abolish the complete office?

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

The hon. the President of Treasury Board.

Mr. Baker: Thank you, Mr. Speaker. This should make for lively debate in the next couple of days. I am very interested to see what other hare-brained ideas are going to come from the Opposition. Very simply, the answer to the question is absolutely not, Mr. Speaker. I do not know if one of the members of the Opposition promised the job to somebody, I do not know if an individual in the Province promised the job to somebody, but the answer very simply is no, we did not promise the job to anybody.

Mr. Simms: Nobody did? (Inaudible).

Mr. Baker: That is right.

Mr. Speaker: The hon. the Leader of the Opposition.

Mr. Rideout: Mr. Speaker, I have a supplementary for the Government House Leader. I noticed that he very skillfully avoided answering the question asked by my colleague for Kilbride on the possible appearance of the Ombudsman before the Bar of the House. I would like to ask the Government House Leader whether, in view of the fact that Government is moving to totally eliminate and abolish an officer of this House, the Government House Leader would not consider it appropriate that that officer be called before this House to answer for the office and to answer questions for members of this House regarding the

significance and the importance of that office for the people of Newfoundland and Labrador?

Mr. Speaker: The hon. the President of Treasury Board.

Mr. Baker: Mr. Speaker, we have no intention of taking that course of action.

Mr. Speaker: The hon. the Member for Torngat Mountains.

Mr. Warren: Thank you, very much, Mr. Speaker. My question is to the Minister of Mines and Energy. On several occasions now the Minister has stated that Government, this past several months, is monitoring on a daily basis the rising cost to consumers of gasoline and fuel prices. Could the Minister give us an update on how much gasoline and fuel prices have increased over the last two months?

Mr. Speaker: The hon. the Minister of Mines and Energy.

Dr. Gibbons: Thank you, Mr. Speaker. To the best of my knowledge, Mr. Speaker, there has not been an increase in the last month. The last time I reported we had seen an increase of 8.0 cents per liter since the Persian Gulf crisis, which was the same as the increases in both New Brunswick and Nova Scotia. I do know that the companies have applied to the Public Utilities Board in Nova Scotia and the ruling, as of this morning, had not yet been made for the next increase in Nova Scotia. To date, I have not seen any further increases here, so if the member is aware of any, I would like to know, as well.

Mr. Speaker: The hon. the Member

for Torngat Mountains.

Mr. Warren: Thank you, very much, Mr. Speaker. I am not the least bit interested in the price of gasoline and fuel oil in Nova Scotia, I am interested in the price in Newfoundland and Labrador. I would like to ask the Minister if he could advise this House, and advise the people of Newfoundland and Labrador how much extra revenue the Government of Newfoundland has taken in during the last three or four months because of the drastic increases in the prices of gasoline and fuel oil in this Province?

Mr. Speaker: The hon. the Minister of Mines and Energy.

Dr. Gibbons: Mr. Speaker, I must say that I do not know what gasoline tax has been collected. I do not monitor and collect gasoline tax, and I would have to refer that to my colleague, the Minister of Finance.

Mr. Speaker: The hon. the Member for Torngat Mountains.

Mr. Warren: My final supplementary, Mr. Speaker, to the minister. Now that gasoline and other fuel products have been delivered to the Coast of Labrador, if there are any further increases between now and next July, when the navigation season opens, will the minister assure the people in coastal Labrador and central Labrador, where gasoline and fuel oil are already stockpiled, that they will not see any further increases charged to them by both Woodward's Limited and Ultramar?

Mr. Speaker: The hon. the Minister of Mines and Energy.

Dr. Gibbons: Mr. Speaker, I cannot give assurance to anybody about price changes for a product that is market driven.

Mr. Warren: (Inaudible) is already there.

Dr. Gibbons: At this time, we do not have a regulation in place that can control the price of any product, including gasoline.

Mr. Warren: (Inaudible) your buddies.

An Hon. Member: Listen, boy, listen! Stop yapping!

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Thank you, Mr. Speaker.

I think I would like to ask a question to the Minister of Finance. The minister was reported a week or so ago as having brainstorming sessions with his officials as it relates to -

Some Hon. Members: Hear, hear!

Mr. Warren: Which brains?

Mr. Windsor: It is a difficult thing for the minister to have, a brainstorming session, but he was reported by the media, at least, as having brainstorming sessions with his officials, looking at the option of expanding the RST base. Would the minister tell us what the results of the great brainstorming session were and what he proposed to do with broadening the base for GST?

Mr. Speaker: The hon. the Minister of Finance.

Dr. Kitchen: Thank you, Mr.

Speaker. Mr. Speaker, the sessions were and continue to be very stimulating, and the results will be known in due course.

Mr. Matthews: Yes, that is the result of brainstorming.

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Very informative, Mr. Speaker. Let me ask the minister this. Is it the minister's intention to piggyback RST on the GST when it comes in? And will the minister confirm that should he broaden the tax base to parallel the GST, in other words, remove all exemptions presently in effect in this Province, that the minister will gain \$65 million for each percentage point?

Mr. Speaker: The hon. the Minister of Finance.

Dr. Kitchen: Mr. Speaker, on the first point that announcement was made on October 5, and I would suggest that the member consult his Hansard.

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Let me ask him again, the minister perhaps forgot the second part of the question, would he confirm that each percentage point of RST, should the tax base be broadened, is worth \$65 million?

Mr. Speaker: The hon. the Minister of Finance.

Dr. Kitchen: Mr. Speaker, we will make these points known at the appropriate time.

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Now, Mr. Speaker, we obviously know that each point is worth \$65 million. Unless the 12 per cent rate is dropped to 9 per cent, this Government is going to pick up approximately \$185 million or \$195 million, in fact. Will the minister tell us, or will he confirm now, or will he assure this House that he has no intention of putting GST and RST on heating fuel and electricity and on children's clothing in this Province?

Mr. Speaker: The hon. the Minister of Finance.

Dr. Kitchen: Mr. Speaker, we will make our positions known on all these matters in due course.

Some Hon. Members: Oh, oh!

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Mr. Speaker, that minister is a wealth of information. Let me try the Minister of Municipal and Provincial Affairs, if I may, for a question. Now that the minister and the Government has rammed through, using closure and all other means, The Regional Services Bill, is it the minister's intention now to force the city of Mount Pearl to continue to be part of the St. John's Fire Department? Is it the Minister's intention to take over the Mount Pearl Fire Station and equipment which is in place but not being utilized because of the Minister's refusal to allow the city to carry out their responsibilities?

Mr. Speaker: The hon. the Minister of Municipal and Provincial Affairs.

Mr. Gullage: Mr. Speaker, first

of all let me say that the city of Mount Pearl is a partner in the St. John's Fire Department. Properly named, it should be the Metropolitan Fire Department, because it is certainly not St. John's by any means. Seven or eight municipalities in the Northeast Avalon share in those fire fighting services, including Mount Pearl. So they are part now of an agreement with the Province and with the union in question to deliver fire fighting services on the Northeast Avalon.

So part of your question is, will they be allowed to break away from an existing agreement? which is probably more a legal matter than anything else. Secondly, where do we go with regional services in the Northeast Avalon as far as fire fighting is concerned? That decision will obviously have to await the formation of a regional services board in the northeast Avalon, if such a board comes into being. At that time, the Fire Department along with other services will have to be considered of a regional nature. And others can be considered, the water supply for one thing - the Bay Bulls water supply, just to give an example.

As for the station lying dormant and unoccupied by fire fighters, we all know the reason for that. Very simply, it is a Mount Pearl fire station with Mount Pearl equipment. The station would have been occupied over a year ago by the St. John's fire fighters, but that is a decision of the Mount Pearl council to make. If they want the station manned, it can happen tomorrow.

Mr. Flight: Good answer!  
Excellent answer!

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Now, Mr. Speaker, the Minister knows that the city of Mount Pearl is a partner in the St. John's Fire Department but an unwilling partner, because that Minister has forced them to remain there.

An Hon. Member: Not true.

Mr. Windsor: And it is true.

Some Hon. Members: It is true.

Mr. Windsor: And it is absolutely false -

An Hon. Member: (Inaudible) for twenty years!

Mr. Windsor: - it is a falsehood, Mr. Speaker, for this Minister to say that it is the city of Mount Pearl that chooses not to have it manned. That Minister has refused to allow the city -

Mr. Gullage: That is not true.

Mr. Windsor: - to carry out their responsibilities.

An Hon. Member: That is not true.

Mr. Windsor: It is true! Let me ask the Minister this, Mr. Speaker. How much longer does he propose to leave that fire station empty? How much longer does he propose to leave that equipment lying dormant while the city of Mount Pearl is not adequately protected as defined by the Fire Commissioner and the Fire Chief?

Mr. Speaker: The hon. the Minister of Municipal and Provincial Affairs.

Mr. Gullage: First of all, Mr.

Speaker, as the Member knows, those questions are better put to the city of Mount Pearl than they are to me. Because I can only repeat that that station was built by the city of Mount Pearl, the equipment purchased by the city of Mount Pearl. It is not within my mandate to impose fire fighters upon the city of Mount Pearl. I suppose the Government could decree that we should do that, and pass some kind of a bill to do it and whatever. I do not think we are going to take that kind of action.

The implications of the city of Mount Pearl and its council deciding to withdraw from the St. John's Fire Department are of a legal nature. And the Member knows that they have sought a legal opinion on that. It is not as easy as it seems to walk away from a working agreement with the Province and with an existing union, which is exactly what they would be doing. And for the Member to continue as he has been doing, fearmongering in the House of Assembly about fire fighting services is totally and completely irresponsible.

Mr. Speaker: The hon. the Member for Mount Pearl.

Mr. Windsor: Thank you, Mr. Speaker. The irresponsibility here is on the Minister's shoulders, let me assure you, in failing to have that fire station open. The Minister knows full well that the city of Mount Pearl has an agreement with their own union to provide their own fire prevention services and the only thing holding them up from removing themselves from the agreement is the Minister. I also remind the Minister, Mr. Speaker, that he knows that the fire

station and the fire equipment was bought and built by the city of Mount Pearl with Government approval. It is this Administration which has put a hold on it.

Mr. Speaker: Order, please!

Mr. Windsor: I will get to my question. Thank you for your tolerance. Will the Minister tell me this? If and when the Minister does establish the St. John's Regional Fire Service, will the Minister guarantee this House that he will compensate the city of Mount Pearl for the \$2.6 million they have invested in equipment, for the \$300,000 a year interest they are paying while the Minister refuses to let them operate, and what will he do with the \$600,000 a year more it is costing the city of Mount Pearl, for this unwilling partnership, than they could provide their own far superior fire service by operating their own fire department?

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!  
Order, please!

The hon. the Minister of Provincial and Municipal Affairs.

Mr. Gullage: Mr. Speaker, the \$600,000 that the member mentions as being an extra cost to the city of Mount Pearl, of course, is totally non-factual.

Mr. Windsor: It is not. We know differently.

Mr. Gullage: We know from the latest figures. Check with the city of Mount Pearl council and you will find that they now agree there is no differential in cost at all.

Mr. Windsor: I have the figures.

Mr. Gullage: First of all, the figures the member is talking about is an assumption that you can decrease the amount of service, decrease the number of men, change the shift system, and the list of things goes on that you, in theory, could do. They have now concluded that these things cannot be done. Talk to the council of Mount Pearl. As far as the financial implications and the equipment and fire station that were constructed and what the Government would do in the event of a regional services board coming into place and fire fighting be placed under that board, that is obviously a question, as the member knows, that has to be addressed at that time. We would give consideration if, in fact, it was taken over by a regional services board, to some rebate of costs, given the fact that it becomes part of a regional services board covering off, I would think, the major portion of the Northeast Avalon. But those decisions have to be taken at the time, if and when a regional services fire fighting -

An Hon. Member: (Inaudible) burned to death first. Ask Harvey Hodder.

Mr. Gullage: I was waiting for that (inaudible) to come.

Mr. Flight: Come on! The alarmist. The alarmist.

Mr. Speaker: Order, please! Order, please!

The hon. the Minister has been asked a question. Since he has been asked a question by the Member for Mount Pearl there have been several other questions

asked, and when that happens and the Minister gets into answering those questions, it makes it difficult for the Chair to decide which question the Minister ought to be answering. So I ask the Minister to please answer the original question and clue up very quickly.

The hon. the Minister of Municipal and Provincial Affairs.

Mr. Gullage: Mr. Speaker, the city of Mount Pearl is quite aware, and they have been told several times, that if they want the station occupied by the fire fighters of the St. John's Fire Department it will happen immediately, with no delay. So to talk about the Minister not taking action, how quick do you want me to take it? If they say a half hour from now they want that station occupied, within the hour I will have men in there.

An Hon. Member: Suppose they cannot do it with their own (inaudible).

An Hon. Member: They can do it.

Mr. Windsor: That is being dishonest.

Mr. Flight: You are an alarmist.

Mr. Speaker: Order, please!

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

Mr. Parsons: Thank you, Mr. Speaker. My question is to the Minister of Social Services. I have constituents who applied to adopt a baby in April 1985, five years and eight months ago. At the time of application, this couple were satisfied to adopt a baby up to one year old, any sex;

they would consider a child with a correctible disability, a twin no problem, even two, a brother and sister, and they are waivering now their age limitation. What was their dream, Mr. Speaker, because they were promised a waiting period of between one and two years, three years at the most, has now become an illusion. Mr. Speaker, I want to ask the minister if he would tell this House how many applications for adoption are on file, and how many babies does his department have for adoption?

An Hon. Member: Good question.

Mr. Speaker: The hon. the Minister of Social Services.

Mr. Efford: Thank you, Mr. Speaker. Well, I have some doubts that it is a question for the House of Assembly. First of all -

An Hon. Member: Why?

Mr. Simms: You used to ask them all the time.

Mr. Efford: No, not in my days as an Opposition critic.

Mr. Speaker, let me tell the hon. Member for St. John's East Extern the question of enough children in the Province of Newfoundland and Labrador to reach the number of applications we have on file is a very, very difficult situation. We do not have authority over providing children to families who have applications on file, or requests.

There is presently a seven year waiting list, minimum, on file in the Department of Social Services. We are encouraged by the courts, in fact we are told by the courts wherever possible, you

are supposed to keep parent and child together. You are supposed to put in the family support services wherever it is humanly possible to do that. We cannot at our descretion, nor can the child welfare director of the Department of Social Services, go out and apprehend a child whenever he or she feels like it. You know, that is an impossible thing. Mr. Speaker, the very clear point is that there are hundreds of applications on file for adoptions in this Province. I cannot tell you the exact number of applications on file, but I will check it out and find the exact number. I can tell you there is a seven year waiting list, minimum.

I have been suggesting to the people in the Province that if they have problems in adopting infant children, which is normally what people first want when they make application - they will ask for infant children - we have provided information that there are older children, five, six, seven, eight or nine years old who are wards of the Department of Social Services whom they can adopt if they wish. But that requires a major decision by an individual family. All I can say to the hon. member is, if he wishes to see me afterwards, I will talk to the child welfare director about that particular family. He can do that and I will open up my office to him anytime.

In fact, Mr. Speaker, I do not think a week has gone by in my term as Minister of Social Services, in the last eighteen months, that I have not had some parents or some couple into my office concerned about the waiting time. Unfortunately, it is impossible for the Minister of Social Services or anyone else in

his department to lessen the length of time that you have to wait for a child in the Province.

Mr. Speaker: The hon. the Member for St. John's East Extern.

Mr. Parsons: Thank you, Mr. Speaker. Since this couple are satisfied - and I only speak of one couple - there are several in the area I think, as the Minister might know. Since the couple is satisfied to increase the age limitation and if they were to reapply the rules now state that they would have to go back to the bottom of the list - would he direct the people in his department to contact those people? And would the Minister have that policy changed so as to give applicants information pertaining to their position on the waiting list? Right now you get information only when you are fifth on the list. Would you direct your department to change it?

Mr. Speaker: The hon. the Minister of Social Services.

Mr. Efford: Thank you, Mr. Speaker.

First of all, any couple in the Province, not only the couple from the hon. Member's district, who wish to come to the Department of Social Services, and they do not have to make an appointment like they did in the past for six or seven weeks, they can come in without an appointment, I will see them personally or so will the Director of Child Welfare, I have a lot of confidence in him, but any time they want to come into the department and discuss changing their application from an infant to an older child. I do not feel comfortable discussing

this sort of thing here in the House of Assembly, I would feel more comfortable in confiding -

An Hon. Member: Why not?

Mr. Efford: Because it is a very emotional thing for people in the Province to deal with. And any people who have an application on file, it is better discussed in privacy. So I can only tell you in the context of the Department of Social Services.

But I am telling you, as the Minister, that we will sit down with an individual and discuss changing the age for them if they wish to go to an older child any time they wish to do so, and we will look at altering the lessening of time that they would have to wait, because we have a lot of children in this Province who are in foster homes who we can provide for adoption, so they would not have to wait seven, eight or nine years if they were adopting an older child.

Mr. Speaker: The hon. the Member for St. John's East Extern.

Mr. Parsons: Thank you, Mr. Speaker.

All I asked the hon. Minister was to state the policy or would he change some part of the policy? It is nothing personal. I would not be standing in my place today if I thought it was something personal. That lady contacted his department last Thursday and she could not get any information. None whatsoever.

Mr. Warren: Because she was not fifth on the list.

Mr. Parsons: Because she was not fifth on the list.

Now would the Minister concede that those people have a right to know their status? They celebrated their tenth anniversary last Sunday, and their time is running out. I mean they are desperate in their need for -

Mr. Speaker: Order, please!

I will ask the hon. gentleman to get on with the question, please!

Mr. Parsons: Okay. They are desperate in their need for this child. Would the Minister concede that they have a right to know their status? That is all they are asking. Is it going to be two years? Is it going to be one year? Is it going to be a month? Just tell them. It is getting late for them. That is all the people are asking. It is getting late. And the lady went to the department and could not get an answer.

Mr. Speaker: Order, please!

The hon. the Minister of Social Services.

Mr. Efford: Mr. Speaker, I am not going to stand here in the House of Assembly and tell anybody or tell the general public or the House of Assembly that the Department of Social Services is running a perfect system in there. But I am totally surprised and I am totally shocked and I will ask the hon. Member to let me know afterwards who that lady or that couple saw in the Department of Social Services that they could not get the information. It is the first time that it has been brought to my attention that anybody ever called and could not get information, and that is including hon. members opposite. We give the information, but I

will tell you one thing, nobody has to wait another seven or eight years for information or to adopt an older child. We have older children in this Province and we wish and pray to God that people would come forward to adopt the children, in fact, we brought in, since I became Minister of Social Services, what we call subsidized adoption, to encourage people to adopt older children who have special needs and who have special requirements. We would encourage couples to adopt them. So nobody has to wait an extra seven or eight years and nobody has to change their application because one has changed from an infant toward - it is just wrong information in this case that has been given out and I would suggest to the hon. Member, if he has a particular case about a constituent, as he has done -

An Hon. Member: (Inaudible).

Mr. Efford: - in the past, to call me and I would make an appointment and get the right information -

An Hon. Member: (Inaudible).

Mr. Efford: - relating to his people, but I cannot change the policy of the Department of Social Services to suit one couple in the Province, because we have hundreds of people who have been waiting four, five six and seven years, and a lot of people as the hon. Member is saying very clearly, it is reaching the stage in life where they cannot wait much longer to adopt a child, but we do not have the children available and we will, certainly, if you have the people come to my office, we will certainly sit down and make sure the right information is relayed to them.

An Hon. Member: (Inaudible).

Mr. Speaker: Question Period has expired.

**Presenting Reports by  
Standing and Special Committees**

The hon. the Minister of Finance.

Dr. Kitchen: Mr. Speaker, I would like to table the report of the Newfoundland Liquor Commission for the year ending March 31, 1990.

Mr. Speaker: Answers to questions for which notice has been given.

Dr. Kitchen: Could we revert?

Mr. Speaker: Revert to which?

Dr. Kitchen: Notices of Motion.

Mr. Speaker: Should the House revert to Notices of Motion?

Mr. Tobin: No leave.

Mr. Speaker: Has the House leave to go back to Notices of Motion?

An Hon. Member: (Inaudible).

Mr. Speaker: The hon. the Minister of Finance.

Dr. Kitchen: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a Bill entitled, "An Act to Revise and Amend The Law Respecting a Pension Plan for Employees of the Government of the Province and Others" and, Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce a Bill entitled, "An Act to Revise and Amend The Law Respecting Pensions for The Members of the Royal Newfoundland Constabulary and The

St. John's Fire Department and The Staff of Her Majesty's Penitentiary".

Thank you, Mr. Speaker.

**Petitions**

Mr. Speaker: The hon. the Member for Green Bay.

Mr. Hewlett: Thank you, Mr. Speaker.

Mr. Speaker, I rise to present a petition on behalf of 349 residents of Green Bay, the vast majority of whom are from King's Point.

The number 349 is significant when we look at the fact that in the last election, a total of only 476 people voted in the community of King's Point.

The prayer of the petition is as follows: Because an expenditure freeze in the health care system will mean layoffs and bed closures, we, the undersigned residents of Green Bay district petition the hon. House of Assembly not to approve such a freeze.

Now, Mr. Speaker, I do not mind saying in this Assembly that I did not win the community of King's Point in the last election, my opponent won King's Point with 71 per cent of the vote, polling some 338 votes. That was disappointing obviously for myself, but not surprising as King's Point was the hometown of my opponent in the election.

I similarly won 73 per cent of the vote in Port Anson, the town in which I was born, so as I say, it

was not surprising. But, Mr. Speaker, when we think of the fact that less than 500 people in King's Point voted and 349 signed this petition, I think that is significant.

Following along the lines of what the hon. Minister of Health has said in this hon. House in the last day or so, and following discussions I have held with health care officials in Green Bay, it would appear now that the likely outcome of these impact statements that the Government is receiving from the various institutions, the likely outcome for the Green Bay area is probably the fact that Springdale will lose its hospital as a hospital. Hopefully it will get a clinic with nursing home beds attached. Hopefully that clinic will be a twenty-four hour emergency clinic.

But the bottom line is that when it comes to hospital care residents of Green Bay will have to depend on the larger centres in Corner Brook or, most likely, Grand Falls, the nearest town with a large regional hospital. That will mean, for instance, parents about to have a new baby will no longer be able to have that child at the Springdale hospital. They will probably have to have the child at Grand Falls some sixty-odd, seventy miles away. And that will provide an additional strain and expense on the families involved.

Mr. Speaker, as I stated earlier, obviously the people of King's Point did vote for real change in the last election but I do not think the type of change that we are receiving at the hands of this Government is the kind of change they voted for. And they did not vote for education cuts, they did

not vote for health care cuts, they did not vote for a refusal of pavement for their friends and relatives in the Harry's Harbour - Jackson's Cove area.

Mr. Speaker, the people of King's Point voted for the Liberal policy of opening and expanding the health care system in this Province. So, Mr. Speaker, it is with pleasure that I sign this petition, I table it, and ask that it be referred to the Minister of Health.

Thank you.

Mr. Speaker: The hon. the Member for Humber East.

Ms. Verge: Thank you, Mr. Speaker. I was pausing, expecting the Minister of Health or one of the Members opposite, who campaigned a short year and a half ago promising to increase funding for health care and open more hospital beds, to rise and speak to this petition of residents of Green Bay district.

I would like to support the prayer of their petition. I agree with them that health care is critically important and must be a priority of any Provincial government. It is extremely important for the people who live in the Green Bay area that their excellent facility at Springdale continues to receive enough funding to maintain its operations. The Green Bay Health Care Centre, representing both chronic care and acute care facilities, is a model in the Province that has been praised by health care administrators and board members throughout Newfoundland and Labrador as well as people involved in health care elsewhere in the country. Perhaps

instead of threatening to take away the hospital component of that facility the Minister of Health should examine the possibilities for copying the Springdale model in other small towns around the Province.

The Liberals when they were in power before under Premier Smallwood, carried out wholesale social engineering and resettlement, closing out dozens and dozens of small isolated communities around our coastline and centralizing our population in growth centres. This new Liberal regime under the current Premier seems to be approaching resettlement in a more subtle but just as deadly a way. This Liberal administration seems to be going about removing essential services from remote rural parts of the Province, forcing people to resettle. This time, perhaps, there will not be resettlement allowances but there will be a similar compulsion for people to abandon their rural roots and move to urban growth centres the same way as thousands of people did back in the 'sixties.

Mr. Speaker, a greater percentage of the population of Newfoundland and Labrador live in rural areas than the population of any other Canadian Province. About two-thirds of our people live in communities which have 5,000 or fewer population. And our communities are scattered over a huge distance, over thousands of miles of coastline as well as some of our interior expanses. And it is just not feasible now - and it will never be feasible - for many of these people to go to the few urban centers for hospitalization. It is always going to be important to maintain some level of hospital services,

both acute care and chronic care, in each of the areas of the Province, including some sparsely populated rural areas. In conclusion, Mr. Speaker, I endorse the sentiments and the prayer of the petition of the residents of Green Bay. Thank you.

#### Orders of the Day

Mr. Baker: Motion 2, Mr. Speaker.

Motion, the hon. the Minister of Employment and Labour Relations to introduce a bill, "An Act To Amend The Labour Relations Act, 1977 (No. 3)", carried. (Bill No. 73)

On motion, Bill No. 73 read a first time, ordered read a second time, on tomorrow.

Mr. Baker: Order No. 10.

Motion, second reading of a bill, "An Act To Repeal The Parliamentary Commissioner (Ombudsman) Act". (Bill No. 42).

Mr. Simms: Shame! Shame!

Mr. Doyle: What a black day for the Province.

Mr. Speaker: The hon. the President of Treasury Board.

Mr. Baker: Thank you, Mr. Speaker.

In Question Period today, this particular topic came up. There were some questions asked, and I indicated at that point in time that a more detailed answer to the questions would be forthcoming upon the introduction of this particular bill, "An Act To Repeal The Parliamentary Commissioner (Ombudsman) Act".

As everybody can see, Mr. Speaker, the statement itself is very simple. Clause 1 of the Parliamentary Commissioner (Ombudsman) Act is repealed, and then there are some consequential amendments to the Freedom of Information Act, where mention is made of the Parliamentary Commissioner, and these have to be deleted. Then, finally, point three is the commencement date: This particular Act comes into force on January 1, 1991. So it is a very simple and straightforward piece of legislation.

Mr. Speaker, in introducing this bill I would like to deal with it in a number of ways. First of all, much has been made of the fact that the concept of having an Ombudsman to deal with problems which people have with Government is somehow something that is sacred the world over and is given in any Government, and is something that can never be changed. That seems to be the gist of the comments over the last number of months that have been coming from critics, and some of them quoted in Question Period here today, that the concept, the word 'Ombudsman' is a sacred word.

Now, Mr. Speaker, that is simply not so. I would suggest to Your Honour that the idea - the idea - that individuals should have an avenue for appeal of Government decisions is important, that is a very important concept. The idea behind the position of Ombudsman is extremely important, but what you call that position has really no bearing on its function. So we can start from one premise, Mr. Speaker, that you must have - you must have - in a democratic society an avenue for people to object to Government decisions and

to try to get redress from Government decisions that they feel are incorrect. I think that is obvious. So that is the first thing.

The second thing I would like to point out, Mr. Speaker, is that our society, in terms of protection of the rights of the individual, has undergone some tremendous advances, and I would like to suggest that perhaps what was relevant twenty years ago or thirty years ago or thirteen years ago, may not really be relevant today. The fact that something has existed for a number of years, whatever that number happens to be, is no reason for keeping that in existence forever - no reason. Because as society changes and as conditions change, our institutions must change. And I think that is fairly self-evident. This applies, not only to the position of Ombudsman, but in many areas of Government, that there seems to be an attitude that the only way Government can make a change is by adding on - that is the only way Government can make a change, by adding on. And we have seen this in the discussions on the health care system, where the Minister of Health has outlined changes that over the next number of years should take place to make the system better serve the people of the Province. And members opposite are taking the approach that well, no, you cannot touch what is.

Mr. Tobin: Phone Bill Rowe.

Mr. Baker: What is, what was, what has been for the last twenty years has to stay.

Mr. Tobin: Phone Ron.

Mr. Baker: And what you do is you leave whatever is here and you simply add on more and more and more.

Some Hon. Members: Oh, oh!

Mr. Baker: Now, Mr. Speaker, I am very disappointed in that attitude. I am very disappointed.

Mr. Tobin: Phone Ron Pumphrey. Call Ron Pumphrey.

Mr. Baker: Never change anything, simply add on. Government is a bottomless pit, a bottomless pit of money and all you do is keep adding on and on and on until eventually you employ 100 per cent of the people in the Province and there is no need for private enterprise. That seems to be the attitude of members opposite. We just keep adding on and adding on and adding on and never changing anything.

I would like to suggest to members opposite that is not the way to bring about change. You bring about change by looking at your system, by changing things that need to be changed, by, perhaps, eliminating things that have outlived their usefulness, by improving things that need to be improved, and certainly by doing new things. But not only by adding on, not only by doing new things. What we are talking about is effective change in our approach, and the Opposition seems to be stuck on the idea, Mr. Speaker, that the only change that is possible is more add-ons and more expenditure.

Now, Mr. Speaker, specifically to the Ombudsman and the role of Ombudsman. I made the point when I started that the name is not important; certainly the function

is. The reason for existence in the first place is that people in this Province have an avenue for redress against Government decisions that they feel were incorrect.

A number of options, a number of alternatives have been mentioned, and members opposite just shouted back at me a moment ago about Ron Pumphrey and Bill Rowe, and the advent of the action lines on radio. But, Mr. Speaker, it goes far beyond that. The role of the MHA has become a much more significant role in the last year and a half than it ever has before. Government has provided the individual MHAs with the ability to do that portion of their job that takes most of their time, and that is acting as an Ombudsman for the approximately 10,000 people they represent.

I can remember, just five short years ago, when it was practically impossible for me as a MHA to do that, simply because, number one, I was afforded no privacy - the privacy of an office was denied to me.

An Hon. Member: Shame!

Mr. Baker: The privacy of an office was denied to me, and a lot of the complaints and the things you have to talk to your constituents about are very personal and private, and no privacy was allowed me.

An Hon. Member: (Inaudible) right on that.

Mr. Baker: I did not have a secretary.

Mr. R. Aylward: I did not have a desk.

Mr. Baker: I had a secretary part-time. If you go back far enough, the conditions were worse and worse and worse. You will even get back, if you go back far enough, to the situation where there were no offices, period -

An Hon. Member: (Inaudible) Leo Barry.

Mr. Baker: - and the only thing an MHA had was a share in the common room in back there. That was the only location an MHA had, a share in a common room. So things have been very bad.

Mr. R. Aylward: By giving you an office and a private secretary does not give you the right to (inaudible).

Mr. Baker: Let me get to it one point at a time. It is too bad that Hansard is not picking up your comments. The member is saying that giving an office and a secretary does not give certain rights, and I agree. But I will get to that eventually. I am simply making the point, first of all, that the MHAs in the past, even in the recent past, did not have the capability, the physical surroundings to be able to do that job. Right now we have fifty-two members in this hon. House, each of whom has an office, each of whom has a secretary, each of whom has allowance made for constituency work and constituency travel and constituency contact, all that kind of thing, so that the members can effectively do their job. And if somebody has a problem with Government, it would seem to me that the first avenue they would take is their MHA. We have declared that this is a full-time occupation, a full-time job.

Mr. Simms: It always has been for many of us.

Mr. Baker: But not for all.

An Hon. Member: Except for Jack (inaudible).

Mr. Baker: That is true.

Mr. Simms: (Inaudible) the majority.

Mr. Baker: But we have declared now, and in the Morgan Commission Report that was done, that this is now a full-time job. So we have full-time members, with full-time secretaries, with full-time private facilities to do the front-line job that needs to be done to look out to the problems of their constituents, and certainly amongst these problems would be problems with Government decisions that they want redress for.

So, Mr. Speaker, over the last thirteen years there has been an improvement, more particularly in the last eighteen months, there has been a tremendous improvement in the ability of the MHAs to carry out that function.

Mr. Simms: (Inaudible).

Mr. Baker: Now, Mr. Speaker, also in terms of other mechanisms that are available, and members opposite talk about powers to do things, an MHA has a lot of power, if you want to call it that, in quotation marks, 'a lot of power'. An MHA has easy access to the decision makers in Government, whether it be at the political level or at the civil service level. They should have easy access, if they do not. I am assuming they do. I have had no particular complaint about MHAs

having difficulty either contacting my office or contacting the civil service in my department - I have had no complaint. They have easy access and they solve many problems.

Mr. Simms: Yes, and many they do not.

Mr. Baker: Many they solve. And no mechanism will solve all of the problems because, as the Member for Grand Falls knows, if you get one hundred complaints, there are some of them which are easy to solve, there are some of them which are difficult to solve, there are some of them which cannot be solved, and there are some which never should be solved, because the problem was not with the system in the first place. So you will find a certain number of those situations, as well. °

But built into our system over the last number of years we have developed many mechanisms to safeguard the rights of the individual, and these generally apply to specific areas. We have an Adoptions Appeal Board; we have a process that is gone through for adoptions, and then if something is wrong, we have an appeal process, the Adoptions Appeal Board, with the right to overturn previous decisions, so that somebody who has a problem with the document has that access to a Court of Appeal that will look at a Government decision, an arm's length board who will look at the Government decision and either verify it or overturn it, and quite often it is overturned. It is always overturned if in the view of the board the decision was an incorrect one, so we have an Adoption's Appeal Board. We have a lot of these appeal boards, very, very specific. We have a

Forest Land's Tax Review Board; and we have a Driver's License Suspension Review Board. How many problems are there with driver's license suspensions, and we have a Driver's License Suspensions Appeal Board. We have a Livestock Owners Compensation Board; we have a Mineral Rights Adjudication Board; we have a Mining Tax Review Board; we have regional appeals boards for municipal affairs all over this Province; we have residential tenancy boards. We have one in St. John's, we have one on the West Coast, and we have one for Central, one for Eastern, and one for Labrador. The problem with rental accommodations is a big problem in this Province and the mechanism to handle that has been set up and is effective, and I will repeat again it is an arm's length process to handle these problems. There is a Social Assistance Appeal Board; there is a Student Aid Appeals Committee; there is a Workers' Compensation Appeals Tribunal; there is a Processing License Appeals Board; there is a Timber Users Appeal Advisory Board; there is an Appeals Board for the St. John's Urban Regional Agricultural Zone; there is a Land Consolidation Review Committee for land problems; there is a Labour Relations Board and a Labour Standards Board for that kind of process. There is a Labour Standards Tribunal that has a look at problems that individuals might have with employers in the Province. There is the Human Rights Commission that handles the human rights problems, that essentially were outside the scope of the Ombudsman anyway. There is the Building Accessibility Advisory Board; a Child Welfare Board; the Young Offender's Act Review Board; and it goes on and on. There are boards that have

been set up to deal with complaints that individuals have with the Government process and essentially that is what we are talking about here in terms of the Ombudsman. Sitting on these boards we have people who can independently make decisions, and very often do overturn decisions of the bureaucracy. Quite often when the office of the Ombudsman, as it has existed for the past few years, a lot of the calls that come in here, the solution of the Ombudsman would be to appeal it. This is the Appeals Board, go to the Appeals Board, a matter of providing information. The point I am trying to make at this point in time, Mr. Speaker, is that we have developed an extensive network of appeals processes that are there to protect the rights of the individual and to protect them against hasty and sometimes incorrect Government decisions, bureaucratic decisions. A lot of people are sitting on these boards at great expense but I believe they are necessary. I believe we have to look out for the rights of the individual in terms of Government decisions. If the individual happens to be an employee of Government, then, of course, the mechanisms are obvious. If the grieved person happens to be an employee, a unionized employee, he would have the protection of Collective Agreements and these Collective Agreements may have been crude instruments twenty years ago and did not exist in terms of the public service sector, but today -

Ms Verge: (Inaudible).

Mr. Baker: That is right. But today -

Ms Verge: (Inaudible) Liberal days.

Mr. Baker: That is right. And the Member for Humber East says back in the Liberal days, and it is unfortunate that quite often, you know, this mention is made when you are into a serious debate and we have to bring Liberal or Tory politics into it. I am trying to make the argument outside of that and I would readily agree with the Member for Humber East that things were not as good then as they are now, that the collective agreements are refined instruments for dealing with complaints that workers may have. Every two or three years, sometimes oftener, the union reps sit down and negotiate contracts. And each time they have spent hours, days, months dealing with what they call language items and these language items are essentially - but before they even get the money - they want to do the language stuff first before they get the money because they see the language stuff as being more important. The language of the collective agreement is generally language for the protection of the worker. So that this language has been refined over the years and the collective agreement has become a method whereby the worker can get redress against decisions. Now, some might argue that the collective agreements in this respect have gone too far, and sometimes I might be tempted to make that comment as well, Mr. Speaker. But in actual fact they are things agreed upon - developed over the years to protect the workers.

So, Mr. Speaker, down through the years in recent history we have developed in this Province many mechanisms for dealing with the complaints and the rights of the citizens of the Province, the citizens of the Province who are

affected by Government decisions directly. These mechanisms have been developed with good reason. Thirteen years ago it may have been crucially important, it may have been really important to have the office of Ombudsman. I am not so sure what the reason was when the office was established. It may have been symbolic. If it was more than symbolic, then of course, not nearly enough staff was provided. It was a very, very small office and I suspect the reason for introduction in the first place was more symbolism than anything else. When it was created I suspect that there was a greater need in the Province for the protection of the rights of individuals. I will say this, Mr. Speaker, that if, in fact, the office of the Ombudsman was of crucial, vital importance to the people of the Province, if this was the mechanism to handle the complaints that people in the Province had with regards to Government, if this was the medium through which people of the Province could get action concerning their complaints on what Government was doing, if that was the reason, if it was not purely symbolic, then I would suggest that the Government of the day fell down on the job badly because if it was of such crucial importance, if it was so absolutely necessary for the running of this Province you would set up the office of Ombudsman, you would give him a staff of at least forty or fifty if the job is there to be done. You would put maybe 300 or 400 people there if there was such a great need, if there was so much work to be done. The point I am trying to make, Mr. Speaker, is that it was by and large a symbolic effort. Since that symbolic effort was made we have developed mechanisms

that can handle the problems far more efficiently. And if, Mr. Speaker, there are any loopholes, and Members opposite suggest there may in fact be loopholes, then I have no hesitation in saying that the loopholes can be plugged later on. There is no doubt about it.

So, Mr. Speaker, in introducing this bill I simply wanted to deal in the first instance with the concept of Ombudsman and the function of Ombudsman and the mechanisms that we have in place to carry out that function. I have decided in my wisdom or lack thereof, not to start leafing through Ombudsman reports and so on. If it is necessary to do that, Mr. Speaker, then when I close debate on second reading some time, maybe on Christmas Eve, on the Ombudsman's bill, then at that time perhaps I will deal with the actual work of the Ombudsman rather than the position in theory and in principle.

So, Mr. Speaker, it gives me great pleasure to introduce this bill and I am looking forward very anxiously to hear the scenarios that are going to come from Members opposite, like the scenario that came up in Question Period today, whereby the only reason we are eliminating it, abolishing the position of Parliamentary Commissioner, is that somebody in central Newfoundland, I believe it was said, was promised a job -

An Hon. Member: That's right!

Mr. Baker: - but then when we looked at it and found out we could not give it to him, we decided to abolish it.

Now, Mr. Speaker, just for entertainment value, I would like

to hear some more of these scenarios that I am sure Members of the Opposition will come up with.

Mr. Speaker: The hon. the Opposition House Leader.

Mr. Simms: Thank you, Mr. Speaker. Mr. Speaker, I must say, I have been highly amused by the approach taken by the Government House Leader in introducing this piece of legislation. And to use his closing words, it gives me great pleasure. I somehow have a feeling that the President of Treasury Board, or Government House Leader, does not have his heart and soul into the task that he has been assigned by the Premier in bringing this bill into the Legislature. Now I have that feeling, it is a personal feeling, from knowing the President of the Council, I just do not think he has his heart and soul fully into this one. I really do think he has reservations. I really do think he has reservations. But, Mr. Speaker, let me just say first of all at the outset, just in case there is any doubt in the minds of Members opposite particularly, that we do not support this legislation. Absolutely, categorically, no support for this legislation on this side of the House - or at least in this caucus. I would not be at all surprised if our friend from Fortune-Hermitage supports it wholeheartedly. Maybe he does not. He is an independent Member, therefore an independent thinker, and perhaps he might very well see this as a very negative move for the people of the Province. He used to be a hard fighter for the people and so on, and I suspect he has retained that feeling. I hope he does. It would be interesting to see - if he speaks at all - how

he stands on this bill.

So, Mr. Speaker, I say at the outset, we will be encouraging and giving our Members here on this side of the House every opportunity to speak to this legislation, to express their views and concerns. And, Mr. Speaker, we would expect that Members opposite will take the opportunity in this debate to express their views. I think they should. Because frankly I would like to hear Members opposite defend this particular decision. It is an important piece of legislation, it is a major step. And I hope that Members opposite, both private Members and Government Members or Ministers, will take the opportunity to participate in the debate and respond to comments that some of us may make.

So, we are opposed to it, we will not be supporting it, we will be encouraging our Members to speak to it as frequently as they possibly can, we may be proposing amendments, we will do everything we can to ensure that our views and opinions are heard and reflected upon at the appropriate time.

But I can assure the House that we will be voting against this very draconian measure.

Now, Mr. Speaker, this measure was announced in the Legislature in full view of the galleries, being full at the time, the floor of the House being full with representatives and distinguished visitors to the Legislature announced eight months ago by the Minister of Finance in his Budget Speech; I think that was the first inkling.

Now, Mr. Speaker, what I cannot understand is why in heaven's name the Government House Leader, who is sponsoring this bill, could not or did not print this bill, say in April, a month after the Minister of Finance announced it. He announced it in March, why did they not print this bill in April, one month after the announcement?

I mean, here it is, here it is, Mr. Speaker, it is a flimsy little piece of legislation, a flimsy piece of legislation, absolutely no effort required I am sure, with due respect to the Legislative Council, I do not imagine they had to spend eight months drafting this, but they had to wait for the instructions, of course, of the Government. And the Government, even though it announced it eight months ago, did not give the instructions to print the bill, why did he not do it in April, even a month afterwards would have been enough, or even two months, why did he not print the bill in May month, two months later, and then give it to one of the Legislative Review Committees, the competent Legislative Review Committees, headed up by some competent private members, who have their own opinions, I bet, on this Legislation.

I know as private members they are expected to toe the party line, but I know from talking to some of them that they have serious reservations about this particular initiative. Now, they are not going to be expected I suppose to get up and express those reservations, I wish they would, but I do not fully expect them to do so.

But why did not the Government put the bill out to a committee, let them have some public hearings and

let us see if the public have any particular views on this particular initiative. That is one thing that saddens me and I am deeply disappointed that the Government did not do that. To take eight months to print this flimsy bill is absolutely ridiculous, eight months and unbelievable.

Now, Mr. Speaker, I listened to the President of Treasury Board trying to defend the indefensible. It was one of the weakest defences, weakest explanations, weakest arguments that I have ever heard from a Minister in presenting a piece of legislation.

And I suppose, knowing how this all came about, I suppose the Minister actually did his best or tried his best to defend what in reality as we all know, is a decision taken by the Premier. I would say it is a decision taken by the Premier, and the Minister did his best to try to defend that particular decision, but we expect all the Cabinet Ministers to shake their heads now and say, oh no, that was our initiative, but I think people would be foolhardy to think that this was a collective, unanimous decision of Cabinet, we do not expect that it was, they have to accept the responsibility for it now, once the decision is made, I understand that, but it is clear from where the initiative came, Mr. Speaker.

The Government House Leader's big argument was that he was disappointed in all the critics approaches, all the critics explanations dealing with the question of change, some deep philosophical discussion about how you deal with change -

An Hon. Member: The next thing is the flag.

Mr. Simms: Yes, I would not be surprised, Mr. Speaker, that would not surprise me one bit.

An Hon. Member: You want a revolution?

Mr. Simms: The Government House Leader talked about changing things that have to be changed. Now, Mr. Speaker, we have no argument with that, changing things that have to be changed or changing things that must be changed; we have no argument about that at all; those things that are necessary to change, that has never been our argument, but here, I think we have an example of change simply for the sake of change.

To satisfy the whim and a decision, taken prematurely I believe, by the Premier of the Province and then laid down upon the Members of Cabinet who had no choice but to support it and then of course, he was not prepared after it came to his attention - all the critics comments came to his attention - he was not prepared of course then to back down because we all know the Premier as being a very, very, stubborn individual and he certainly would not do anything to lose face, or change face at all, so that is what is transpiring. Now, I want to try to briefly refresh the members of the House of Assembly as to the responsibility that the Ombudsman has to the citizens of our Province. I want to comment on the argument that MHAs could do the job, and I want to enlighten members through some quotations of people who are very involved and knowledgeable about Ombudsmanship

throughout the world. I want to remind members of the House of some very kind comments, warm comments, made by members sitting on that side of the House today, comments made by them when they sat on this side of the House only four years ago, back in 1986. I want to refresh the member's memories about that, so that is the kind of approach I want to take in responding to the Government House Leader. First of all one must remember that this initiative to create an Ombudsman was a great initiative of the Liberal Party of Newfoundland and Labrador. Now the Minister of Forestry and Agriculture shakes his head and that leads me to believe and to confirm my suspicions that he does not understand what is transpiring. The Act to create the Ombudsman was passed in 1970 by the previous Smallwood Liberal administration. The Act to create an Ombudsman 1970, so it was a great Liberal initiative.

An Hon. Member: (Inaudible).

Mr. Simms: I will get to that now. The Act itself was passed by the Liberal Government of 1970. They brought in the Ombudsman, a tremendous initiative, Mr. Speaker, and it was introduced and proposed by a former MHA and former Minister of the Smallwood Government who did a study on it, John Nolan. That is who proposed it twenty years ago, the Liberals, one of their great initiatives. The position and office of Ombudsman was brought into full force in 1975 by a Progressive Conservative administration but the Act was passed, presented, brought in, by the Liberal administration. Now, do not forget that, Mr. Speaker, because those are important points when

you hear debate back and forth, I hope, from members opposite when they try to defend this decision they are taking. It is also important to remember, as Your Honour would be fully aware, of course, and some members opposite would be fully aware, my friend from St. John's South who is knowledgeable about Beauchesne and things, he would be aware that the Ombudsman is an officer of the House of Assembly and he is responsible and reports to all of us as members of the House of Assembly. It is a great parliamentary practice, a great parliamentary position. Some knowledgeable members of this House on rules and parliamentary privilege would be familiar with it, like the Member for St. John's South.

An Hon. Member: The Member for Harbour Grace.

Mr. Simms: Or the Member for Harbour Grace. He is also appointed by the members of the House of Assembly, so you will soon get the connection and importance to us as members of the House on why we feel so strongly about what is transpiring. The position can only be removed on the recommendation of the House of Assembly for disability, neglect of duty, misconduct, or bankruptcy - Section 7 of the Act. Now, those are the only four reasons under the Act that the Ombudsman can be removed on the recommendation of the House of Assembly. I do not know, Mr. Speaker, but the Ombudsman could have a very strong legal case, and the piddly amount of money, the \$200,000-odd that Government says it might save on this might end up costing them a heck of a lot more.

Now, Mr. Speaker, I am not going

to get into the way this took place. I am sure colleagues on this side, when they speak to this bill, will talk about the vindictive way in which this decision was taken, where the Ombudsman nor his office staff were even formally advised of this decision, and even after it was announced, I think, it was quite a number of days before they were even called and it was explained. That is just unacceptable. That is offensive, unacceptable and callous, but other members on this side will deal with that aspect of this issue in greater detail in due course. Mr. Speaker, I have no hesitation in saying in my view, in my humble view, this is clearly a very retrogressive step. I have no hesitation in saying that and I am not saying it for politically partisan reasons. I say it because I sincerely believe it. And, you ask the question why? maybe. We have heard some comments opposite from the Premier and the Government House Leader, well, people can call open line programs now or MHAs can do the job of an Ombudsman. I mean, Mr. Speaker, that kind of rhetoric - because that is all it could be called - is not a very well thought out kind of argument, I do not think. Because if you read the legislation - and that is what you need to do, read the law - the Ombudsman has the powers to insist on evidence and to insist that documents be produced.

Now, Mr. Speaker, no Member of the House of Assembly has that authority. As a Member of the House I cannot insist on a document being made available to me if I am looking into the case for an individual citizen. I do not have the authority to insist that a document be produced and

given to me to help me in trying to fight a case for a citizen. But the Ombudsman does. And that is one clear difference. And that is what makes the argument that MHAs can do the job, so silly. I mean, generally speaking, the people who go to the Ombudsman are those who had already gone to their MHA, gone through that process and can't get the problem solved. And we all know there are problems like that that MHAs can't get solved - Opposition and Government MHAs. There are lots of problems like that so it is important to know. He has the authority to ask for evidence and be provided with it, and he has the authority to ask for documents to be provided. We do not as MHAs have that authority. He has the full authority under the legislation to resolve complaints by citizens in this Province. He has the authority and the power to resolve complaints or problems made by citizens against Government.

We do not have that authority. We do not have the authority to resolve complaints. We can look into them and cajole and lobby and everything else, try to get them resolved. But we do not have the power to resolve complaints. The Ombudsman does. And, Mr. Speaker, clearly this office therefore protects citizens against government actions, whether it be in the bureaucracy or whether it be at the executive level or even at the Ministerial level.

And, Mr. Speaker, one of the problems I have with the argument about MHAs doing the job, a further argument I have, is that we now have come to understand, I believe, although there has been some contradictory responses to our questions, that Ministers, for

example, to whom a complaint or criticism might be directed, will not even accept collect phone calls from people from around the Province. The Premier confirmed that. Although I understand that there is a contradiction, because I understand some Ministers do - I believe the Minister of Fisheries says he accepts calls. But the Minister of Transportation does not. The Minister of Forestry does not, except from their own constituency, because we called his office and asked, as a matter of fact. A few days back.

Some Hon. Members: (Inaudible).

Mr. Simms: I did not call myself. But if Ministers do not even accept collect calls from the people of the Province who might have a problem or a criticism or a complex issue to try to get resolved, how in the heavens can a Minister as an MHA do the job that the Premier says an MHA could do in the place of the Ombudsman? It just does not make any sense, it is a very weak argument in my humble view.

Now, Mr. Speaker, we have also heard during the course of the last several months, Government occasionally throwing out - in selective fashion of course - some minor, always some minor items that are dealt with in Ombudsman reports over the years that do not have much substance, and I would be the first to agree, some of them do not have much substance. But I guess the point is, of course, to the individual concerned it is very important and it does have a lot of substance. So when they throw out those small minor items, that they do not seem to have much substance, they should remember that it does affect a person's life or a

person's role in life, and it might be very important to that individual no matter how minor it might be.

But, just as an example, Mr. Speaker, just today, before I came up to the House, around 1:00 p.m. I had a call from an individual out in my area, in fact I think he may be from Windsor, I am not quite sure. But an individual called me today at about 1:00 p.m. And he has been fired by the Wildlife Department. I do not want to use the individual's name. He might even be from Bishop's Falls, I am not quite sure. Anyway, he has just been fired or released or let go - fired is the term he used - by the Wildlife Department, even though he has worked there for two years seasonally and never had any complaints, to his knowledge, against his work performance. He has now been laid off or fired because he has been accused of being... have to get my glasses... oh, he is accused of being unsuitable for the job. Now he has been there for two years, never had any complaints to his knowledge from the Wildlife Department, but now he has been let go, because he is accused of being - what was the word I said?

An Hon. Member: Unsuitable.

Mr. Simms: Yes, unsuitable. Now, Mr. Speaker, if ever there was an example of a case for somebody with the authority like the Ombudsman to investigate, I think that is a perfect example. If I were to call the Minister responsible for Wildlife to discuss that matter with him, which I would do if he were here - unfortunately he is not around, I gather for the last couple of days. I do not mean that as a

reflection on his absence. But if I were to call him, I am sure the Minister would check it out and call me back and just say, well, the Wildlife people decided that was it, he was not suitable. And that would be it. So all the lobbying and fuss I might kick up as a Member on behalf of that individual, even though - I think he might be from Exploits. I am not quite sure. I would try on his behalf to talk to the Minister responsible and see if I could get him reinstated or find out what the problem was or whatever, but I do not have the authority to do it.

But the Ombudsman would have the authority to fully investigate that situation. In addition to the grievance opportunity he has with his union and all of that, the Ombudsman would have the authority to investigate it and he would also have the authority to resolve the problem, either by ruling that the Department was right or that the Department was wrong. I mean, that is a very important point to remember, particularly for the Government, by the way. Not all the rulings from the Ombudsman are supportive of the citizen's criticism or problem. Many times the Ombudsman has said he investigated this, that or the other thing and found that the Department was right. Now what better protection, not only for citizens, but for the Government, to have somebody in authority? So that is an example of what happened to me today, a call from a wildlife person who was let go today.

Here are a couple of other examples, and I think these are a little more substantial than the ones the Government often flick across. They will often use, for the sake of their own argument -

Mr. Baker: I have not made (inaudible).

Mr. Simms: Yes, you have.

Mr. Baker: No.

Mr. Simms: Yes you have, in fact. If the Government House Leader will relax, he has flicked across in answer in debate or in answer to a resolution, a Private Member's resolution which I, in fact, put on the Order Paper I think about a year ago, or was it last spring?

Ms Verge: It was in May.

Mr. Simms: Last spring, last May.

Ms Verge: May 9.

Mr. Simms: You have it there.

Mr. Baker: A year ago.

Mr. Simms: No! May.

Ms Verge: No, six months ago.

Mr. Simms: May past I put a Private Member's resolution on the Order Paper and the Government House Leader got up in response and he flicked across a couple of these minor little ones, and they were selected, obviously, for his own argument.

An Hon. Member: (Inaudible).

Mr. Simms: Oh, yes. Anything the Government House Leader says I keep filed right here in my ear, look. I hear it and I keep it there.

But let me just give a couple of examples which are perhaps a bit more substantial, just to point out that in fact there are substantial issues that the

Ombudsman deals with. Now, Mr. Speaker, I think it is important to refer to a few of them, because I think it is in the public interest. Because all they may have heard are these inconsequential kinds of items that appear from time to time. But it is in the public interest I believe, and perhaps the public interest would be better served if we raised some of the more substantial issues dealt with by the Ombudsman in the past. An example: Now this also may sound minor to some, but those of you who are outdoors people or hunters would have a good appreciation for this one. The Ombudsman investigated a case of a young hunter whose brand new rifle or gun had been returned to him when it was agreed that he had been too harshly dealt with by the Wildlife Division. The Wildlife Division had dealt with this individual and taken his gun, and when the Ombudsman checked it out, dug into it and got copies of documents which he has the authority to get, he decided that the department was wrong. The department agreed, and this young hunter had his weapon returned to him. Now that sounds like a minor item to some people. An MHA in that day may not have been able to convince the Minister of Wildlife that he should do it, whether it was a Government member or an Opposition member.

And here is a case where I talked about some of the examples having been in support of the Government. I am glad the Minister of Social Services came in. Here is a case where the Ombudsman investigated criticism of the Child Welfare Division of the Department of Social Services. In his investigation and in his findings he decided and ruled, and he has the authority to

do so, that the criticism of the department at the time was unjustified. So it was supportive of the department, and that was an important item. I say, before the Minister's head gets too swollen, that was an item in the 1977 report. I do not think he was there then. But I have no doubt that some similar rulings might come forth. My point is that some of the things the Ombudsman gets involved with are often supportive of decisions of the Government, so it is to the Government's advantage.

Now, Mr. Speaker, there are other examples. How about this one? This might sound like a minor item, perhaps, to members opposite, who often refute what the Ombudsman does. Title to thirty-five acres of land - now thirty-five acres of land is a fair bit of property - that belonged to an aged widow and was ordered forfeited by the Government of the day. After the investigation of the Ombudsman, it was restored to her - that thirty-five acres of land was restored to this widow. I think that is a substantial kind of issue that the Ombudsman dealt with and resolved.

A Royal Newfoundland Constabulary member who had been fired, determined by the Ombudsman to have been unjustly fired, and he was reinstated. Now, there is no member of the House who is going to be able to get the Minister of Justice to reinstate somebody who had been fired with the Royal Newfoundland Constabulary. None of us have that power or authority, but the Ombudsman has the authority to resolve. That is the difference. They have the authority to resolve, and the power; he does in this case, she,

maybe, in the future. So, Mr. Speaker, there are some substantial items that the Ombudsman deals with, and members opposite should not be so selective in throwing out two or three minor items when they are trying to substantiate their own weak arguments with respect to their decision to eliminate the Ombudsman's office.

Now I want to get into what some other people are saying before I get to what some members opposite said. What are some of the other people saying, people who are experts in the area? A world authority on the concept of Ombudsmanship - a world authority, Mr. Speaker, not some fellow out in Grand Falls or some fellow out in Whitbourne, with all due respect, but a world authority on the issue and subject of Ombudsmanship, Professor Rowat at Carlton University in Ottawa, he told a recent national convention of Ombudsmen, held in Halifax a while back, that what the Clyde Wells administration is proposing is a major step backwards - a world authority at a national conference. He said, The proposed abolition is incredible, indeed. It is hard to understand, especially in the light of the current revival of the concept in the United States, at the Federal level in Canada and in parts of Europe, I might add. The President of Treasury Board in introducing the bill says it is time to change, that what was in place ten or twenty years ago may not be necessarily needed these days. Yet, everywhere else in the world you look the concept of Ombudsmanship is being actively promoted, increased, improved upon, particularly over in Europe, and I will get to that in a minute.

But this is what Professor Rowat said: The concept has worldwide acceptance as a necessary requirement for modern democratic Government. It is absolutely absurd, he said, to suggest that members of the Legislature could handle complaints like an Ombudsman. And contrary to what the Government House Leader said, that argument of members being able to do the job of an Ombudsman is an ancient argument, an ancient argument that is not relevant any longer. For example, he says, Government backbenchers in trying to resolve a problem or not resolve a problem may not exactly be impartial. They may not exactly be impartial if they are trying to solve a problem or deal with a minister on a particular issue, they might be prepared to take the minister's response and that is it. So, I mean, to use that argument of an MHA doing the job of Ombudsman with no power, no authority, to my mind it just does not wash.

And he says: I think the decision of the Government to introduce legislation to abolish the office demonstrates a lack of understanding of the concept of the office and usefulness of it. And, Mr. Speaker, might I add that I believe that is a view shared by an awful lot of people. The reason is, the Government, or the Premier certainly, does not have a full understanding of the usefulness of the Ombudsman's office. I think that is really where the root of the problem is.

Now, Mr. Speaker, what did others say? The Canadian Press, Mr. Speaker: While several newly democratic East European countries have recently pledged to appoint Ombudsmen to help their citizens battle bureaucracy, the Province

of Newfoundland plans to abolish its Ombudsman this fall, believed to be unprecedented in the office's world history - world history!

Mr. Speaker, they say it is an austerity move, this is what the Canadian Press said. They say - that is the Government - it is an austerity move based on the number and substance of complaints received. But, they say, that is like going back to the Fire Department and saying look, you have not had enough big fires last year so we are going to shut you down. That is the analogy, and I think a very good analogy, as a matter of fact, Mr. Speaker.

An Hon. Member: Water bombers.

Mr. Simms: Mr. Speaker, we all know that every Province in Canada except PEI has an Ombudsman. Mr. Speaker, we also know -

Mr. Efford: That is wrong.

Mr. Simms: Except PEI.

Mr. Efford: (Inaudible) PEI and Newfoundland.

Mr. Simms: No, Newfoundland has an Ombudsman. As usual the Minister is wrong.

Mr. Efford: As of next month, they won't.

Mr. Simms: Well, that is not what you said, is it? You said, as of now.

Mr. Winsor: (Inaudible) first, though.

Mr. Simms: Anyway, Mr. Speaker, all kinds of records show -

Mr. Efford: (Inaudible) thirteen

years ago.

Mr. Winsor: Oh, oh, that is the President of Treasury Board (inaudible).

Mr. Simms: All kinds of records will show, throughout the Canadian jurisdiction in particular, that Ombudsmen have helped people untangle bureaucratic red tape over and over again, dealing with problems like worker's compensation, tax rebates, all kinds of issues.

This individual who spoke here, of course, is writing for the Canadian Press. You have Professor Rowat's comments on it, one of the world's leading authorities on Ombudsmen. There are about 120 Ombudsmen in the world, in more than forty countries across the world, federally, regionally, locally. And, Mr. Speaker, here is an interesting observation.

Some Hon. Members: Oh, oh!

Mr. Simms: I know Members opposite are not the least bit interested in it, because they have shown their ignorance on the issue right from day one. But I do not intend to listen to their interjections or interruptions or let that faze me, I will still have my say on the matter. At a time for example, where in Poland and Hungary - we all know what has transpired over the last little while in Poland and Hungary, places like that. In those places, two newly democratic countries, I guess you would call them, have recently established Ombudsmen's offices.

An Hon. Member: (Inaudible).

Mr. Simms: Yes, to help citizens

battle bureaucracy. And citizens here need it, and citizens in the forty countries around the world that have Ombudsman offices need it. In fact, Czechoslovakia and Yugoslavia are also looking at installing Ombudsmen in their particular countries.

Mr. Speaker, the President of the International Ombudsman Institute, Stephen Owen, has said the office is seen as a fundamental democratic institution all over the world and its elimination in Newfoundland has to be seen as a backward step. If it happens, in his view, it would be a major embarrassment for Canada. Now, Mr. Speaker, those are pretty stern words. Those are pretty strong words. So you have Stephen Owen, the International President, you have Professor Rowat, a world authority on Ombudsmen, you have the Canadian press, we have a number of our local media here who have expressed editorial opinions negatively about the decision of the Government. I do not know how much it takes for the Government to listen to people who have some knowledge and expertise in the area. I do not know what it takes. It is pretty clear the Government is not going to back down on their decision, unfortunately. And that is too bad.

Now I do not want to read everything in the article written by Peter Boswell last Saturday, but I thought it was an excellent article and a good explanation of what has transpired. I know not every member opposite has read it, so I just want to touch on some of the items.

Ms Verge: I did not read it.

Mr. Simms: My colleague for

Humber East has not read it. So I want to touch on a few items, just for the record. It is important to put it in the record, anyway. I have some good quotes. A recent editorial headline - now this is not his - a recent editorial headline in The Evening Telegram stated simply 'Save The Ombudsman' which is a noble sentiment indeed, but one that is more likely to be found in some third world tinpot dictatorship. That is what Dr. Boswell said. The editorial was a separate editorial, not in his column, but a separate editorial found in The Evening Telegram.

Mr. Noel: Boswell was (inaudible).

Mr. Simms: 'It is an appalling reflection on the judgment of the Province's current leadership that such a headline would ever be necessary. How sad that the hero of Meech Lake has become the villain of parliamentarians everywhere.

An Hon. Member: What did you expect him to say, he was against (inaudible).

Mr. Simms: Pleas to the Premier by eminent and respected Canadians have been ignored.

Mr. Noel: How come you did not quote him at the Meech Lake debate?

Mr. Simms: Now, Mr. Speaker -

Mr. Ramsay: On a point of order, Mr. Speaker.

Mr. Simms: I did quote him, as a matter of fact.

Mr. Speaker: The hon. the Member for LaPoile, on a point of order.

Mr. Ramsay: Mr. Speaker, the hon. member who yesterday so defended

other hon. members with regards to the reading of prepared text and materials is now himself reading, and I think, in light of his comments yesterday, the hon. member, if the Chair so desires, should not be quoting from materials that he is using in giving his speech.

Mr. Speaker: On that point of order, there is no point of order. The hon. member is obviously reading from copious notes.

Some Hon. Members: Oh, oh!

Mr. Simms: Thank you, Mr. Speaker.

Mr. Speaker: The hon. the Member for Grand Falls.

Mr. Simms: It is pretty clear the Member for LaPoile is having enough trouble with his caucus colleagues over there without getting up on embarrassing points of order. The reference yesterday deals with reading a speech, a prepared text. That was the point of order yesterday. Any member can refer to newspaper articles, and all the rest. I will table it, if the hon. member wants. So it is not a very strong point of order, as the Speaker has ruled. It is just an attempt by the Member for LaPoile, of course, just when I am getting down to the meat of my comments and really starting to sting, really starting to hurt, they will employ this well-known parliamentary method of interjecting and points of order just to try and slow you down. Well, Mr. Speaker, I shall not be moved, I shall not be stopped, I shall continue to have my say on this important legislation.

Some Hon. Members: Hear, hear!

Mr. Simms: Now, what else did Dr. Boswell say, Mr. Speaker?

An Hon. Member: What else did he say?

Mr. Simms: Well, he talked about the lame excuse that the Government used for doing it - to save money. And he talked about if that is the case, then how come - I mean it was not proposed during cutbacks or anything, it was proposed in the Budget when there was a \$10 million surplus being forecast. So it is a pretty lame argument to say we are doing it for money reasons, when you budgeted for a \$10 million surplus. It does not make a lot of sense at all, Mr. Speaker.

But then he went on to say, of course, and the Premier as we all know, and members opposite in particular would know what the Premier says, because they hang on to every word the Premier says, but the Premier said that it would be a total waste of money. That is what the Premier said. And Dr. Boswell said, Well, if that is the case, why have you let it run on until the end of December, if it is a total waste of money? Are you admitting to wasting \$150,000 already this year?

An Hon. Member: Yes, we are.

Mr. Simms: You are. But why did you not bring it in in April?

An Hon. Member: We were busy.

Mr. Simms: Busy. The Member for Exploits says we did not bring it in April because we were busy. Well, you know what we were busy at, don't you? Meech Lake! That is what we were busy at, instead of dealing with issues like this, of very important concern to the

citizens of this Province.

Ms Verge: (Inaudible), chat with the teachers.

An Hon. Member: (Inaudible) Meech Lake.

Mr. Simms: And they were out - yeah, well, I will not say that. What a bunch of nonsense! The Member for Exploits says we could not deal with this flimsy little piece of legislation, this one page piece of legislation back in April or in May because 'we were busy'. Now I know you were some busy you could not print a bill on one piece of paper. It took you eight months to do it. What a bunch of nonsense, Mr. Speaker.

It is like everything else these days. The people are finally beginning to see through the illusions created by this Government, particularly led by the Premier, their people are beginning to see through. You might be at 60 odd per cent whatever it is, but do not forget you were at 82 per cent three months before that. And that is how quickly you can go down - that is how quickly you can go down, Mr. Speaker.

Some Hon. Members: Oh, oh!

Mr. Simms: And I predict you will go down further. You can brag all about it.

Some Hon. Members: Oh, oh!

Mr. Simms: Mr. Speaker, we know more about it. We know more about it. In fact, we did it. In three weeks, we lost twenty points. We did it in three weeks, so Members Opposite should not forget that. They should not get too cocky at all, not for a minute.

An Hon. Member: Not cocky at all.

Mr. Simms: Oh no, you are not cocky. Well you are awful confident then, if you are not cocky.

Some Hon. Members: Hear, hear!

Mr. Simms: Anyway, Mr. Speaker, I hope, I guess -

An Hon. Member: (Inaudible).

Mr. Simms: Yes, Peterson was pretty cocky too, as I recall, Premier Peterson of Ontario.

But, Mr. Speaker, the Member for Exploits says they were too busy; they could not bring it in back in April, they could not bring it in back in May, they were too busy. Clearly, Mr. Speaker, they are bringing it in now, therefore, they cannot be very busy. Are we to assume that, they are not very busy now?

An Hon. Member: (Inaudible).

Mr. Simms: Oh, I am not twisting words, I am interpreting what the member is saying.

An Hon. Member: Well, you said you planned to (inaudible).

Mr. Simms: Well, in that case, is the Member for Exploits saying we are now busy? Because if you are, how can you bring this in if you are busy? You could not bring it in April or May because you were busy. Make up your mind, I say to the Member for Exploits, who, by the way, Mr. Speaker, displays day after day his ignorance of Parliamentary procedure by not even being in his seat, and interjecting and yelling across the House. If he wants to interject, let him get back up to

his seat.

An Hon. Member: No, he is not allowed to do that.

Mr. Simms: He is not allowed to do it; I know what is wrong, he is not allowed to do it up there in particular, because he sits behind the Premier, for sure.

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

Mr. Simms: Anyway, Mr. Speaker, let me move on.

An Hon. Member: (Inaudible).

Mr. Simms: Oh no, I am not. I have not gotten into the text of my remarks yet. Because it is very important -

Mr. Flight: (Inaudible).

Mr. Simms: Listen! I make no wonder the Member for Windsor - Buchans, the Minister for Forestry, wants me to conclude. I make no wonder. Just when I am about to remind and refresh Members' memories of some infamous comments made by Members on the Government side today, in Cabinet, when they were on the Opposition side only four short years ago, 1986 I believe, when the re-appointment of the Ombudsman came up, some Members in this House who were in the Opposition and now sit in the Government benches, proudly got up and defended the Ombudsman - proudly! And just to refresh Members' memories, I want to read quotes from the Hansard of the day and, I might add, the Member and the Minister who has had the gall here today to get up and introduce the bill, sat right there, in that seat - right there in that seat.

An Hon. Member: (Inaudible).

Mr. Simms: No, I do not think so. Was he not finance critic then?

An Hon. Member: (Inaudible).

Mr. Simms: Was he? Well, worse still. He sat behind the Leader of the Opposition, and I will bet you, if Hansard recorded pounding, he would be pounding. Hansard, unfortunately, does not record pounding, but Hansard does record what people say in the House.

An Hon. Member: And their names.

Mr. Simms: And their names. Here are some interesting remarks. And it is very surprising, by the way, to see how they could have had such a sudden change of heart, such a sudden change of heart on this whole issue, after only four short years.

I do not suppose they would have been intimidated since? No, they would not be intimidated by the Premier, sitting around the Cabinet table. They would be bold enough to speak up and express their own views, they would be brave enough to stand up and say, Mr. Premier, this is a draconian measure. We cannot go along with this. It is retrogressive. We would be an embarrassment to Canada. I am sure they would have. But, strangely enough, they have had a sudden change of view. The motion was, be it resolved that the House hereby recommends to Cabinet, the Lieutenant-Governor in Council, the appointment of Ambrose Peddle to be the Parliamentary Commissioner, introduced by the former Government House Leader, Mr. Marshall. He talks about Mr. Peddle being a businessman, a

Mayor, a member of the House of Assembly, a member of the House of Commons, and very well versed. Who was the first speaker from the Opposition side, the official spokesman for the Opposition in support of the re-appointment in June 1986 of the Ombudsman? Mr. W. Carter. Mr. W. Carter who was here in the Opposition four years ago praising it, now sits over there as Minister of Fisheries. Let us hear at least part of what Mr. W. Carter had to say - I am not going to read it all. 'I think the choice of Mr. Peddle as an Ombudsman is an excellent choice. I think he has conducted himself extremely well in that office. He is a very impartial man, contrary to the views of the Minister of Health. The man has maintained a low profile and I suppose the nature of the job requires that he do that. I am sure there are times when, if he wanted to, he could have gotten himself a lot of publicity. But being the type of person he is, he is quietly and very effectively doing his job in a very fair and impartial way. Mr. Speaker, we have no hesitation on this side in going along with this legislation.' No hesitation on this side, and on this side at that time sat, among others, the Government House Leader, the man who had the gall to stand up here and introduce this piece of legislation. He sat there, and our friend the Minister of Health, who not long ago referred to Mr. Peddle as a Tory hack I believe, sat over there. I believe he was in the backbenches, too, on the Opposition side, but he sat there. And I would not be at all surprised but he was there pounding on the table - I would not be at all surprised - for the Fisheries Minister now, Mr. Carter, or a few others. I

believe the Minister of Works, Services and Transportation (inaudible) out of his seat and prayed and cheered and all the rest of it. He knew him very well, I am sure.

Ms. Verge: (Inaudible) the minister (inaudible).

Mr. Simms: The Minister of Works, Services and Transportation. They are all embarrassed by this, I am sure they are. They do not have their heart into it. I am glad Mr. Speaker himself is not in the Chair, because I would not want to embarrass Mr. Speaker Speaker, the real Mr. Speaker, the Member for Bonavista North. Since the Deputy Speaker is there, I will just refer to what his colleague -

Mr. Rideout: I will do that.

Mr. Simms: I have it here. I will give it back to you. You want something to say, do you not? You do not want me to take everything.

Mr. Rideout: I said I will embarrass the Speaker.

Mr. Simms: Oh, I thought you meant you would read it.

Mr. Rideout: Being a former Speaker, you would not want to do that.

Mr. Simms: I will not embarrass him, I will just read what he said. The Leader of the Opposition may be a bit more - how shall I put this? - elaborate.

Mr. Rideout: Less diplomatic.

Mr. Simms: No, he will be diplomatic, I am sure, but he may elaborate. The Speaker is in the doorway and can probably hear me,

but I want to say, Your Honour, if you are within hearing distance, this is not meant as a reflection on Your Honour now as Speaker of the House. Here is what Mr. Speaker Lush said as a member of the Opposition, sitting over here pounding on the table supporting the appointment of Ambrose Peddle as the Ombudsman, only four short years ago. Now Mr. Speaker today may be the only one who still believes his convictions, and fortunately he is now in a position where he does not have to say so. Because if he was sitting over there, I am afraid the Premier would be having the heavy hammer nailed onto his back, and pounding him and everything else. Here is what Mr. Speaker Lush said in talking about the Ombudsman, Mr. Peddle. 'He certainly has carried out the duties of that job with diligence, with respect, and with honour.' And, Mr. Speaker, I tell you I can remember, I can almost visualize the Member for Bonavista North sitting over there in his seat saying, 'Mr. Speaker, I wish to have a few words to say on this resolution.' I can hear him now, his resolution. He said, 'he certainly' - Mr. Peddle - 'has carried out the duties of that job with diligence, with respect and with honour.' That is what the Member for Bonavista North said back in those days. 'I think whatever debate went on at that particular time' - talking about the original appointment ten years before - 'in terms of the political patronage, certainly Mr. Peddle has exonerated himself, Mr. Speaker, and demonstrated himself to be a Ombudsman deluxe.

Some Hon. Members: Hear, hear!

Mr. Simms: An Ombudsman deluxe, said the Member for Bonavista North. He said, 'I believe he has

gained the respect of everybody in the Province of Newfoundland and Labrador.' Quoted by no more an eminent person than the Speaker of our House of Assembly, Mr. Speaker.

Now I am not finished with his comments yet. The Member for Bonavista North went on to make a little confession. He said, 'Mr. Speaker, if I ever voted Tory in my life, and I cannot remember that I would, but I expect I could remember it, but if I ever did vote Tory in my life, it would have been for Mr. Peddle when he ran in the Grand Falls District when I was teaching at Windsor.' That is what the Member for Bonavista North said. That is how much he loved the Ombudsman, that is how much he loved Mr. Peddle and the Ombudsman position. In fact, Mr. Speaker, he talked about Mr. Peddle campaigning and I believe he made a further confession. He said, 'It seems to me that I would have remembered such a move, but I know that I respected the man, I know that I respected him, I know that I attended his rally.' Now the Member for Bonavista North even attended Mr. Peddle's rally. Now do not tell me that the Member for Bonavista North -

An Hon. Member: (Inaudible) lots of Tory rallies.

Mr. Simms: Well, let me go on just a bit more. Let me go on some more.

Some Hon. Members: Oh, oh!

Mr. Simms: Here is some important stuff. 'I just want to say that probably, one other suggestion, I believe to help Mr. Peddle do a more effective and to be a more efficient Ombudsperson is an expansion of his powers so that he

could look into things and areas which he is now not permitted ....' Now, Mr. Speaker, I am willing to bet that the Member for Bonavista North today still feels just as strongly. And he made a very intelligent suggestion, a wise suggestion, instead of the Government tearing up the legislation, abolishing the Ombudsman's Office, why does it not take the advice of one of its own members, and you said you are tearing it up and abolishing it because it is not effective. It is not doing the job. Members can do the job. Well, maybe one of the reasons is not as effective as it should be is that it needs to be enlarged and expanded. And, Mr. Speaker, that is precisely what the Member for Bonavista North said when he said 'I believe we should expand his powers so that he could look into things and areas which he is not now permitted to do. That is a good suggestion. It makes a hell of a lot more sense than abolishing the Ombudsman's Office. That is the easy and simple way out.

Mr. Tobin: A bunch of cowards.

Mr. Simms: Now, Mr. Speaker, not to be outdone, I have quoted from the Minister of Fisheries, the Member for Twillingate, and I quoted from the Member for Bonavista North, now the Speaker of the House of Assembly, and if it was not a big issue at the time, then you would not expect too many others to have anything to say. But, Mr. Speaker, jumping up from his seat in the House at that time, from the front benches, I believe, over here, was none other than the Member for Windsor - Buchans, the present Minister of Forestry and Agriculture, and he said, Mr. Speaker, here is his quote 'I cannot resist rising in

this debate. I cannot resist it!' Now that is how enthusiastic he was about the Ombudsman and the Ombudsman's Office. 'I cannot resist it'. And, I suppose, members sitting near him had to try and hold him down. But he got up, Mr. Speaker, and he said, 'I have a great deal of respect'.

Mr. Flight: Right. For the man.

Mr. Simms: And he said, 'When Mr. Peddle was appointed in the first place, I was in the Opposition at the time' - forgetting, of course, that when he spoke in the debate he was still in the Opposition - 'I was in the Opposition at the time, and we recognized it as a blatant political appointment. I would say to the minister, Mr. Speaker, if there is such a thing as exonerating oneself from that kind of charge in the first place, it has been the performance of Mr. Peddle in his role of Ombudsman and I want to associate myself with the comments made by the hon. the Member for Bonavista North.'

Mr. Flight: I was talking about the man.

Mr. Simms: Now, Mr. Speaker, I told you what the comments were from the hon. the Member for Bonavista North. He supported the office, he asked the Government of the day, us, to enlarge on the powers of the Ombudsman so that he could do more things. Therefore, the Member for Windsor - Buchans obviously agreed with that.

Mr. Speaker, to listen to what is coming from the other side in debate on this particular bill, to hear them trying to defend the indefensible, to listen to comments made by the present Minister of Fisheries, the Member for Twillingate, the Member for

Windsor - Buchans, and His Honour, the Member for Bonavista North, who praised the Ombudsman, praised the Ombudsman's job and, in fact, asked for an expansion of his authority and powers, you have to sit back and ask yourself, well what has happened to that crowd in just four short years? What has happened?

Mr. Murphy: (Inaudible) changed their minds.

Mr. Simms: No, Mr. Speaker, I say to the Member for St. John's South, they did not change their minds, they had their minds changed for them. Now, Mr. Speaker, that is what transpired here.

Some Hon. Members: Hear, hear!

Mr. Simms: Anyway, Mr. Speaker, if ever there was somebody who was a specialist in the topic of foolishness, it is the Member who just spoke, for St. John's South.

Anyway, Mr. Speaker - how much time do I have? When did I start?

An Hon. Member: Twenty to.

Mr. Simms: Now, Mr. Speaker, I have another twenty or twenty-five minutes. I could go on, but I know -

An Hon. Member: (Inaudible).

Mr. Simms: No, I am anticipating members opposite will get up and defend this draconian measure. The Member for Carbonear wants to speak, and the Member for LaPoile. And we are looking forward to that. I want to hear their arguments. Maybe you can convince us to change our minds. Maybe you can. And I would hope that the Government will try to do

that. We expect that. We welcome your input and we want to hear the debate, but, Mr. Speaker, my colleagues on this side, other colleagues, will touch on points that I have not touched on yet in responding, as the Treasury Board critic - whose name was the bill brought in under?

An Hon. Member: Treasury Board.

Mr. Simms: Yes, the Treasury Board critic. They will touch on other items and areas which I have not touched on. But what I have presented, Mr. Speaker, I believe is a reasonable argument, a reasonable case for the Government to reconsider this measure. And there are ways for them to do it. They could, as we have asked in Question Period the last few days, refer the matter to the Legislative Review Committee. Let the Committee use its own mind. Do not be dictated to by the Premier if the Committee feels it might be an important issue and we should take it around the Province and let the people have a say, see if the people are interested. Let's prove once and for all that the people are interested. If they are not, fine. But if they are, then the Government should take note of it. There is time to do that. There is no rush, no urgency. Or failing that, if the Government is pigheaded and they are not going to do that, why not address the request made by my colleague, the Member for Kilbride, who asked today if the Government would consider inviting Mr. Peddle - who I have reason to believe would be quite willing to do so if he was asked - inviting Mr. Peddle to the Bar of the House and let him -

An Hon. Member: Who was (inaudible).

Mr. Simms: Oh, it was done. Mr. Shaheen was here. Quite recently we had several Premier's here on the floor of the House, in fact, taking about Meech Lake.

Ms Verge: And the Prime Minister.

Mr. Simms: And the Prime Minister. Because it has not been done for awhile it is not relevant. This individual is an officer of the House.

Mr. Tobin: He is employed by the House.

Mr. Simms: He is an officer of the House. We are the ones, as Members of the House, who make the decision - we are supposed to be the ones who make the decision. So maybe the Government might -

Mr. Tobin: They should not be afraid to have him come here. (Inaudible). You are trying to cover up.

An Hon. Member: We are not trying to cover up.

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please! Order, please!

Mr. Simms: Mr. Speaker, maybe the Government House Leader might give consideration to that request. I think it would be an interesting exercise. If he talked to that great person, that man of democracy, the Premier, he might even think it is a good idea. Let's bring the Ombudsman to the Bar of the House and let him address us and give us an hour, or a half hour, whatever is required, for some questions to the Ombudsman and so on, and let's see if the decision taken by the Government makes sense in the

opinion of the Ombudsman, the person employed by the House and by the Members. I think that is a reasonable request. The other idea is to send it out to Committee. I say to the Government House Leader, the other idea or suggestion, send it out to a committee and let him take it around and let us see if the people have an interest in it. Maybe they do not. In fact -

Mr. Grimes: (Inaudible).

Mr. Simms: Yes, well, the Member for Exploits says they have known about it since March. So have we, but we have not had a chance to fully debate it until eight months later after you made the decision.

Mr. Grimes: (Inaudible) questions on it every day.

Mr. Simms: We did ask lots of questions, but you cannot get the answers.

Mr. Winsor: The Premier is gone.

Mr. Simms: Any other suggestions?

An Hon. Member: (Inaudible) NTA.

Mr. Simms: Mr. Speaker, so I mean that is foolishness, the Member for Exploits is now being the Premier's line, you would expect him to do it. But I mean the point is this is seen by us as a serious issue. It is seen by some world authorities as a serious issue. And that could be an embarrassment. And we mean that sincerely. I fear the Member for Exploits may very well be right. I fear he may be right that out in the public arena these days this may not be an issue on the top of the minds of the people of Newfoundland and Labrador.

Some Hon. Members: Hear, hear!

Mr. Simms: I fear you may be right.

An Hon. Member: You fear.

Mr. Simms: Yes, I fear you may be right because I think if that is the case it is because they are preoccupied with other issues and other measures such as things brought in by the Minister of Finance and so on. I think quite legitimately and quite sensibly that comment is a reasonable one to make. They very well may not see it as a priority. But that is no reason to simply proceed. The Government announced it in March, they hid it for the last eight months, they would not dare bring it in hoping that it would die down. I know what they figured, they figured there would be a big furor at the beginning, and the longer we wait it will die down. Now, Mr. Speaker, that is what they figured and people can argue otherwise.

An Hon. Member: (Inaudible).

Mr. Simms: I thought that was twenty to four, you said?

An Hon. Member: (Inaudible).

Mr. Simms: Oh, sorry. God! I have used my whole hour. I only have two minutes left.

Anyway, Mr. Speaker, I hope and plead with the Government to reconsider this matter. I think public hearings would be appropriate, and maybe the response would be different, who knows. Maybe our position would be different. But I hope that the public will certainly be more understanding and aware of what has transpired today or the next

day or so on this particular piece of legislation - two years from now when the appropriate time comes.

Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Speaker: The hon. the Member for Humber East.

Mr. Simms: I thought the members opposite were going to speak? The Member for LaPoile, are you going to speak to this?

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

The hon. the Member for Humber East.

Ms Verge: Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Ms Verge: It is absolutely astounding that no member opposite is rising to participate in a debate of this major bill abolishing one of our fundamental democratic institutions and doing away with an officer of our House of Assembly. Mr. Speaker, the silence and acquiescence of the Liberal members opposite gives credence to the vegetable joke that was going around the Province over the last several months.

Mr. Simms: Right on! Right on!

Some Hon. Members: Hear, hear!

Ms Verge: Where are the minds and where is the courage of the members opposite? Don't they have any opinion to express on the abolition of the Ombudsman in our Province?

Some Hon. Members: (Inaudible).

Ms Verge: What a display!

Now, Mr. Speaker, I would like to address the remarks of the Government House Leader who introduced the bill. Contrary to what the Government House Leader said the Government's move to eliminate the Ombudsman's Office has nothing to do with cutting costs. It has nothing to do with eliminating duplication. It has nothing to do with safeguarding the rights of the citizens of the Province through the provision of Appeals Boards or MHAs or even open line radio hosts. This move to abolish the Office of the Ombudsman has all to do with petty, partisan vindictiveness.

Some Hon. Members: Oh, how childish!

Ms Verge: When the Liberals formed the Government they became intoxicated with their power. They behaved like children -

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

Ms Verge: - let loose in a candy shop.

An Hon. Member: Yes, you should know (inaudible).

Ms Verge: They promised to make Ombudsman a certain intellectual citizen of the Province who had been supporting the Liberals when they were campaigning.

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

Ms Verge: And then when the Premier realized how bad it would

look if they fired Mr. Peddle, since he had been a PC politician prior to his appointment more than fifteen years ago, and substituted him with a Liberal supporter, in a fit of pique he commanded, he decreed that the whole institution be abolished. If his Liberal crony could not have the appointment, then nobody was going to have it.

Some Hon. Members: Oh, oh!

Ms Verge: Now, Mr. Speaker, the truth has leaked out.

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

An Hon. Member: Mr. Speaker -

Mr. Speaker: Order, please!  
Order, please!

I ask the hon. Members to my right, to give the Member the opportunity to be heard in silence.

Ms Verge: Thank you, Mr. Speaker.

The truth has leaked out through the lips of the Minister of Health, when he was speaking in the Private Member's debate last May. And today, this morning, when the Member for Carbonear and I were taping a CBC radio noon interview, when the CBC host raised the subject of the abolition of the Ombudsman, the first words out of the mouth of the Member for Carbonear, were, that, that was nothing but a partisan patronage appointment.

Obviously -

Mr. Simms: Who said that (inaudible).

Ms Verge: - this Government has

been motivated solely through petty partisan vindictiveness. On taking office they conducted a witch hunt, firing deputy-ministers, ADMs and other executive council appointees, however well they had served the Government, simply because many years previous they had been associated with the PC party.

Then they embarked upon re-organizations. In the case of the Department of Development, they shuffled and re-organized, getting rid of two regional directors, John Sweetland in Corner Brook and John Curran in Gander, eminently qualified development officers, simply because they had in the past been associated with the PC party.

In the case of Corner Brook, the regrouped Enterprise Newfoundland and Labrador is swelling and expanding, having just moved into a new suite of offices, and just hired the former Liberal candidate in Humber East as a development officer, a man with no development experience, a man who had sold life insurance, the man's name is Keith Payne.

So, Mr. Speaker, the Premier who presents himself as ethical and above sleazy politics is up to his neck in sleazy partisan politics. He has a smooth exterior, he has a veneer of polish and sophistication, but make no mistake, Mr. Speaker, this Premier is no better than any other Liberal politician in this Province. He is up to his neck in sleazy politics and his move to abolish the Office of the Ombudsman is the latest example of his sleazy politics.

Now, Mr. Speaker, cost: the cost of the Ombudsman Office in our

Province is not \$400,000 a year as the Premier said in Question Period last week, but actually, as anyone can see by referring to the estimates, about \$236,000. The bulk of that annual outlay is for salaries. The incumbent, Mr. Ambrose Peddle, was appointed under present legislation for a second term of ten years, four years ago; he has six years to run in his term of office. And in eliminating the Office, the Government is going to have to settle with Mr. Peddle, and I would suggest is going to have to pay the equivalent of the outstanding six years salary.

Mr. Speaker, the Government, according to the Minister of Justice, is now looking at establishing a new Royal Newfoundland Constabulary Complaints Commission. The Minister evidently is waiting until the Hughes inquiry report, hedging his bets, but it seems very likely that the Government will be setting up a Royal Newfoundland Constabulary Complaints Commission.

The Ombudsman, under the Parliamentary Commissioner Act, now, is an independent authority with the explicit power of dealing with complaints about the Royal Newfoundland Constabulary. The Government is eliminating an all purpose Ombudsman empowered to deal with constabulary complaints and is preparing to appoint a new Royal Newfoundland Constabulary Commission, presumably at some cost. As my colleague the Member for Grand Falls already pointed out, the idea that the abolition of the Ombudsman's office had anything to do with cost is patently wrong in any case, patently false, because when the decision was announced in the

Budget Speech the Minister of Finance was projecting a \$10 million current account surplus. The suggested economy resulting from eliminating the Ombudsman's office is false because of the arithmetic and also because of the timing. Next I will deal with the notion that the Ombudsman is no longer needed because we have appeals boards and fifty-two MHAs. The Ombudsman's powers are unique. Under the Parliamentary Commissioner's Act the Ombudsman has security of tenure although, of course, that is being demolished along with the whole institution through this legislative measure, but the Ombudsman had the security of tenure inherent in the ten year term of appointment, in the mechanism of appointment, through unanimous resolution of the House of Assembly prompting an Order in Council appointment through the mechanism for establishing salary, which is a linkage to the salary of the Chief Provincial Court Judge. Then the Ombudsman, by legislation, has special powers to investigate, to require the production of information and documents, and to summon witnesses to give evidence on oath. The Ombudsman is entitled to deal directly with Ministers and the Premier and then, of course, to report to the House of Assembly. The Ombudsman is an officer of our House of Assembly. No appeal board or MHA has equivalent powers, and I would suggest that no MHA has a comparable degree of objectivity or impartiality. The members opposite all have a vested interest in making the Government look good, and the members opposite are not even courageous enough to rise and comment on this bill. The members on the Opposition side of the House have vested interests also. None of us

have powers comparable to those of the Ombudsman and none of us has a similar degree of impartiality. As my colleague for Grand Falls has pointed out in his well researched and presented speech, Newfoundland and Labrador is one of many jurisdictions in the world which have this institution. Eight other provinces of Canada, all but Prince Edward Island, have an Ombudsman. The federal Government have several Ombudsman-like positions specializing in different sectors and forty other nations in the world, many in the British Commonwealth, have Ombudsman. The institution originated in the early part of the last century in Sweden. If this bill goes through we will have the dubious distinction of being the first jurisdiction in the whole wide world to disband the office of Ombudsman. Mr. Speaker, in terms of cost effectiveness our Ombudsman's office has performed at least as well, and in many cases better, than the offices in other Canadian provinces. Our Ombudsman has received and dealt with more complaints per capita than his counterparts in Manitoba and Saskatchewan and the proportionate cost of operating his office is lower than the cost of operating institutions in other jurisdictions.

The Ombudsman has resolved to the satisfaction of citizens many complaints. Complaints which in some cases had been pursued unsuccessfully by Members of the House of Assembly. In my own case, I have referred a number of complaints to the Ombudsman. Just a few months ago I referred a complaint on the part of a citizen about the conduct of the Royal Newfoundland Constabulary in Corner Brook. When I was a member

of the Cabinet I tried unsuccessfully to resolve a complaint by a constituent about retail sales tax having been increased with respect to a pre-fab house that was ordered before the Budget came down and the tax increased but which was not received until after the budget increase took effect. I lobbied on behalf of the constituent to have the tax applied at the rate in effect when the order was made, when the contract was signed, and when financing arrangements for the construction and erection of the house were put in place.

I was unsuccessful, Mr. Speaker. However, later that constituent as well as a few other people living on the west coast of the Province with the same problem, went to the Ombudsman and the Ombudsman raised the matter with officials of the Department of Finance and his efforts were met with success. Finance relented and charged the homeowners the lower rate of tax that was in effect when they entered into their contractual arrangements for the purchase of their pre-fab houses.

So, Mr. Speaker, from my own personal experience as both an Opposition Member and as a Government Cabinet Minister I can testify to the effectiveness of the institution of Ombudsman in our Province. While it is true that we have several appeals boards and tribunals there are still many parts of Government's operations from which citizens have no recourse. Government has grown enormously in its influence, and as I have said before there is tremendous potential for the Government to do good, to have a positive influence on the lives of citizens, but conversely there is

a terrifying potential for the Government to do bad and to adversely affect the lives of ordinary citizens.

Most individuals, Mr. Speaker, do not have the knowledge, the time or the resources to fight big Government, and make no mistake, Mr. Speaker, the Government of Newfoundland and Labrador is big. It looms large in the lives of ordinary citizens of this Province. The Government touches every single man, woman and child residing in this Province. And it is extremely important that there be checks and balances against wrong decisions by the Government, against abuse of power by bureaucrats, public servants and politicians. The Ombudsman is an essential check and balance and to me it is almost unthinkable that an elected Government calling itself Liberal, an elected Government of any stripe in this day and age, would abolish the whole office of Ombudsman.

Mr. Speaker, as I said at the beginning of my remarks, clearly the Government's motivation in doing away with the Ombudsman's office was partisan. The Government wanted to get rid of office holders who in the past had Progressive Conservative affiliations. And as everyone knows the Ombudsman, Mr. Ambrose Peddle, had been an elected PC representative in both the Provincial Legislature, this House of Assembly and the Federal House of Commons. His initial appointment in 1975 was controversial. The Liberal Opposition of the day objected to it strenuously, alleging that it was a blatant patronage appointment. However, ten years later, at the conclusion of his first term of office when the

Government proposed that he be reappointed for a second term of ten years, as my colleague for Grand Falls has pointed out, all Members of the House of Assembly, Liberal Opposition as well as PC Government, joined in praising the reappointment.

The Minister of Fisheries began his remarks on behalf of the Opposition during that debate by saying that there was going to be a love-in. The Minister of Fisheries, the Minister of Forestry and Agriculture, as well as the Speaker, expressed strong support on behalf of the Liberal Members of the House four years ago for the reappointment of Mr. Ambrose Peddle. Well, it is unfortunate that they have so easily been cowed by the Premier, it is so easily that they have abandoned their principles, and it is so regrettable that the Premier's slogan commitment to fairness and balance is such a sham. I wonder how long it will be, Mr. Speaker, before people throughout the Province realize what kind of person we really have as Premier of the Province now?

Mr. Speaker, while the Premier has been quick to dismantle the institution of the Ombudsman and tried to excuse it as a cost-cutting measure, when it will actually be a false economy, the Premier has greatly increased public spending on public relations. He has a public relations specialist as his Chief of Staff, Mr. Edsel Bonnell. In addition, he has a public relations director on his personal staff. Recently the Cabinet office, which serves the Premier, hired two public relations officers. So there are four public relations personnel serving the Premier directly, and all of

these people are contributing to manufacturing the Premier's image as a leader who is fair and balanced and reasonable, and who is loath to stoop to crass partisan decisions. However, Mr. Speaker, as experienced and skillful as the Premier's public relations advisors may be, their efforts in camouflaging the real reasons for the abolition of the Ombudsman's office are failing. Even the Evening Telegram, in a recent editorial, faulted the Premier's move to get rid of the Ombudsman and pointed out that the Premier is leaving himself open to the accusation that his move is based in partisan politics. So, people are seeing through the public relations scam.

Mr. Speaker, as I mentioned, the Ombudsman was supposed to have security of tenure. That was one of the hallmarks of the institution, that was one of the guarantees, that the Ombudsman would be able to function at arm's length from the Cabinet and would be immune from the whims of the political vicissitudes.

However, Mr. Speaker, this Premier seems to regard nothing as sacred, and he is prepared to abuse his party's majority in this House of Assembly to cancel the whole institution, to force through legislation abolishing the whole office.

Now this is part of a whole trend. The Premier has abused his power and his party's majority in this House to restructure and diminish the composition of the Board of Commissioners of Public Utilities, allowing the Cabinet to pick and choose from among the previous members of the Public Utilities Board, and get rid of Andy Wells, an effective

representative who had PC ties - guess what?

An Hon. Member: No, he never.

Ms Verge: Then, Mr. Speaker, the Premier showed that he was willing to use the power of the Legislature, his party's majority in the House of Assembly, to do away with the Auditor General. Now that situation has resolved itself -

Mr. Murphy: That is not true. That is not true.

Ms Verge: - since the former Auditor General choose to resign. But, yet, the Government advanced a draft piece of legislation which would have truncated the term of appointment of the Auditor General.

An Hon. Member: You know the difference of that, don't you?

Ms Verge: I do not know the difference of that.

Some Hon. Members: Oh, oh!

Ms Verge: I do not know the difference of that, Mr. Speaker.

Mr. Speaker: Order, please!

Ms Verge: I saw and have in my possession a Government bill which would have had the effect of truncating Mr. Joe McGrath's tenure as Auditor General next spring. And now, Mr. Speaker, I have in my possession, as to do all members, a Bill To Revise The Provincial Court Legislation, and that legislation, Mr. Speaker, will have the unprecedented effect of truncating the term of office of the Chief Provincial Court Judge, something that is unheard of in a Canadian judicial system.

So, Mr. Speaker, with this Premier nothing is sacred. This Premier has set himself up as a dictator. He has surrounded himself with weak, ineffectual ministers and members, the vegetables referred to in the joke that has been circulating. He is prepared to, through decree, tamper with fundamental democratic institutions that are supposed to act as checks and balances to the abuse of power by premiers and cabinets and political parties. He is using his majority in the House of Assembly to dismantle democratic institutions and to weaken safeguards of the rights of citizens of our Province.

Now, Mr. Speaker, how much more of this are people going to take before they rebel? The Premier and the Government have very insidiously and skillfully, with the aid of their public relations squadron, intimidated people in this Province. Right off the bat they fired career public servants - they fired deputy ministers, assistant deputy ministers, directors, through blatant firings and through more subtle reorganizations and declarations of redundancy.

They then tampered with whole institutions, as I have mentioned: the Public Utilities Board, the Auditor General's office, the Provincial Court and now the Ombudsman's office. They disregarded public wishes voiced in the amalgamation feasibility public hearings. Now, to eliminate that problem, they are bringing in legislation to do away with the need for feasibility studies. They are the Government, after all. They did not get as many votes as we did, but they are the Government. They have three or four years to run in their

mandate and, by God, nothing is going to stop Clyde Wells, he is going to do what he pleases.

An Hon. Member: Hear, hear!

Ms Verge: It does not matter what the Members of his caucus say; it does not matter that the Minister of Fisheries had the highest respect for Ambrose Peddle and praised the job he was doing as Ombudsman; it did not matter what the Minister of Forestry and Agriculture said, and, of course, what the mere backbenchers say could not matter less, they are just flunkies, they just have to sit in their places and fold their hands and hold their tongues and stay silent.

Mr. Simms: Not hold their tongues. They always have their tongues going.

Ms Verge: They flap their tongues in asides and in heckling, but they do not rise in their places and take part in the official debates. No, they acquiesce, they acquiesce in whatever the Premier wants.

An Hon. Member: By leave!

Mr. Simms: We do not need leave. (Inaudible) debate. You should know.

Ms Verge: Some of them, of course, are grovelling, are are grovelling and wheedling and pleading to get appointed to the Cabinet. Some of them are sitting back and hoping that members of the Cabinet will mess up and make mistakes so they can be appointed instead. But whatever intrigue is going on over there, Mr. Speaker, the members opposite are not speaking up on behalf of their constituents. The interests of

the people they were elected to represent are getting lost in the Liberal power struggles in their rush to defer to their great leader. Oh great one. The great one wants to do away with the institution of Ombudsman and they are going to bow down and defer. The great Premier does not see the need of an Ombudsman because, after all, he is infallible, he is not going to make any mistakes, he knows better than everyone else, he does not need a watch dog, he knows best. Clyde Wells, he is the great constitutional lawyer, the great politician, he is on national television all the time, he can do no wrong. He does not need a watch dog, he does not need any checks and balances, he does not need a Cabinet, he does not need backbenchers. He is the Premier, after all. He has three years to do what he wants to do and he is going to do it. He is not going to let public opinion get in the way. He is not going to let an Ombudsman obstruct him.

This is an extremely serious matter, Mr. Speaker. If a Government in a democracy is willing to use its majority in a legislature to disband an entire institution that is supposed to function at arms length and independently from the executive from the political level of the Government, what is sacred? Nothing is sacred. This was supposed to be sacred. The Ombudsman was supposed to have security of tenure. So, if it is the Ombudsman today, who is it going to be tomorrow? Nothing is above the abuse of power by this Premier.

Mr. Simms: This was made by the Liberals in 1970.

Ms Verge: The teachers the Member

for Exploits once crusaded for, they are not immune from the abuse of power by this Premier. The Premier told the current President of the Newfoundland Teachers Association that it would take just a stroke of a pen to do away with their contractual entitlement to agree to amendments in their pension plan, there is nothing sacred my friend. And why is the Member for Exploits meekly sitting there behind the Premier -

Mr. Simms: He hopes to get in Cabinet (inaudible).

Ms Verge: - acting at his beck and call, does it have anything to do with the Member for Exploits principles, does it have anything to do with the ideals or the goals that he had when he campaigned for election, does it have anything to do with all the grand speeches that he made when he was President of the Newfoundland Teachers Association about the need to improve the quality of education in the Province? I think not. How times change, how times change.

Mr. Simms: How the world turns.

An Hon. Member: I wonder if we could get (inaudible).

Mr. Simms: It has a lot to do with it. If you had been listening (inaudible).

Ms Verge: The Member for Exploits does not understand. The point is, if the Premier is willing to-

Mr. Speaker: Order, please! Order, please!

The hon. Member's time is up.

Ms Verge: Oh, that is too bad, Mr. Speaker.

Mr. Speaker: The hon. the Member for Fogo.

Mr. Winsor: Thank you, Mr. Speaker. I listened with some interest to the President of Treasury Board give his eloquent speech on his reasons for eliminating the Office of the Ombudsman, and he made great reference to the role that MHAs could serve.

How MHAs, because of the increased office staff and numerous other things, we could somehow take the job of the Ombudsman. So, just out of curiosity, I dug out the 1989 Return of the Ombudsman, and I just could not believe it, that no less than twenty-one of the 492 calls came from the Minister's own district, to which the Minister could not respond. The Member for Gander, who wants to eliminate the office had twenty-one from his own district.

Some Hon. Members: Hear, hear!

Mr. Winsor: While he was speaking, the Minister of Social Services was sitting in the seat next to him and twenty-five of the calls came from the Minister of Social Services district. These are the Members who are accessible.

Perhaps, the Ministers, perhaps, is it because they would not accept collect telephone calls and the people who have to call them on many occasions cannot afford or do not have the luxury of being able to dial direct. Perhaps they would not accept the calls and the Minister could not act on their behalf.

The Minister says it is not true, we know it is true. The Minister of Forestry does not accept -

An Hon. Member: You were talking about Transportation (inaudible).

Mr. Winsor: Oh, we are not talking about you, I am talking about Ministers. In addition to that, no less than 149 cases came from the Department of Social Services, 149 of the cases.

Some Hon. Members: Oh, oh!

Mr. Winsor: Mr. Speaker, could you have the Minister of Forestry and Agriculture go back to his own seat if he wants to take part in this debate? He is interrupting. I think the Minister of Forestry and Agriculture had fifteen calls from his district as well, fifteen that the Ombudsman had to do on his behalf because he could not carry out the function. It is interesting that 149 came from the Department of Social Services. Now, the President of Treasury Board made great mention of the fact that there are all kinds of appeal committees. In this report one of the cases cited is where it went to the Administrative Review Committee, it went to the Independent Review Board, it went to the Ombudsman, and the Ombudsman ruled in favor of the plaintiff, that the Department of Social Services had made a mistake and the gentleman, or lady, I am not sure who it was, were -

An Hon. Member: That might not be true, you might be making that up.

Mr. Winsor: Will you resign if it is not true? I will just tell the member of the particular case. On Page 88 of the Ombudsman's Report it says the young man should receive assistance, the Department agreed, and he was assisted as a single person boarding with non-relatives, after going through both levels of appeal. He had

lost at the Administrative Review level, he had lost at the Appeal Board, made up of the three independent members, so, so much for the Committees who are able to handle it.

An Hon. Member: (Inaudible).

Mr. Winsor: You say, we will check it?

An Hon. Member: Did you say page 88?

Mr. Winsor: Yes.

An Hon. Member: (Inaudible) not necessarily so that one.

Mr. Winsor: The Department agreed and he was assisted as a single person boarding with non-relatives, after he appealed to the Administrative Review Committee and the Social Assistance Appeal Board, both of which upheld the original decision. When the Ombudsman investigated he said that the young man should receive assistance and the Department agreed. Now, if you have the same book I have - perhaps the confusion is that you fellows got your own copies printed and we have another set. Maybe that is why the confusion about the role of the Ombudsman is there. It is quite interesting to hear the President of Treasury Board get up and talk so much about the different committees.

The President of Treasury Board wants me to adjourn debate. It being near five o'clock I will adjourn debate. He knows I am not going to be back tonight.

Mr. Speaker: The hon. the President of Treasury Board.

Mr. Baker: Mr. Speaker, two points. First of all, we are interested in providing as much time as possible for debate on bills that we have before the House. And I would at this point in time ask for leave of the House to proceed with Government business tomorrow rather than the Private Member's Resolution, to continue on with the - presumably the resolution we are now debating, but whatever happens. So I am asking for leave of the House to forego Private Member's Day tomorrow to get on with Government business and the debate.

Mr. Speaker: The hon. the Opposition House Leader.

Mr. Simms: Mr. Speaker, we are reluctant of course to do that, obviously, but however there is precedent, on a couple of occasions I believe this session already, where the Government has asked to give up its Private Member's Day, so it is their Private Member's Day (Inaudible) wish to proceed to debate the resolution that the Member for Bellevue tabled the other day and wish to proceed, we have no real problem with it. There is a precedent. It is up to them if they want to do it.

Mr. Speaker: The hon. the Government House Leader.

Mr. Baker: The second point, Mr. Speaker. I just want to inform Your Honour that I have no intention of moving adjournment at this point in time.

An Hon. Member: What? What, what?

Mr. Simms: Mr. Speaker, I move the House adjourn until tomorrow, 2:00 p.m.

Mr. Speaker: It has been moved and seconded that the House do now adjourn. Is it the pleasure of the House to adopt the motion? All those in favour, 'aye'.

Some Hon. Members: Aye!

Mr. Speaker: Those against, 'nay'.

Some Hon. Members: Nay!

Mr. Speaker: I declare the motion lost and ask hon. Members to join me this evening at 7:00 p.m.



Province of Newfoundland

FORTY-FIRST GENERAL ASSEMBLY  
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***PRELIMINARY REPORT***  
***(Hansard)***

***Speaker: Honourable Thomas Lush***

The House resumed at 7:00 p.m.

Mr. Speaker: We will pick up from the Chair in debate.

Mr. Rideout: Thank you Mr. Speaker. I want to take the opportunity to have a few words to say on Bill 42, an Act to repeal the Parliamentary Commissioner Ombudsman Act. Mr. Speaker, the Government has said that this would be a very minor piece of legislation, and it is minor, Mr. Speaker, in terms of the size of it. That is about the only thing that is minor about this piece of legislation.

The effect of this of course, is very, very evident and obvious to everybody and that is that it will have the effect of abolishing not only an officer but it will have the effect of abolishing an office of this Parliament come January 1, 1991. That is the simple effect of this piece of legislation.

When I look at the fact, Mr. Speaker, that this legislation was introduced and passed by the House in 1970. According to the revised statutes of the Province, the Act setting up the Parliamentary Commissioner or the Ombudsman was enacted by this Legislature in 1970. I cannot help but wonder, Mr. Speaker, twenty years ago, I do not know what time of the year it was, but twenty years ago the Government of the day, I am certain, would have been very boastful in bringing in this piece of legislation and they would have been advocating it as a major Parliamentary reform, twenty years ago.

Twenty years ago, Mr. Speaker, it was a Liberal Government that brought in that piece of legislation, had it passed and

enacted by this House, and I would say with some fanfare, with some eloquent speeches of Parliamentary reform, with some eloquent speeches about Parliamentary democracy, and some very, very quick research will show, Mr. Speaker, with some eloquent speeches about the fact that Government had become so big over the preceding number of years, Government had become so big and so complex that there had to be an independent arbitrator.

There had to be an independent office established, an office not subject to the whims of Government, Mr. Speaker, an office not subject to the whims of the Ministry, an office that would be subject only to the authority of the elected Parliament, the House of Assembly. That was the gist of the debate that rang in this Chamber twenty years ago. That was the gist of the rationale, the reasoning for setting up this particular office twenty years. I will come to that in a second, Mr. Speaker.

Twenty years ago, when this particular bill was debated in this same place, it was the submission of Government that Government had become so complex that the ordinary individual, the ordinary man and woman out there around the Province of Newfoundland and Labrador needed some independent protection from the bureaucracy; they needed some independent protection from Government. They needed to have an office that was subject only to the constraints of the Legislature to be able to investigate, carry out investigations on alleged wrong doings, carry out investigations on alleged mistreatment, and be able to, not just recommend, the Parliamentary

Commissioner, the Ombudsman, Mr. Speaker, does not just recommend, he has the power under the Act to order redress. He has the power under the Act to order the bureaucracy, to order Ministry, to order the Government, yes Mr. Speaker, even to order the police, and even to order hospital boards in the Province. The Parliamentary Commissioner, the Ombudsman, through his Act has the authority to order redress, to order that wrongs be righted. That was the eloquence of debate, Mr. Chairman, that flowed through this chamber twenty years ago when the Liberal government of the day took the Parliamentary initiative to set up an Ombudsman. What's wrong with the Minister of Finance Mr. Chairman?

Dr. Kitchen: (Inaudible)

Mr. Rideout: That was the eloquent debate Mr. Chairman that ricocheted off the walls of the walls of this Chamber twenty years ago. A new reform, a brand new Parliamentary reform brought in by the party of reform was part of the rhetoric, that was part of the rhetoric, Mr. Chairman, that vibrated off the walls of this Chamber twenty years ago. Another piece of significant Parliamentary reform brought in by the Party of reform. I can hear the only living father now, Mr. Speaker, in high flight speaking about the eloquence and the righteousness of this piece of Parliamentary reform brought in by the party of reform.

An Hon. Member: (Inaudible)

Mr. Rideout: No I was not a member of that party 1970? No, Mr. Chairman, I might have been associated with it at the university but I certainly was not an elected member of that party

then. I was not here that particular day but, Mr. Chairman, the Hansards, the record of debate will show that the government of the day touted this as a major Parliamentary reform brought in because government was getting too big, government was getting too complex. There was no control, there was no access for the ordinary citizen to redress if they were dealt with wrongly by the bureaucracy or by the government. That was the basis on which the Liberal government in 1970, Mr. Speaker, brought in this piece of legislation. That piece of legislation Mr. Chairman, although passed by a Liberal government did not get acted upon until I believe it was 1975. Passed by a Liberal government but it did not get acted upon until 1975 but that piece of Legislation, Mr. Chairman, that was passed twenty years ago has served thousands and thousands and thousands of people in this Province. A thousand cases only I believe it was last year. Just about a thousand cases. Nine hundred and something. Mr. Chairman thousands of people, thousands of people have been enabled to access the office of Ombudsman and have wrongs righted, have things that were done wrong corrected and be able to get redress from the bureaucracy and from the government. A great Parliamentary reform brought in by the Liberal party in 1970. Twenty years later, Mr. Speaker, we see a Liberal government again attempting to turn back the hands of the clock, to wipe out in a stroke of this Legislature something that no other Legislature that I know of, or anybody who has researched the matter: we cannot find any other democratically elected parliament that has wiped out an office of

the Parliament itself, Mr. Speaker. We cannot find it. It is just not there to be found.

An Hon. Member: (Inaudible)

Mr. Rideout: Well if it is trend-setting I say to the Member for Mt. Scio-Bell Island then perhaps democracy is in trouble if this is trend-setting.

Mr. Tobin: He should be sitting with the whiz kid.

Mr. Rideout: There is only one jurisdiction in Canada that has never seen fit as far as I know, and that is Prince Edward Island, there is only one jurisdiction in Canada that has not seen fit to institute an office of Ombudsman or Parliamentary Commissioner. Every other province has done it. But imagine, Mr. Speaker, the first province in Canada to have instituted the office, the newest province in Canada, Mr. Speaker, is the first province of Canada that having had the office instituted is going to abolish it. An office created by this Legislature by a Liberal government is now being dismantled and abolished and cut out and put out by another Liberal government, Mr. Chairman. The reform and the vision of the Liberal Party twenty years ago in setting up this particular office has been overcome by the narrow mindedness and the pettiness of the Liberal Party in 1990. That is what has happened in 20 years.

Now, Mr. Speaker, I could not help but listen to the Government House Leader when he introduced this piece of legislation today and I must make the same observation that our House Leader made. He seemed to be a very uncomfortable Minister when he introduced this piece of legislation on behalf of

the Government. I do not believe that it is the philosophy of the Government House Leader to abolish offices and officers of this Legislature. I do not believe it because I have heard that hon. gentleman for perhaps more years than either one of us care to remember, arguing, debating and articulating the reasons why the Auditor General should become an officer of this Legislature. I have heard him when he was Chairman of the Public Accounts Committee saying time on end, and rightly so, that the Auditor General should not derive his authority from The Financial Administration Act and be appointed by the ministry of the day. The Auditor General should be an officer of the Legislature, the Government House Leader believes to day.

Now, Mr. Speaker, I do not believe that even though this Bill stands in the name of the Government House Leader the President of Treasury Board, I cannot find it within me to accept the fact that a man who would argue that another independent watchdog of the public purse ought to be created with his or her own Act to serve the interests of the people as an officer of this Legislature. I cannot believe that person of his own volition, of his own free will would advocate around the Cabinet table the abolishment of another office of this Legislature, Mr. Speaker. I cannot believe it. As a matter of fact, I do not believe it. I refuse to believe it. That is why, Mr. Speaker, that I believe the President of Treasury Board and the President of the Council was so obviously uncomfortable today when he tried to, on behalf of the Minister, introduce this legislation to the House. I think it was obvious to

anybody who looked at it that he was uncomfortable. I think it was even more obvious to anybody who had the glory and the honor to catch his physog on television tonight that he was uncomfortable, Mr. Speaker. He was very, very uncomfortable. He was uncomfortable in the Legislature today in defending this legislation. He was even more uncomfortable in defending it, in what has become commonly known as the scrum, upstairs this evening and you did not have to be a genius to watch the hon. President of the Council on CBC tonight squirm and give every indication that the principle embodied in this Bill, is not the philosophy of the hon. the President of the Council.

An Hon. Member: (Inaudible).

Mr. Rideout: I caught a glimpse of him on NTV too, Mr. Speaker. If he was uncomfortable on CBC, he looked to me that he had pins sticking out of him everywhere. He was just a-squirming, because he was so uncomfortable with this draconian piece of legislation. He is totally uncomfortable with it. I do not know if the Ombudsman was standing behind him when he was being interviewed or not, and the proverbial dart was coming, I do not know. But I can tell you that everybody in this Province knows that the President of Treasury Board is very, very unhappy with this piece of legislation.

Now if the Government House leader is unhappy with this piece of legislation - as he is - and he can not really hold his head up and get his chin up when we are talking about his unhappiness with it, same when my colleague from Grand Falls was talking about it

this evening, he kind of lowers his eyes and hopes that we will soon finish. But if this Bill 43 was not the brainchild of the Government House Leader - and I am convinced it was not - then whose brainchild is it?

Mr. Speaker, I submit that this piece of legislation is the brainchild of two people in the Cabinet, Clyde and Herbie. That is who is behind this particular bill. And every time you mention it - the Minister of Finance just did it again - he wants the whole world to know that he is behind this piece of legislation. I would say that it is not even the brainchild of the Premier. I would say that the Premier - surely God the Premier must have more to do than go around, scrounging around -

Some Hon. Members: (Inaudible).

Mr. Rideout: Mr. Speaker. Surely the Premier must have more to do, than go scrounging around through the budgetary estimates looking for an office that costs the taxpayers \$236,000 a year. Surely God, he, as Leader of the Government, must have more to do than that. So I submit that the idea for abolishing this office came from the Minister of Finance. I would say that it was his original idea and somehow or another he got the Premier to accept the proposition that it should be done away with.

On a number of occasions now I have observed, when my colleagues were asking questions about the office of the Ombudsman and the abolition of that office, the tremendous facial expression of the Minister of Finance. You can see the glee and the joy popping out of him. His eyeballs almost

leave their sockets when somebody from here asks a question and somebody over there reaffirms that it is going to be done away with. The Minister of Finance gets great joy whenever there is a reaffirmation from a Minister on the Government side of the House that the Ombudsman is going.

So I believe that this piece of legislation originated solely from the warped mind the small, narrow, warped mind of the Minister of Finance.

Some Hon. Members: Oh, oh!

Some Hon. Members: Hear, hear!

An Hon. Member: Do not (inaudible).

Mr. Rideout: I may have and I wonder why, Mr. Speaker; I wonder why, Mr. Speaker, will the Minister of Finance, who likes making monkey jokes or I got you by the short and curly jokes will know that despite his allegation the other day: I am not in the habit of preparing speeches for the House. He must be here long enough to know that.

An Hon. Member: Questions (inaudible).

Mr. Rideout: Questions are a different matter, you know why, Mr. Speaker, you know why questions are a different matter? Because, if you do not baby feed it to the Minister of Finance, he is going to sit over there like an old zombie and not even get himself out of the Chair, you have to spoon feed it, you have to baby feed him.

It is no good to ask the Minister of Finance, Mr. Speaker, will you table your latest estimates on

your retail sales tax take for this year, for example -.

An Hon. Member: (Inaudible).

Mr. Rideout: Does not the office of the Ombudsman cost a few shekels, does it cost a few coins?

An Hon. Member: (Inaudible) recovery.

Mr. Rideout: Well, if it costs some money it has something to do with finance, Mr. Speaker, but if you ask the Minister of Finance, for example to provide to the House his latest estimates on his retail sales tax take, if you ask him that, he will get up and he will say in due course or he will say maybe, or might, not yet; but now, if you get up with a very carefully written down question and say, can the Minister of Finance confirm for the House that the retail sales tax take for this fiscal year will be \$29 million less than he budgeted, you know what he might do, Mr. Speaker? We watched him for eighteen months, he might get up and say, yes -

An Hon. Member: I am suffering (inaudible).

Mr. Rideout: - so - I am sorry, Mr. Speaker, the Member for Eagle River has a bit more suffering to do yet and I can tell him that I feel fairly wound up tonight so he has a lot more suffering to do, because-

An Hon. Member: How long do you have?

An Hon. Member: You will know, now shortly.

An Hon. Member: (Inaudible).

Mr. Rideout: I am talking to your

colleague there now shortly how much time I have-

An Hon. Member: Go on you have a good speech (inaudible).

An Hon. Member: Yes, I thought you were doing good, I just thought (inaudible).

Mr. Rideout: - but I enjoy the interjections, Mr. Speaker, and because I intend to go so long tonight, I have to try to keep it down a little bit; it is not just -

An Hon. Member: Five days (inaudible).

Mr. Rideout: Yes, five and a half days, five and a half days. I am sure some other people would have a longer record than that, but certainly nobody is sitting in the House tonight, Mr. Speaker, so do not get too agitated.

So, Mr. Speaker, I was saying that I believe that the advice, the advice to follow through on eliminating an officer of this Legislature I submit to this House, came from the Minister of Finance, nobody else, it came from the Minister of Finance and the Premier was gullible enough to accept the advice of the Minister of Finance.

Now why would I say it came to the Minister of Finance? Well, there are a couple of reasons for that. First of all, Mr. Speaker, the Minister of Finance historically bears political grudges, and the Minister of Finance happened to be a Member of the PC party when the present Ombudsman was active in the PC party. And I tell you, Mr. Speaker, there is nobody sacred from the Minister of Finance if they had any connection with any other political party unless they

have gone over and joined them. They are not sacred. If they are serving in an independent office like here for this legislature where you have earned your spurs for ten years, you come and you are appointed by a resolution of this House for another term, and the leadership of the Liberal party in the legislature at the time, including the Minister of Fisheries, the Minister of Forestry, Your Honour who is presently in the Chair, including those people speaking for the Liberal party say that you have shed your partisanship if you had any and you are performing in an independent upright and forthright way. That does not mean anything to the Minister of Finance. The Minister of Finance, Mr. Speaker, carries a very, very heavy political grudge. And the one sin committed by our present Ombudsman, the man whose office is going to be decimated when this bill passes is that he, at some time in his past, committed the great grievous sin of being publicly associated with the Tory party.

Now, it is only the Minister of Finance who would carry that kind of a grudge, Mr. Speaker. It would not be the Minister of Fisheries, it would not be a lot of Ministers over there, but the Minister of Finance would, and he has. And the idea therefore, Mr. Speaker, for this particular bill and this particular move has come from none other than the Minister of Finance allegedly on the basis of saving a couple of hundred thousand dollars. I wonder what kind of legal advice the Government have on this matter, Mr. Speaker. Is the Government assured - What is there - five or six years left in the term of the office of the present Ombudsman?

He was re-appointed in 1985 and this is 1990. I will be able to tell the President of Council now. He was re-appointed on June 6, 1986 for ten years because that is what the act provides. That is what the Liberal act provided, Mr. Speaker. The Liberal act provided that the parliamentary commissioner, the Ombudsman, be appointed for ten year terms and he was eligible for re-appointment.

An Hon. Member: (Inaudible).

Mr. Rideout: Mr. Speaker, if there is anybody in this House who ought to be ashamed to speak about the Linerboard mill, it ought to be the Minister of Forestry. Now I can go into some detail if he wishes me to.

But June 6, 1986 the present and only incumbent, the present and only person to have served in the office of Ombudsman, parliamentary commissioner was re-appointed. So, there are six years left in the present mandate. Mr. Speaker, people on the other side are going to curse the day they even threw the name Bob Cole and the Action Committee across this Legislature. It called ERC, nothing more or nothing less than what a Government back in the 1970s tried to accomplish with what they called an Action Committee, the only difference being that the present Action Committee is much higher paid than the previous Action Committee. That is the only difference, Mr. Speaker. Talking about Bob Cole and the Action Committee as the member likes to throw across, the member might be aware that the Government of that day entered into, I believe it was a ten year contract. I stand to be corrected but it was a long-term contract, I believe a ten year contract with

Mr. Cole, the person he just mentioned. Now, that was only a contract, Mr. Speaker, between the Government on behalf of Her Majesty the Queen in right of the people of Newfoundland. This person is appointed under an act of the provincial Parliament for ten years and can only be put out of the office for incompetence and things of that nature, some points I will raise a little later on, for very, very defined reasons. When a Government some ten or twelve years ago, whenever it was, decided that the contract previously offered to Mr. Cole as Chairman of the Action Committee was to be terminated, and that was only a contract, they found that they could not do it. I never had anything to do with it because I was a colleague of the Minister at the time, Mr. Speaker, for which I make no apologies or attempt to. The Government of the day had to buy out the contract, a contract signed by an individual and the Queen on behalf of the Crown in right of the people. What about this contract? This contract is enshrined in legislation. An Act of this House appoints the Parliamentary Commissioner, the Ombudsman, for a ten year period. Does this Government, think, Mr. Speaker, it is going to get out of that contract without a cost? How much is the Government prepared to pay for this foolish act, a political vendetta led by the Minister of Finance? If there is six years left in the contract, plus pension benefits, which are also enshrined in the legislation. How much is this Government prepared to pay for the political foolishness of the Minister of Finance? Is it going to be more than the \$256,000 a year the office costs? Is it going to be more than the Ombudsman's salary yearly? There

is six years plus pension rights, Mr. Speaker, and I would say that the incumbent - plus court costs - a man of great dignity and honour, will ensure that the Government is brought to legally account for destroying an Act of this Parliament that gave in this case him a ten year appointment.

Does this Government think that the Ombudsman is going to sit back and take this without trying to get his due reward from the clauses of the statute under which he was appointed? I would say not, I say to the Minister of Forestry. I would not say any individual would. But least of all the particular incumbent that we are talking about here. I would dare to suggest if I could be so bold, to the Minister of Forestry, that the Ombudsman will be strictly within his rights of suing this Government for wrongful dismissal.

Some Hon. Members: (Inaudible).

Mr. Rideout: Mr. Speaker, it might be. If you look at Hansard in this House over the last eighteen months you will see some similar pronunciations, I say to the Member for Placentia. But I would be very, very surprised if the Ombudsman does not try under the terms of his appointment which was by this Legislature. The Cabinet could not reappoint the Ombudsman. The Government House Leader knows that the Cabinet, the Lieutenant-Governor in Council, could only recommend to the House. That is the way the Act is worded. And it was not a Cabinet, it was this elected Assembly, that reappointed the Ombudsman for a new ten year term. And it is the provisions of the statute that guarantees, with a few minor exceptions for which he can be

dismissed that I will mention a little later on, the Ombudsman's tenure for ten years.

Now, nobody can argue that the Legislature is supreme. This Legislature enacts laws within its competence, its jurisdiction, and this Legislature can pass new laws and repeal old laws. Nobody denies the sovereign right of this Legislature within its competence and jurisdiction to do that. But that does not suggest that to parties who may be affected or aggrieved because of the result of that that there is not a legal option open to them. I believe that the Ombudsman would be very, very silly, in my view, for the want of a better word, not to test to the ultimate what this Government is doing under this piece of legislation.

Now, Mr. Speaker, let us review some of the reasons why the Government says the Ombudsman is no longer necessary. I do not know if the Minister of Social Services is going to be here tonight before I finish but what I had to say about that I will leave until the very last moment, I have some time left yet. What I have to say about the Department of Social Services for example I will leave. He may be in before I finish.

Mr. Speaker, the Government has given all kinds of weird and wonderful reasons why in 1990 even though Government is now more complex and it is larger than it was 20 years ago when a Liberal Government brought in this piece of legislation. Even though Government is larger now and more complex and people can expect to have more difficulty with Government, Government puts forward two, three, or four basic

premises on which it says it is basing its decision to abolish the office of Parliamentary Commissioner or Ombudsman. I have laid out a case here tonight that I think is the real one. That revolves around the Minister of Finance but leaving that aside, Mr. Speaker, let us examine for a moment the arguments put forward by the Government over the last several days since this was announced eight months ago. One of the arguments is that MHAs can carry out the work of the Ombudsman,

An Hon. Member: (Inaudible).

Mr. Rideout: Ten times more so says the Minister of Finance.

Another argument, Mr. Speaker, put forward by none other than that great parliamentarian and believer in democracy himself the Premier - the Minister of Finance thought I was going to say him. He would never qualify for that description, Mr. Speaker. But another argument put forward by the Premier is that the hot line shows, the open line shows have taken over a lot of the role of the Ombudsman. Everybody in the bureaucracy now is tuned in to Andy, Bill, or Ron. Everybody in the bureaucracy is tuned in everyday listening as to whether or not somebody calls up from Ming's Bight, Harbour Deep, Cricket or wherever, complaining about maltreatment and mistreatment on behalf of Government. If it should happen that somebody calls up to Ron, Bill, or Andy and have their voice pass through that man-made techno-star back to the eighth floor then that would be correct. That is the justification from the Leader of the Government. All you have to do now is have your voice

pass through -- the man-made techno-star located 22,000 miles above the Equator back down to the eighth floor in Confederation Building and your problem is solved. What stupidity, Mr. Speaker. What stupidity. The Evening Telegram even noticed it in one of their editorials. In fact, Mr. Speaker, the open line show hosts themselves even made fun of it. They even laughed at it, pooh-poohed it, talked about it as silly. In fact, I heard two of them I believe, one of them was in the Soviet Union when the program was done on CBC Morning Show, just a few mornings ago. You should hear them, Mr. Speaker, Bill and Ron on CBC Morning Show making fun, poking fun at this tremendous suggestion that did not come from the Minister of Finance. If it had come from the Minister of Finance it would have been taken just as serious as short and curly statements and stuff like that. But it came from the Leader of the Government, a defence from the Leader of the Government who wants to do away with the office of Ombudsman and Parliamentary Commissioner. You do away with it because those hot line shows, those open line shows can do a much better job than the officer of this House.

An Hon. Member: (Inaudible).

Mr. Rideout: Figure of speech, Mr. Speaker, you cannot take it out of Hansard.

An Hon. Member: (Inaudible).

Mr. Rideout: Oh no. And went on to say, Mr. Speaker, that he could certainly do better than most Members over here. You talk about it. Even if you believed it, Mr. Speaker, you talk about discourtesy, you talk about

contempt. You talk about contempt, Mr. Speaker, even if he believed it, to even say it. Then Mr. Speaker,-

An Hon. Member: (Inaudible).

Mr. Speaker: Order, please!  
Order, please!

I say to the Member for Burin - Placentia West if he has a point of order the Chair did not hear anything. If he has a point of order to stand and bring it to the attention of the House and the Chair will deal with it.

Hon. the Leader of the Opposition.

Order, please!

Mr. Rideout: Then Mr. Speaker, there was another justification given by the Government for eliminating-

An Hon. Member: (Inaudible).

Mr. Rideout: Now, Mr. Speaker, I will raise a point of order, if Your Honour will allow.

Mr. Speaker: On a point of order, The hon. the Leader of the Opposition.

Mr. Rideout: The Member for St. John's South said loud enough in response to a retort from my colleague from Port au Port, it does not matter whether one agrees with the comment put back across the House by the Member from Port au Port or not, but-

An Hon. Member: (Inaudible).

Mr. Rideout: Here it goes again, Mr. Speaker. But the Member for St. John's South was heard clearly by all, even I who was speaking. So I could hear it over my voice

when I was speaking, and I would assume therefore that everyone else could hear it over my voice, and hopefully including Your Honour and Hansard, and that was the comment that you are not here long enough for me to get on your nerves. But obviously, Mr. Speaker, that is a reflection on the attendance or otherwise of a Member of this House that is totally contrary, as Your Honour knows, to our own standing orders and is definitely out of order and the Member should be called immediately, Mr. Speaker, to retract the unparliamentary, out of order comment.

Mr. Speaker: To the point of order the Leader of the Opposition is quite correct that it is not at all proper, and not at all parliamentary for one Member to refer to another Member's absence or presence in the House of Assembly. I have to say to the hon. Member that I did not hear the comment. It was the Member from St. John's South he was referring to, the hon. Member was. The Member from St. John's South is not in his place, but if the Member from St. John's South were in his place he could-

Order, please!

The Member for St. John's South, the proper procedure is when a point of order is brought up about unparliamentary language for that hon. Member to comment on it, to explain it as to whether or not he said it or to make the withdrawal and then the Chair would not have to deal with it further. So, if the hon. Member from St. John's South would make a comment on what we said the Chair will listen to Hansard and make a proper ruling in the morning, if I have to.

Hon. the Government House Leader

Mr. Baker: To that point of order or a new point of order, Mr. Speaker.

Mr. Rideout: Rising on (inaudible) - it would have to be a new one because Your Honour just ruled on (inaudible).

Mr. Baker: Or an new point of order, Mr. Speaker.

Mr. Rideout: It would have to be a new one because Your Honour just ruled.

Mr. Baker: I am wondering now about procedure. I am trying to understand Your Honour's ruling in this regard. Some member indicated that there was something unparliamentary said. How did that go? because I was doing some reading.

Mr. Speaker, I am wondering about the process. Does that mean that it is acceptable practice for a member to shout across the House, that so and so made an unparliamentary statement, and then there has to be debate on it, explanations, and so on? I am trying to understand what just went on because I did not hear anything. I did hear the Member for Burin - Placentia West say something and point a finger, and I did hear His Honour say that he did not hear anything said, so I am wondering what went on?

Mr. Speaker: Order, please!

I ask hon. members to please refrain from interrupting. It is not doing anything to enhance the debate in this House. As a matter of fact all it is doing is making it acrimonious and to deteriorate the level of debate, and that we

do not want. For the benefit of the Government House Leader, the hon. Opposition House Leader rose on a point of order to say that somebody had, namely, the Member for St. John's South, had made an unparliamentary utterance, referring to the lack of attendance, I believe, of the member for Port au Port. The Opposition House Leader's point of order was that it was unparliamentary to make reference to a member's attendance at the House, and I had indicated that that is certainly in our Standing Orders, and I have ruled on it before, and Speakers before me, that it is not parliamentary to refer to a member's lack of attendance and attendance. The Chair did not hear the comment. It was raised by the Leader of the Opposition and I simply said that normally a member who is accused, or if there is an allegation made with respect to unparliamentary language, that member very often will withdraw the language, or explain the context in which it was used, in which case there is no further necessity for the Chair to deal with it, that it has been withdrawn satisfactorily. The Member for St. John's South was not in his place and I said I would listen to Hansard myself and report back to the House.

The hon. the Member for St. John's South.

Mr. Murphy: Thank you, Mr. Speaker.

I did make the remark and I withdraw the remark about the time spent in the House by the hon. Member for Port au Port, however it was only, Mr. Speaker, and I just say this to you, Sir, respecting your authority, that statements or accusations

sometimes down in this end from the hon. member questioning the decision of the Chair.

Mr. Speaker: The hon. the Leader of the Opposition.

Mr. Rideout: Mr. Speaker, I suppose Your Honour has found it acceptable or Your Honour would have intervened but my understanding is that such withdrawals were always suppose to be done without equivocation and that seemed to be pretty conditional to me, that the reason one is provoked to say this kind of thing is because somebody is down in the back questioning Your Honour's ruling, or whatever. It does not appear to me to be an unconditional withdrawal but anyway that must rest with Your Honour to decide. As I was saying before the brief interruption another reason put forward, I dealt with the comment by the Premier that open line show hosts and so on were in the modern times doing perhaps a better job, according to the Premier, in some instances than MHAs could do, and that was another avenue for the public when it came to finding redress from the bureaucracy and from Government,, so I dealt with that particular point. Another one that is put forward by the Premier and articulated again, by the way, today by the Government House Leader is the ascertainment, the proposition that there are so many appeal boards out there now, appeal tribunals, appeal boards and things of that nature, Mr. Speaker, that this is another great avenue where the people of Newfoundland and Labrador can find a way to write the wrongs of the bureaucracy or the Minister.

Now, Mr. Speaker, my colleague for Fogo, I think, in a very classical

response answered that question this evening. Because in the Ombudsman's own report tabled in this House not very long ago, Mr. Speaker, pointing out his activities for 1989, on page 88 of that report, we need not go any further to put lie to the big lie that the Ombudsman is no longer needed because of tribunals and appeal boards.

Now, Mr. Speaker, let us listen to what happened to a case before the Department of Social Services reported on by the Ombudsman in 1988. Page 88, if you want to talk about the value of tribunals and appeal boards. We know of a case that was appealed to the Administrative Review Committee and then to the Social Assistance Appeal Board. A person in the Province who felt they had not been properly treated by the Department of Social Services, and after not getting the decision that the person felt he was entitled to by the Administrative Review Committee and by the Social Assistance Appeal Board, the person involved took the case to the Ombudsman. And the Ombudsman concluded that while the alleged relationship was certainly not beyond the realm of possibility, in view of the protestation of mother as to the quality of her chaperoning and in the absence of concrete proof of common law relationship, the young man should receive the assistance. The department agreed and he was assisted as a single person boarding with a non-relative. So, the Administrative Review Committee, in this case the Department of Social Services, and appeal board, in this case -

An Hon. Member: (Inaudible).

Mr. Rideout: That is immaterial I

say to the Minister. Does the Minister interfere in the Appeal Board?

An Hon. Member: No, but -

Mr. Rideout: Oh, there is a but.

An Hon. Member: (Inaudible).

Mr. Rideout: I should grant that to a superb Minister, Mr. Speaker. There is no doubt about that. But undoubtedly, Mr. Speaker, the Minister, I do not think, would interfere with the appeal board. But the point, Mr. Speaker, to answer the argument, and this is what we have here - this is a debate, Mr. Speaker. The Government is putting forward arguments why the Ombudsman, the parliamentary commissioner, why the office should be done away with. And one of the arguments put forward on behalf of the Government was the appeal board process and the appeal tribunals that are now out there. Well, Mr. Speaker, we know from experience from the Ombudsman's report himself that even the Ombudsman and even as good as those appeal boards might be there can still be a role for the Ombudsman to play in writing wrongs of the bureaucracy. That is evident in this particular case. When I go through the Parliamentary Commissioners Act shortly I will be pointing out other examples of that, Mr. Speaker. The Parliamentary Commissioner, the Ombudsman, has the authority to send for documents, to send for witnesses, to subpoena evidence. What Member of this House has that kind of authority? Does the Member for Fortune - Hermitage have that kind of authority? The Member for Kilbride? The Member for St. John's South? No, Mr. Speaker, that is one of the things

the Ombudsman can do, that no Member of this House can do, and that is to demand, to send for under the order of a Statute and demand that a (inaudible), that evidence, that persons present themselves to him to give evidence on a complaint by an ordinary citizen of the Province of Newfoundland and Labrador.

The Ombudsman, Mr. Speaker, can do the same with the police. The Minister of Justice, talked about perhaps looking at the possibility of a police commission, and that might be a very good thing to do. By an amendment to The Ombudsman Act, Mr. Speaker, the Ombudsman can carry out investigations against the police. I refer hon. Members to page 96 in the 1989 Report, and a couple of pages before, that where the Ombudsman wrote the Chief of Police after receiving complaints about inappropriate language and mistreatment in the Royal Newfoundland Constabulary and the Ombudsman carried out his report, sought his evidence, did interviews and wrote a letter to the Chief of Police asking for correction and redress. What did the Chief of Police do on July 25, 1989, he wrote back the Commissioner and said the following: 'In light of the new evidence obtained by you through the appeal process, re obtaining sworn affidavits from Mr. Blank, the names are not here, and both Constable Blank and Constable Blank I concur with your finding - the Chief of Police, Mr. Speaker, signed by Chief Coady himself. How could an ordinary member, a minister maybe, but how could an ordinary member of this Legislature get to the bottom of that with the police on behalf of a constituent, I ask the ministry, Mr. Speaker. How could they do

it?

An Hon. Member: They would not have the power to do it, to begin with.

Mr. Murphy: Through the Minister.

Mr. Rideout: Well, Mr. Speaker, when I come back I will talk about through the Minister for the benefit of the Member for St. John's South.

Mr. Speaker, a few minutes before my time runs out, I would like to propose the following amendment to this piece of legislation, seconded by my friend for Green Bay, and the amendment is this, Mr. Speaker, that: 'All the words after that be deleted, and the following substituted "An Act to repeal The Parliamentary Commissioner Act be not now read a second time, but that it be read a second time this day six months hence." I have a copy for Your Honour. Your Honour will probably want to have a quick look at it and determine if it is in order. It is the traditional six month hoist, Mr. Speaker, and I would assume that Your Honour is prepared to rule it in order.

Mr. Speaker: Yes, the amendment is apparently in order.

The hon. the Leader of the Opposition.

Mr. Rideout: Thank you, Mr. Speaker.

Mr. Speaker, now for the benefit of the Member for Eagle River who does not know how to put down a motion, that is how you do it.

First of all you have to search for a colleague who is sitting in his right seat. So you got to

look around and you can see that the Member for Harbour Main - Bell Island is in his wrong seat. So if I had said, 'seconded by the Member from Harbour Main and Bell Island,' the astute Member for Eagle River would have been able to rise on a point of order and the amendment would have been ruled out of order.

The second thing you have to find - and I hate lecturing, that is like the Premier, not like me - is a Member who is willing to second it who has not spoken yet. So I could not go to, well, my friend from Kilbride has not spoken yet but I think he wants to speak after I do. So I saw therefore in my vision the Member for Green Bay.

And there is a third thing the Member for Eagle River should be aware of, that when you say 'seconded by' make sure for God's sake that the Member - like in this case the Member for Green Bay - does not with his mike on say, 'Mr. Speaker, I second the motion.' Because if you do that is the Member's speech. He can not speak again. So, now, the Member for Eagle River now knows. So when he comes in with another amendment -

Some Hon. Members: (Inaudible).

Mr. Rideout: No, I can not go back over it again, because I only have an hour left now and I want to utilize this hour to the extent possible. That is the last thing I wanted to say to the Member for Eagle River. He was inquiring about how long I was going to be on my feet about five minutes or ten minutes after seven o'clock this evening. And the Member will know now with great glee, great delight, that I am on my feet now until three minutes before nine

o'clock this evening. Because every time I speak or the Premier speaks we have an hour. Now I just put down an amendment which was ruled in order as the Member knows. So that means - six month hoist. So that means I have another sixty minutes. I have another hour and I have all kinds of little gems for the Member for Eagle River if he will only listen.

An Hon. Member: Hear, hear!

Some Hon. Members: (Inaudible).

Mr. Rideout: Now, Mr. Speaker, just now, just before I put down the amendment, Your Honour will recall, I was wondering how a Member of the House of Assembly without the power of subpoena, without the power of demanding a file be brought before him or her, without the power of being able to demand that individuals who may have knowledge common to an incident that was the basis of a complaint.

I was asking the Members how could a Member of this Assembly be expected to deal with that kind of situation? Somebody of course was brave and forthcoming enough to say, go to the Minister. Well, I suppose the only Minister they could be talking about in this case would be the Minister of Justice. I can not think that any other Minister -

An Hon. Member: (Inaudible).

Mr. Rideout: Mr. Speaker, how many times has the Member for Placentia have cause to go a Minister looking for a file from the Chief of Police, I wonder? Did he have any cause at all? I suspect he had none. So he does not know what he is talking

about. But there will only be one Minister I suppose who could go talk to the Chief of Police with any authority and that would be the Minister of Justice. I do not know if that would be appropriate or not. But let us assume that - we can not assume it, no, it is just foolish, it is ridiculous. Let us assume that any Minister could, I doubt very much if any Minister would do it, quite frankly. If a Minister had a problem with the police, vis-a-vis some Statute that the Minister was responsible for, I would assume that the appropriate action would be that the legal advisor to that particular ministry in the Department of Justice would be the person to give the legal advice and advise the Minister on behalf of the Crown what to do. I would assume that would be the appropriate route to go. So I do not think that in saying going to the Minister is good enough, Mr. Speaker.

I would like to come back to the other point. I have dealt with the point of tribunals and review boards. I have dealt with the point of police. I have dealt with the point of radio open line shows. These are reasons the Government gave that the Ombudsman is no longer necessary, the Ombudsman is no longer needed. The other great argument put forth by the Government, by the Premier, and articulated again today by the Government House Leader was that somehow or another the role of the MHA had been so tremendously increased, according to the Government House Leader over the last 18 months had been made easier. Let me give the Government House Leader the benefit of the doubt. The role of the MHA had been made easier over the last 18 months. The

implication being then because of the benevolence of this Government. But let us give him the benefit of the doubt that the role of the MHA had been made easier over the last 18 months. Well, Mr. Speaker, what is it outside of an office, secretarial help, in the case of the Opposition Office (inaudible) some research help, what is it that has changed the role of the MHA to allow the MHA to replace many of the functions of the Ombudsman? What is it, I say to the Minister? Has something changed in a statutory way that allows Members of this Legislature to subpoena a file? Has there been amendments brought in that ensures access to Government files by say Members of this side of the House? Has there been an amendment brought in to The Department of Fisheries Act for example, which would dictate that the Minister of Fisheries must provide any Member of the House of Assembly with a file that member may request on behalf of a constituent or any resident of Newfoundland and Labrador? The Ombudsman can do that Mr. Speaker. Has there been an amendment brought into the Department of Works, Services and Transportation Act that allows any Member of this Legislature to request a file from that Department on behalf of a constituent or resident of this Province? If the Member for Burin - Placentia West wanted to investigate an internal file relative to the Department of Works, Services and Transportation where a constituent alleged that an accident happened because of road conditions, can he get the file, Mr. Speaker? Can the Member for Fortune - Hermitage if he had a similar situation subpoena the appropriate official in that

Department to come before him and answer the charge that the accident occurred because of the negligence of the Minister, Mr. Speaker? Can he do that? That is the defense put forward by the Government House Leader. The defense put forward by the Government -

An Hon. Member: (Inaudible).

Mr. Rideout: If the Member does not like it he can go outside, Mr. Speaker. The defence put forward by the Government is that MHAs, Members of the House of Assembly, now, because we have an office and a secretary and a bit of research help, the defence put forward by the Government House Leader, is that, MHAs now, because they have that, because they did not have it five years ago, because they did not have it ten years ago, because they did not have it twenty years ago and lo and behold, Mr. Speaker, when Ank Murphy and the boys were in Opposition, they were not even given stamps to post letters!

If you want to go back to the Ark, let us go back to the Ark, but the validity and the point on which the Minister's argument will stand or fail, is, stand up in this House and tell me where I, as an MHA have the authority to do what the Ombudsman can do, you can do none of it; you can do none of it. How can I tell whether a fish processor in this Province who makes an allegation against the Department of Fisheries on discrimination has a case or not. Can I get at the files, I ask the Government House Leader? Of course, I cannot. Can I subpoena the appropriate or send for and demand that he comes before me, the appropriate director or ADM? Of course I cannot, so, Mr.

Speaker, what this Government is doing today is just that, they are taking out of the hands of this Legislature. I could go to the Ombudsman, if I ran into trouble with the bureaucracy on behalf of a constituent or somebody living in some other district in this Province who, from time to time feel inclined to come to the Opposition as the Government House Leader would know.

I could call up the Ombudsman, write him a letter and say: Sir, I have had those allegations made. I had been in touch with the Minister's office, or the appropriate Deputy or the appropriate ADM, here is what I have, the complainant is not satisfied, can you do something about it? I could do that for twenty years, well in my case, fifteen years as an MHA.

There are numerous Members of this House, Mr. Speaker, who have done it when they - and even when they were Members of Government, who ran up against a brick wall in the bureaucracy or with the political head of the Department, numerous Members did it, who would call up or write a letter to the Ombudsman and say or with the Workers Compensation Commission for example.

The Workers Compensation Commission is a Crown Agency; it answers to the House through a Minister, but I mean the Workers Compensation Commission for a decade or more have developed its own independence and except through their annual report coming to this House through a Minister, they are so arms-length that I doubt if a Minister has access to them.

They might have access, they might

more - I was going to say out of courtesy, but they may out of disdain more than courtesy reply to a ministerial inquiry. I know one thing, Mr. Speaker, there are people at the Workers Compensation Commission now and five years ago, who could not give two hoots about replying to an inquiry from an MHA, I know that for a fact both when we were the Government and since, and I know that Members on the other side know that.

Now if you were told by the Workers Compensation Commission on behalf of a constituent to go, in other words, fly a kite, at least you had another kite to go to. At least you had the ombudsman who had authority to deal with them, which I do not have.

As a matter of fact, Mr. Speaker, I have a letter from the Workers Compensation Commission now which has told me on behalf of a person in this Province, not a constituent, to basically go mind my own business. A person appointed by this Government.

An Hon. Member: (Inaudible) a person to (inaudible) the information.

Mr. Rideout: Well, I get that everyday too.

An Hon. Member: (Inaudible)..

Mr. Rideout: But the point, Mr. Speaker, the point I am trying to make and I think the point that should be made, and I hope it is the point that will be picked up on. What I am trying to do here tonight is answer the arguments, the penetrating, powerful arguments put forward by the Government for abolishing the office of the Ombudsman. And one of those penetrating, powerful

arguments on which they rested their case is that an MHA is now better equipped because they have a private secretary or a private office, or an extra phone line or something of that nature to do the job that sometimes had to be done by the Ombudsman.

Well, I say, Mr. Speaker, it does not hold water. It is a false argument because the Ombudsman had tremendous powers, Mr. Speaker. I wonder are members of the House aware of some of the powers of the Ombudsman. I wonder are backbenchers aware of some of the powers of the Ombudsman. Are members aware, Mr. Speaker, of the only reasons given in the Act for dismissal of the Ombudsman?

He can only be removed or suspended from office - no he cannot be removed for that, I say to scrooge, Mr. Speaker. I say to the person who has created the death of this parliamentary office, no, he cannot be removed for that. He can only be removed from office for disability, neglect of duty, misconduct, or bankruptcy. Now that is the only ground. It might mean not doing anything in the Member's narrow interpretation, Mr. Speaker. If that is the case the Member should have been dismissed from a number of positions.

Some Hon. Members: Hear, hear!

Mr. Rideout: Not the least of which was the second last one he held before coming into this House, not the last one he held, I heard he is not bad in the classroom, but the second last one when he was over on Kenmount Road, when he was going around the Province with a box full of handkerchiefs having crying sessions. It is crying time again.

Anyway, Mr. Speaker, you can dismiss the Ombudsman for disability, neglect of duty, misconduct or bankruptcy. Now those are the only grounds under which he can be dismissed.

Now, I asked Members, particularly Members on the other side, were they aware of the powers of the Ombudsman? And take those powers as I talk about them for the next few minutes and stack them up against the power and the authority of a Member of this House of Assembly. That is what you have to do if you are going to vote for the Government line. That a lot of the work of the Ombudsman can now be performed by us. If you are going to accept that line, hook line and sinker, well then you will have to stack up against this what you perceive your authority to be.

'The principle duty and function of the Commissioner,' it says, 'shall be to investigate any decision or recommendation made, including any recommendation made to a Minister.' Now how do I get my hands on a recommendation made to a Minister? How does any Opposition get their hands on a recommendation made to a Minister? But that is one of the powers of the Ombudsman. Investigate any decision or recommendation made including a recommendation made to a Minister. That is an authority given to an officer of this House by this House. It is not an authority given to this House to Members of this House. Members on the Government side may very well be able to see a recommendation made to a Minister but only at the pleasure and decision of the Minister. They can not demand it, they have no right to ask for it, they have no power of subpoena to

get it.

But a Member on this side of the House, Mr. Speaker, might as well whistle "Dixie." Or a Member in any Opposition, not only this present Opposition but the Opposition when we were the Government. They were not going to see, to have their eyes laid on a recommendation made to a Minister. And by and large, as far as I know, that is normal and common in the British Parliamentary system. So that is why it was normal and common to give that power to an officer of the House.

And it also had the power to recommend on any act done or omitted relating to the matter of administration affecting persons or body of persons in his or her own personal capacity in or by a department or agency, or by an employee of Government, a member therefore in exercise of any power. The Commissioner may make any investigation referred to in the subsection that I just read. Either on complaint made to him by any person or on his own motivation. Mr. Speaker, are members on the Government side aware of what I just read out? The Parliamentary Commissioner, the Ombudsman, may make any investigation referred to him under the powers that I just referred to or he can do it of his own motivation. In other words, he can order it to be done himself. Mr. Speaker, can a Member of the House do that?

The Minister of Fisheries has served a longer time in two parliaments than anyone else in this House as far as I know. The Minister of Fisheries knows that no Member of Parliament, no Member of this Assembly, has that kind of

authority. The powers and duties confirmed on the Commissioner by this Act may be exercised and performed, notwithstanding any provision in any Act to the effect that any decision, recommendation, act, or omission mentioned in this subject, no appeal lies in respect therefore. I mean, is this the kind of stuff that a Member of the Legislature is now expected to perform on behalf of constituents? Can the Member for LaPoile who is gone outside the rail believe he has the authority to do those things? Where is he going to turn if his colleague, some minister, tells him no, I am accepting the advice and view of my officials not yours. I am not overruling the bureaucracy in favour of a complaint from your constituency. Where are you going to turn then? Right now you have somewhere to turn. Right now you can go to an independent arbitrator and do something about it who has authority under law, under statute of this House to do something about it.

The Government, Mr. Speaker, says that MHAs can do the job of the Members of this House. I would like somebody on the Government side to answer how am I as an MHA going to subpoena a file from a Department of Government on behalf of a constituent or somebody anywhere in this Province? How am I going to send for evidence? How am I going to send for a Deputy Minister or an Assistant Deputy Minister and haul him on the carpet in my office and produce from him the truth? Under what authority? Under what law? Under what legislation do I do it? Tell us how it is going to be done?

Mr. Speaker, the Government wants to repeal this particular piece of legislation. Now tell me how I am

going to do what I could never do for 15 years as a Member of this House and never had a right to do? Tell me how when this Bill goes through sometime over the next couple of days I am suddenly going to have the right to do? Tell me? If there is no other argument that could be -

An Hon. Member: (Inaudible).

Mr. Rideout: Look, forget about the open line show argument. We know that is foolish. Forget about the techno-star, forget about that piece of communication gadgetry. We know the Premier believed it, I think, when he said it. We know a three year old could come into this House and destroy that argument. Even forget about the appeal boards and the administrative review agencies, if you wish, although I believe that is not a valid argument, but forget about that. But, Mr. Speaker, for God's sake somebody on the Government side is going to have to answer to the satisfaction of at least the majority of this House how are we as MHAs going to perform the function of the Ombudsman as MHAs. How do we do it?

Mr. Speaker, I made reference a few minutes ago to complaints against the Royal Newfoundland Constabulary and I read from a particular reference in the last report where the Chief of Police had concurred with an investigation carried out by the Ombudsman, why would the Chief of Police have to do it, Mr. Speaker? Well, here it is.

It was an amendment which was brought in to the original Act and it says the following: Without limiting the generality of this Act, excuse me. 'Where a person

has a complaint against any Member of the Royal Newfoundland Constabulary, that person may report the complaint to the Commissioner.'

Now, Commissioner, is the Ombudsman, the Parliamentary Commissioner, notwithstanding any provision of this Act, the Commissioner may investigate, review, recommend and report with respect to any complaint made under subsection 1 in accordance with the procedure set out in this Act.

Now, Mr. Speaker, some people on this side of the House, the retort from the other side, was, you could go to the Minister. Well, maybe Members on the other side can, but some people on this side of the House represent constituents who live on the West Coast, where the RNC are involved in daily police work, my -

An Hon. Member: (Inaudible) RNC.

Mr. Rideout: -nothing. Who expanded the RNC throughout Newfoundland and Labrador? We did; my colleague here represents constituents who are represented by the RNC, we do not have jurisdiction over the RCMP, I am talking about the police force over which we have jurisdiction.

My colleague here has the RNC up in his district, there are others-

An Hon. Member: Not while you are (inaudible) with the RNC.

Mr. Rideout: The point, Mr. Speaker, is very simple and the Member for Placentia should have sense enough to know how simple it is. How do we, if we have a complaint from a constituent or some other person on how they were

allegedly dealt with by a Member of the Provincial Police Force, how do we do something about that? We have no authority to do it, but the Officer of this Legislature did have the authority, that is the point.

Mr. Speaker, listen to Clause 15 of the present Act, and ask how a Member of this House gets this authority and I have no doubt that the Government House Leader, who is piloting this legislation through will find out for me. How does a Member of the House, get this authority, Mr. Speaker? If any question arises as to whether the Commissioner has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit apply to the Supreme Court for a declaratory order, determining the question.

Now, I would assume the Government House Leader, though he is not learned in the law will have an answer. How do Members of this House, how does the Member for Kilbride, who wanted to have a legal investigation into the circumstances surrounding the loss by the taxpayer of \$1.5 million on a bridge contract in Labrador, go about getting this piece of authority?

An Hon. Member: (Inaudible).

Mr. Rideout: Pardon? The Ombudsman could go to court under this particular section, Mr. Speaker, freely given and the Public Accounts Committee controlled by the Government side, voted not to deal with it.

An Hon. Member: No, they did not.

Mr. Rideout: Yes, they did so.

Some Hon. Members: (Inaudible).

Mr. Rideout: Boy, I will have to say to the Minister—

Mr. Speaker: Order, please!

Mr. Rideout: — he had better hang on for another while.

An Hon. Member: Thirty-four minutes.

Mr. Rideout: So how does a Member of this House, is the question, Mr. Speaker, how does a member of this House, Mr. Speaker, go about obtaining a declaratory order from the Supreme Court?

An Hon. Member: (Inaudible)

Mr. Rideout: You would not? I see, and the Minister wants us to take his word on that. How come the Ombudsman had to go to court? What did the Minister of Works, Services and Transportation say to the Ombudsman when he wrote about it? Does the Minister know? Your colleague told him that the Ombudsman had no jurisdiction in the matter. Did the Ombudsman have to stop there? We have a copy of the letter, I suppose, because we made the complaint. The Member for Kilbride wrote the Ombudsman and asked him to look into it and he was effectively stopped then, Mr. Speaker. The Government could have been, not alleging that they were, but the Government could have been, at that point in time, presiding over the biggest cover-up in the history of politics in Newfoundland and Labrador, could have been, but the Member for Kilbride was stopped. Was the Ombudsman stopped? Not on your life, Mr. Speaker, he had a legal avenue to get an order accessing the information he was seeking, so the President of Treasury Board is going to tell us how members can

do that now. The President of Treasury Board is going to tell us how the Member for Burin - Placentia West, or Fortune - Hermitage can go down in front of a Supreme Court judge and ask for a declaratory order ordering access to a piece of information in a Department of government. He has an answer for it, do not worry, Mr. Speaker. The Government have thought it out very clearly, logically, and systematically why they are doing away with this piece of legislation, so they got an answer to it, Mr. Speaker.

Dr. Kitchen: Even the Auditor General could not get the information on Sprung.

Mr. Rideout: Well, Mr. Speaker, that is a very interesting argument, that is a very interesting piece of information that the - and that is the second time Sprung was mentioned here tonight, the Minister of Finance just mentioned it, but that is a very interesting piece of information because that is not at all what the Premier told me, Mr. Speaker. Not only that, since the Government House Leader had the audacity to raise it, the Premier told me that the Government House Leader would arrange for me to see the report, which has not happened yet, and the Premier did not tell me that was the reason for the enquiry. I am talking about the Auditor General's enquiry, that is what I am talking about, so if you want to come on with that kind of defense let us get serious. We are talking about abolishing an officer of this Legislature, that as I said in my opening remarks an hour and a half ago, the Government House Leader wanted not only to protect this officer of the Legislature but was so

eloquent when he was in Opposition about creating another one, another one called the Auditor General, so that he would be independent and free from the bounds and restraint of Government. How eloquent he used to be, Mr. Speaker, and then within his first year and a half in Government he abolishes the only one we have, I suppose. That is the only one that we have, is it not? That is the only officer of the Legislature that we have, is the Ombudsman. So rather than setting up a new one and expanding the free independent roll of officers of the House, the first action of the Government, rather than setting up a new one, is closing up, dismantling and abolishing the one we have.

Mr. Speaker, now I want to ask the President of Treasury Board how he is going to provide me with this authority. The Parliamentary Commissioner has the authority to require any person who, in his opinion, is able to give any information relating to any matter being investigated by him to furnish the information to him. By statute, section 20 of the Parliamentary Commissioner Act, the Parliamentary Commissioner, the Ombudsman can require any person who, in his opinion, is able to give any information relating to any matter being investigated by him to furnish the information to him.

Now I want the President of Treasury Board, the Government House Leader to tell me how I am going to get that authority now that this office is going to be abolished. I have a right to know that, Mr. Speaker. How am I going to do it?

Secondly, the Parliamentary

Commissioner may require any person to produce any document, paper or thing that, in his opinion, relates to the matter being investigated and that may be in the possession or under the control of that person.

Now, I believe, Mr. Speaker, it is fair for me, as a Member of this House, to ask particularly on behalf of my colleagues on this side, how do we get this authority tomorrow or the next day, well after January 1st? How do we get this authority? Well, if we do not get it, how do we carry out the roll?

Now Mr. Speaker, subject to this section, the Commissioner may require again any person who, in his opinion, is able to give information relating to a matter being investigated by him to do the things I just mentioned. Listen, Mr. Speaker, and tell me my friend, the President of Treasury Board, how I get this authority. He can require them to produce the information, produce the documentation, the paper or the thing, whether or not that person is an officer, employee, or member of a department or agency of Government.

How does the Member for Kilbride do that, Mr. Speaker? The Labrador bridge could be covered up forever and become the biggest political scandal to remain covered up forever. But that Member, in trying to do his duty, could not do it because he does not have that authority.

Not only can you send for the person and he must come, even if that person is an officer or an employee of a department or agency, but you can send for the document. You can send for the

paper and legalese is what it is to make sure there is nothing you cannot send for, you can send for the thing, whatever that might be. And that has to be brought and put into custody, Mr. Speaker, of the-

An Hon. Member: (Inaudible).

Mr. Rideout: Well, that might very well be. But at least there was an access to do it. There will be no access to do it after this, Mr. Speaker.

Now, I suppose the Government House Leader is going to tell the Member for Fortune - Hermitage how he can do this. The Parliamentary Commissioner may summon before him and examine on oath any person who is an officer, or employee, or member of any department or agency and who, in the Commissioner's opinion, has information that he referred to in subsection 1.

Mr. Speaker, is there any Member of this House satisfied with the Government allegation and the Government argument that they as MHA's can perform the function of the Ombudsman on behalf of their constituents. Is there any member in this House now bound by party discipline, by the government Whip, satisfied that they can carry out the duties of the Ombudsman? Is the President of Treasury Board satisfied that as a Minister of the Crown he can carry out the duties and responsibilities presently assigned to the Ombudsman? It goes on to say, Mr. Chairman, talking about the authority of the Ombudsman and for the purpose of carrying out his responsibilities under this he may administer an oath. Now under what statute can the Minister of Finance as the MHA for St. John's Center administer

the oath? What statute gives the Minister as the MHA for St. John's Center the right to administer the oath and to bring before him employees of government and ask for documents and so on Mr. Chairman?

An Hon. Member: The Member for Carbonear (Inaudible)

Mr. Rideout: Yes as Chairman of the Public Accounts Committee and he has that, Mr. Chairman. I think my colleague for Labrador West has my Standing Orders I gave him just now, but he got that Mr. Chairman, as the result of a Standing Order of this House, right? He got that as a result of this, a Standing Order of this House that thank God, Mr. Chairman, while this government is in office and I suppose any government for that matter, but particularly this government when we view this bill tonight. Thank God it takes two thirds of the members of this House to rewrite those Standing Orders. Two thirds because Mr. Chairman, the way that this government is getting on with this piece of Legislation I would say the Public Accounts Committee would be done away with. After all it is the only little watchdog left. Of course the problem with the Public Accounts Committee is that from time to time it breaks down along partisan lines. Not very often but from time to time it does. We saw it in the case of the Labrador bridge contract Mr. Chairman-

An Hon. Member: That is not true.

Mr. Rideout: It is so true, Mr. Chairman, it is absolutely true. I swear on my grandmother's grave, Mr. Chairman, it is true. The Public Accounts Committee broke down along partisan lines.

An Hon. Member: (Inaudible) it is true.

Mr. Rideout: It is the truth. That is why it does not frighten him because it is the truth. Mr. Chairman, not only is the Ombudsman empowered to do all of the things that I have been discussing for the last hour or so by statute, by law, enforceable in other words, but he is also bound to keep all the things that he learned related to the complaint, secret! Now what Member of this House is bound by a Secrecy Act, Mr. Chairman, other than the Minister in conversation around the Cabinet table. I would say that is a very important part of why a lot of people go to the Ombudsman, a very important part of why a lot of people go to the Ombudsman. They know that the facts and the allegations that they make because of their upset with dealing with a Public Service or a politician for that matter-

An Hon. Member: Right on.

Mr. Rideout: They know that it must stay secret. Imagine, Mr. Speaker, an employee of the Department of Works, Services and Transportation - just to pick a Department out. Better still, no, I will not do that. Imagine an employee of the Department of Justice making a complaint to his or her MHA or even worse, to a Member of the Opposition who might not be their MHA. Imagine an employee of that Department doing that when only two or three months ago they would have read in glowing headlines the commentary of the Minister of Justice. That any employee who does that is taking the risk of losing their job. That is what the Minister said. What about the employees in the Department of Environment and

Lands?

An Hon. Member: (Inaudible).

Mr. Rideout: In the Wildlife division. Who, after they had formed themselves into an association, called upon their elected leader to speak for them, their President to speak for them, and got hauled in here and hauled over the coals and hauled over the carpet and a reprimand put in their file. Right? And told if it happened again there would be more than a reprimand, you would be gone.

Now they could go to the Ombudsman and their case would be protected by secrecy because the Ombudsman is sworn to secrecy. How do we get that right to help our constituents who might be public servants, I say to the Minister?

An Hon. Member: Your honour.

Mr. Rideout: Your Honour? And I make a complaint to a Minister of the Government on behalf of an employee of the Department Of Works, Services and Transportation in my district, and it is my honour? It is not my honour they have to worry about, it is the honour of the Government, Mr. Speaker. They will be fired!

An Hon. Member: They will be Fired! Fired out the door!

Mr. Rideout: Oh yes, you will make sure of that. I got some comfort in that, Mr. Speaker.

Some Hon. Members: (Inaudible).

Mr. Rideout: We would not be debating this bill tonight if the Government House Leader had his way. Because it would not be here. This bill is not a product

of the Government House Leader. And I trust him. But there are other Ministers in that Government who have spoken publicly that I certainly would not trust on this matter. And I want to refer to another -

An Hon. Member: Do not bring up any names.

Mr. Rideout: - example in my attempt to ask the Members, at least the private Members of this House, Members who support the Government but are not part of it. Because the Government is only the Minister.

But I want to make one other point in my plea on behalf of Members. It is not going to happen to hon. Members for the next four or five years. Others may argue it might be ten or fifteen or twenty. But someday the Members who are now sitting on that side of the House, if they survive for any length of time politically, will be over here again. Someday. It might be the year 2099 and they will be all old and grey and feeble and everything else, but if there are any of them that survive that long they will be over here at some day.

And the argument from the Government is that MHAs can do the work of an Ombudsman. How do you answer that question when a Member of the the House of Assembly writes a letter to the Minister of the Crown on March 15 1990. And I am talking about the Minister of Social Services, I will say it quite bluntly. A Member of the House of Assembly writes a letter to a Member of the Crown on March 15, 1990. That Member, most members would be up yakking and asking questions about it in the House of Assembly, is so courteous and so desirous of getting a

response on behalf of his constituent he writes back to the Minister again on May 14, 1990. That is March 15, May 15, for the sake of one day, two months, that Member writes back to the same Minister again on May 14, 1990, and says: 'Dear Minister: I want to implore you. I wrote you on March 15 on behalf of a constituent. I have not received a reply. Now two months have gone by, two months less a day, could I have the courtesy of a reply on behalf of that constituent?' Today, Mr. Speaker, as I stand in this House and speak in defense of abolishing an officer of this Legislature, today is the 4th day of December, 1990 and that Member has not received an acknowledgement, letter, telephone call, one iota to those two pieces of correspondence.

Now I ask the Government House Leader, I suspect that is not usual for that Minister but in this case it has happened, how can I have any confidence that I can carry out the duties of the Ombudsman as an elected Member of this House. There is no onus on the ministry to reply to me. They may do it for honest and sincere reasons, I cannot say that for example about the Minister of Mines and Energy. A telephone call to the Minister of Mines and Energy is returned, if he is in his office he will take, or it is returned in minutes if he is not, and out behind the curtain and everything else, a letter no problem.

The point I am making, Mr. Speaker, is there no onus or responsibility on a Minister to respond particularly to a Member from this side of the House, absolutely none. One day, Mr. Speaker, there are Members over

there who know it now because they were over here at one time, there will be other Members over there who will know it. I will tell you there is nothing more insulting than - at least if they wrote you back and said tear it up, you are crazy, there is nothing I can do for this guy, at least they answered. A Member of the House, Mr. Speaker, at least deserves that courtesy. A Member of the House deserves a response. Is there any Minister or Member over there who can justify why the 4th day of December, 1990, from a piece of correspondence dated March 15, 1990, does not have an answer? Is there a Member over there in the back benches who would tolerate that? That is the essence of what we are talking about, Mr. Speaker, in this debate tonight. There will be one less agitation. There will be one less burr under the crown of this Government when this piece of legislation passes. This piece of legislation has nothing to do with saving money because the notice for this piece of legislation was given when the Minister brought down his Budget on March 15, 1990. When the Minister brought down his Budget on March 15, 1990, he projected a \$10 million surplus. So this piece of legislation did not come here as a restraint measure. It did not come here as a cost cutting measure. It did not come here as a savings measure. This piece of legislation came here from a Government that believes every possible burr and agitation that can be removed from the crown of Government should be removed, Mr. Chairman. I believe they would even have Opposition MHA's done away with were that possible.

An Hon. Member: (Inaudible)

Mr. Rideout: Well I mean why wouldn't the Minister answer two letters?

An Hon. Member: (Inaudible)

Mr. Rideout: I know you can. Mr. Chairman, my colleague, in the final few minutes that I have left to me this evening, my colleague the Member for Grand Falls spoke this evening about the accolades, about the high esteem bestowed on the present Ombudsman by members on all sides of this House when his re-appointment was announced on June 6, 1986.

An Hon. Member: (Inaudible)

Mr. Rideout: Yes, is that right? Why have not you answered him?

Mr. Efford: No and I am not going to.

Mr. Rideout: Why?

Mr. Efford: (Inaudible)

Mr. Rideout: No I am talking about mine.

Mr. Efford: Oh yours?

Mr. Rideout: Yes, Mr. Chairman. Mr. Chairman, the Minister came into the House like a roaring bull-

Mr. Efford: Yes Minister.

Mr. Rideout: I am talking about letters I wrote the Minister on March 15, 1990 signed by a scratch up on top "Dear John" after I addressed him as Honourable Minister and then signed by Tom R., Leader of the Opposition.

Mr. Efford: I guess I am treating you like I got treated when I was on the Opposition.

Mr. Rideout: Well, Mr. Chairman, can the Minister tell me whether or not he ever asked for a meeting with me when I was a Minister of the Crown or wrote me or called me and did not get an answer? I ask the Minister to search his conscience now in honesty.

Mr. Efford: And what?

Mr. Rideout: I asked the Minister 3 questions. Can the Minister tell me whether he ever wrote me, called me or asked for a meeting with me when I was a Minister of the Crown and did not get it?

Mr. Efford: I can't remember whether I requested one.

Mr. Rideout: Yes.

Mr. Efford: Did you ever request a meeting with me (Inaudible).

Mr. Rideout: No, no. I wrote the Minister.

Mr. Efford: That was taken care of.

Mr. Rideout: Mr. Chairman it has not even been answered.

Mr. Efford: Not to you but-

Mr. Rideout: March 15 and again on May 14. Now Mr. Chairman, I said when I mentioned-

Mr. Efford: I cannot comment on something I cannot read (Inaudible)

Mr. Rideout: Mr. Chairman-

An Hon. Member: You could read it when you got it.

Mr. Efford: I don't know IF I got it. I have not seen it.

Mr. Rideout: Where do you think

it went?

Mr. Efford: I don't know. Table it and let me see it.

Mr. Rideout: Mr. Chairman, I will let the Minister see it if he wants to see it.

Mr. Efford: (Inaudible) this one here. If someone asks me to write or look at it because if there's a moose killed I have to go to the Minister of Wildlife and make sure that his constituent got a piece of the moose. What crap!

An Hon. Member: Hear! Hear!

Mr. Efford: Nonsense!

Mr. Rideout: Mr. Chairman I do not know what the Minister is talking about there because-

Mr. Efford: I have only had one of your members-

Mr. Rideout: Mr. Chairman, I wrote the Minister about a constituent who was planning to start up a Mobile Welding business Mr. Chairman, and qualified for assistance from the Business Development Association out in Baie Verte, and needed some assistance from the Department of Social Assistance. I wrote him on March 15, I rewrote him again two months later and said would you please reply to my correspondence on March 15. And to this day, December 4, I have received no correspondence.

Some Hon. Members: (Inaudible).

Mr. Rideout: Now, Mr. Speaker! I say to the Minister of Social Services once again. He has already answered it, but I say to him once again, let him tell me tonight or when he goes and

searches his diary, when he called me, wrote me, or requested a meeting when I was a Minister of the Crown and never got it.

An Hon. Member: Yes, same here.

Some Hon. Members: Oh, oh!

Mr. Rideout: I can only - every person can speak for themselves. I am speaking for me.

Mr. Efford: Let me see the letters!

Mr. Rideout: I will let the Minister see the letters. I can speak for me in dealing with that Member because I know that I dealt with him on many and many an occasion. Not only him but some others as well. The Member for Twillingate, for example. Many many meetings and calls and letters and so on did I deal with when I was Minister of Fisheries from the Member for Twillingate.

Mr. Efford: I do not know of one thing I got for my district from any Member from the Government including the Minister of Fisheries.

Mr. Rideout: Well, I do not know if I -

Mr. Efford: Can you recall one thing I got?

Mr. Rideout: I do not recall, Mr. Speaker.

Mr. Tobin: (Inaudible).

Mr. Efford: (Inaudible) nonsense (Inaudible)!

Mr. Rideout: Well, I am not getting on with nonsense!

Some Hon. Members: (Inaudible).

Some Hon. Members: You were never here, you were never here!

Mr. Rideout: Mr. Speaker, are you going to enforce the rules, please?

Mr. Efford: You started it!

Mr. Chairman: Order, please!

Mr. Rideout: I am not worried about you and I! I was about to say to the Minister I do not know if he ever asked for anything from the Department of Fisheries. I would have to check that. But I do know when he asked for meetings or wrote or called he got the courtesy of a reply. That is the point I am making. And why am I making that point? Because the Government says that MHAs can carry out the duty and responsibility of the Ombudsman. That is the point I am making. And the point is very simple. If a Minister chooses not to or does not want to for some reason, there is no way that a Member - particularly a Member on this side of the House - but there is no statutory way for a Member on that side of the House, that there is no statutory means -

An Hon. Member: Question Period!

Mr. Rideout: - for a Member of this Legislature to demand a reply.

An Hon. Member: You do not even get up!

An Hon. Member: - You could ask in Question Period.

Mr. Rideout: Yes, Mr. Speaker, I could have. But I chose not to do so for the last eight or nine months, however long it has been. I chose not to do so.

An Hon. Member: You do not have

to answer (Inaudible).

Some Hon. Members: (Inaudible).

Mr. Efford: I think you will find out, the hon. Leader of the Opposition will find out that (Inaudible).

Mr. Rideout: Well, therefore since I was the one who wrote on behalf of the constituent, common courtesy would dictate that a copy be sent to me. Even if the request was handled.

Mr. Efford: (Inaudible).

Mr. Rideout: Yes, but that is what common courtesy would dictate. I was the one who wrote the letter.

Some Hon. Members: (Inaudible).

Mr. Rideout: The constituent, I say to the Minister, did not write the letter. The constituent contacted me and I wrote the letter. I had a case with the Minister of Education only two or three weeks ago, a month ago, where a constituent contacted me, I wrote the Minister, and the Minister came back to me with the reply. And it was positive. Right? And that would be the normal - but, Mr. Speaker, is there something wrong with expecting that much?

An Hon. Member: No courtesy.

Mr. Rideout: Is there something wrong?

Some Hon. Members: (Inaudible).

Mr. Rideout: You would not even answer a letter if he wrote it.

Mr. Efford: (Inaudible).

Mr. Hewlett: Well, how can he be an Ombudsman?

Mr. Rideout: Now, see? Now. Now, how can he be an Ombudsman for his constituents?

Mr. Efford: (Inaudible) you have not established (Inaudible) about the Ombudsman!

Mr. Rideout: I - look! How can the gentleman who represents Harbour Main - Bell Island wear the mantle that the Government says he can wear and be an Ombudsman if he is not going to be treated at least with respect and courtesy and get a reply from the Minister? Now I assume that the Government House Leader will answer that when he gets up to close debate on this bill. I assume the Government House Leader will because the Government House Leader is one of the people who made the argument in addition to the Premier that MHA's can carry out several of those functions. I have spent quite a bit of time pointing out the power in the act and asking the Minister where MHA's are going to get that power. I spent quite a bit of time pointing out to the Government House Leader that Ministers if they do not wish to be not bound to acknowledge replies and inquiries made by Members on behalf of constituents. Where do Members get the authority to demand that. Now surely goodness if the government is going to rest their case on 3 or 4 things for abolishing the office of Ombudsman not one of which is to save money, because this announcement was made on the day the budget came down when the Minister was projecting a surplus, so it was not touted as a money-saving move when the government announced the move but if the government is going to let

its case rest on MHA's being able to carry out just as effectively the duties that the Ombudsman carries out he will answer those questions. If he is going to rest his case on the fact that appeal boards and tribunals can do a lot of the work that the Ombudsman can do then he will answer what happens when the tribunal and the appeal process fail. Where does the MHA on behalf of a constituent or the constituent themselves go then? If he is going to base his case on the premise that other advocacy agencies like open line shows for example-

An Hon. Member: (Inaudible)

Mr. Rideout: Don't be so foolish. Pardon me MR. Chairman, I did not raise it. Don't kill me. I am only responding to the Premier.

An Hon. Member: (Inaudible)

Mr. Rideout: I did not raise it, Mr. Chairman, it is not a new idea. It did not come from me. For God's sake don't come over and pound me into the floor. It only came from the Premier, Mr. Chairman. It only came from the Emperor-

An Hon. Member: (Inaudible)

Mr. Rideout: It was only a decree that came down from on high, articulated by the esteemed leader of the government that the world had changed so much and Newfoundland and Labrador had changed so much and one of the reasons why was that the open line shows could now do the job of the Ombudsman and could do it more effectively he went on to say than some MHA's

An Hon. Member: (Inaudible)

Mr. Rideout: Well there you are see I knew I would find the line that the Minister of Social Services would agree with.

Mr. Efford: (Inaudible)

Mr. Rideout: Exactly. That is exactly what your leader said, Mr. Speaker. Exactly. So I rest my case on the point.

An Hon. Member: (Inaudible).

Mr. Rideout: Mr. Speaker, I am not sitting down until I am finished. I am not finished yet.

An Hon. Member: (Inaudible).

Mr. Rideout: My time is not up yet. I might propose a sub amendment now, Mr. Speaker. Does the Member for Eagle River know how to propose a sub-amendment?

Some Hon. Members: (Inaudible).

Mr. Rideout: Now, the Member for Green Bay could not second the sub-amendment because he already seconded the amendment. So I would have to count on my colleague from Kilbride for being in the right place or the Member for back there or something like that.

You know, Mr. Speaker, our own standing orders say that we can have an amendment and one sub-amendment before the House at all times. I wonder if the Government House Leader is aware of that. And where I could do that, Mr. Speaker, I could carry debate through until 10:00 p.m.

Some Hon. Members: Do it, Tom.

Mr. Rideout: A sub-amendment to my own amendment, I cannot do. Well, I should accommodate that by

letting the Member for Kilbride speak and move it and then when he sat down and nobody else rose, I would have another hour. But, no Mr. Speaker, we are only kidding each other now.

But I think the debate has been a serious debate. I believe it should be a serious debate. We are talking about abolishing the only parliamentary democracy that we are aware of and that any of the representatives of the Ombudsman's office worldwide are aware of, the only jurisdiction in the whole democratic world to have set up this institution, this office of the Legislature, and then abolish it, Mr. Speaker, and then abolish it by saying that MHA's can perform a lot of the functions of the Ombudsman.

Well, I went through that in detail with a fine tooth comb and challenged the President of Treasury Board to respond to everyone of those functions and powers tonight and in all instances he admitted that MHA's just do not have the power and authority that has been taken away from the Ombudsman. And if you do not have it, you therefore cannot perform it or you cannot perform to the degree that the Ombudsman can.

I have asserted, Mr. Speaker, that none of the arguments, if the Government, when the Premier and the Minister of Finance made their announcement on financial restraint back in October or September whenever it was, had said then we have to cut out a lot of services in Government and one of the things we are going to disband is the office of the Ombudsman, I think a lot of people would have had to stop and say well perhaps in very difficult

times that might be necessary.

But did that announcement come in October when we announced \$120 million deficit? No, Mr. Speaker, it came on budget day when the Minister announced the \$10 million surplus. The Ombudsman's cost comes out of the current account of the Province and the Minister announced a surplus on current account when he brought down his budget on March 15th. So he therefore cannot argue and there is nobody, including people who write fairly friendly articles on behalf of the Government from time to time, can make the argument that this measure was instituted as a restraint measure.

It was instituted for reasons that the Minister articulated tonight. Mr. Chairman, it was instituted for reasons that the Minister articulated tonight that had nothing to do with restraint, budgetary. It had all to do with the attitude and the philosophy of this government particularly, as I said at the beginning tonight, the Minister of Finance because I say again Mr. Chairman, in closing that this idea, the dismantling of this office of the Legislature and getting rid of the present Ombudsman was nothing more than a brainstorm of the Minister of Finance. And, Mr. Chairman, to all his colleagues including the Minister of Health, not Your Honour who is in the Chair now but Mr. Chairman, the Minister of Fisheries, to all his colleagues who spoke so glowingly about this office and this person who occupied the office some 6 years ago or 3 years ago—

Mr. Chairman: Order, please. The honourable Member's time has elapsed.

Mr. Rideout: I can only say Mr. Chairman—

Some Hon. Members: By leave.

Mr. Rideout: Mr. Chairman, no I do not want leave Mr. Chairman, my time is out at one minute past seven.

An Hon. Member: (Inaudible) 3 minutes before.

Mr. Rideout: Oh the (Inaudible) was 3 minutes before. I do not need leave, Mr. Speaker. I can only say that to all his colleagues who spoke to him so glowingly about keeping the Ombudsman and the Office including the Minister of Health must today be hanging their head in shame if they are going to vote for this piece of legislation.

Some Hon. Members: Hear! Hear!.

Mr. Chairman: The honourable the Minister of Health.

Mr. Decker: Mr. Chairman I want to compliment the honourable Leader of the Opposition for the speech he just delivered in this House. I want to compliment him. It is no mean feat Mr. Chairman, for any member of this House to get up and speak for 2 hours on any topic. So I will have to compliment the honourable Leader of the Opposition for speaking for 2 hours. Well Mr. Chairman, not only do I want to compliment him for speaking for 2 hours but I want to compliment him for speaking for 2 hours and saying absolutely nothing Mr. Speaker. Now that is quite a feat and I think the honourable Leader of the Opposition needs to be complimented for that and I take no hesitation whatsoever in giving him my compliments for speaking for 2 hours and saying absolutely

nothing. Mr. Chairman, maybe I will re-phrase that just a little bit because as the honourable Member says I might be touched for saying that so I will re-phrase it a little bit. He did say a few things in his speech that I was pleased with. As a matter of fact the lesson which he gave on Parliamentary Democracy was a lesson which I found to be very very enlightening. It was directed at the Member for Eagle River, about how to amend the motion, who can second that motion, so on and so forth, and, Mr. Speaker, I have to admit that I have been in this House now over six years and I learned things tonight from the hon. Leader of the Opposition that I did not know and I am not ashamed to admit. I should be ashamed but I am not, and I would suggest to him that he would put together a small seminar and I will be quite pleased to attend, a little bit of in-service, so that all of us could learn things about Parliamentary democracy. I would certainly attend and would be pleased to do so. If he were to do that I would agree to do something in return. I do not expect something for nothing. If the Leader of the Opposition were prepared to have a seminar and teach us about the rules of the House, in return I would conduct some in-service for members of the Opposition and teach them how to ask questions in Question Period.

Mr. Chairman: Order, please!

Mr. Tobin: We would like to have quorum call?

Mr. Decker: Mr. Chairman, to that point of order there is a quorum in this House and this is disrupting the House and taking away from my time.

Mr. Chairman: Order, please!

There is a quorum present.

The hon. the Minister of Health.

Mr. Decker: Yes, Mr. Chairman, there is a quorum present. That hon. member has tried to pull that stunt on several occasions in this House and I think it has gone long past the joking matter. This hon. member tries to play that stunt almost every day in this House and I think it is time he should be named and should be driven out of this Chamber if that is the way he is going to get on. He should be named and I think it should be done.

Mr. Chairman, I have been following this debate for some time. A couple of days ago the hon. Opposition House Leader said that I referred to the Ombudsman as a Tory hack. Now, that is not the kind of thing I am known for doing. I do not normally be abusive to people, so I just thought that maybe the hon. Opposition House Leader was trying to have a bit of fun and did not really mean what he said, but on several occasions I have heard hon. members on the other side say that I had referred to the Ombudsman as a Tory hack, so, Mr. Speaker, I went back to Hansard to see what I did say and I suppose if you were to read it and look at what is said, there could be some suggestion that I might have indeed referred to the Ombudsman as a Tory hack.

In Hansard, you will find that I was conducting a vicious attack as usual, clean, clear-cut attack on the Opposition; as usual I was not being personal, but I was attacking the Opposition and I said that the Opposition was more

interested in protecting the job of a Tory hack than they were in the Ombudsman issue, that is the statement I made.

Now, Mr. Speaker, strictly speaking, I did not say that Ambrose Peddle is a Tory hack, strictly speaking I did not say that the Ombudsman is a Tory hack, however, some future generation who is going and browsing through Hansard might indeed misconstrue what I actually said, to interpret it as meaning that I did say that the Ombudsman was a Tory hack.

Now, Mr. Speaker, I want to make it absolutely clear to future generations, who are reading Hansard that at no time did I intend to refer to the Ombudsman as a Tory hack, so unequivocally, Mr. Speaker, I withdraw that statement and I would never want it to be shown again that I referred to one Ambrose Peddle as a Tory hack.

Now, there are two reasons why I would not want that to stand in Hansard. The first reason is this. In Newfoundland and Labrador today, there are many, many insulting names that you could put on any individual.

You could call a person a sleaze-bag, Mr. Speaker, and that would be extremely insulting and I would not want to be called a sleaze-bag, Mr. Speaker. You could call a person in this Province by many four letter words, which are both revolting and insulting and I would not want to call anyone any four letter words which are insulting.

But the worst possible thing that you could call any person in Newfoundland and Labrador tonight is a Tory, therefore, if there is

any common decency as the hon. Member points out to me, 11 per cent of the people in this Province tonight would not agree with that statement, they would say maybe there is some merit in calling a person a Tory, but the vast majority of Newfoundlanders and Labradorians would consider it to be a total absolute insult, therefore I would not call the Ombudsman nor would I call any person in Newfoundland and Labrador, a Tory hack as it would be absolutely and totally unfair for me to do it, Mr. Speaker. That is the first reason I would not call him a Tory hack.

The second reason I would not call the Ombudsman a Tory hack, is because the position, the office of Ombudsman is similar to the office of a judge and no matter what a person's profession before he occupied that chair, once he becomes an Ombudsman or a judge, then that hon. Member is apolitical. I am not even sure the Ombudsman votes. Does the Ombudsman vote, I am not even sure. I know a judge or someone of the Supreme Court do not vote so therefore it is not fair to refer to the Ombudsman as a Tory hack. I will say, this, Mr. Speaker, that the Ombudsman is not a Tory hack. However, just as an aside, before the present person, before the present Ombudsman was appointed to the position by the previous Administration, he used to be a Member of the Tory party. Now, Mr. Chairman, he was the Member for the great federal riding of Grand Falls, White Bay and Labrador, a district that I lived in, a district that I still live in. And I remember well when the Member, who is now the Ombudsman, was the Member for the PC party in the great riding of Grand Falls, White Bay, Labrador.

People in that riding had been Liberal for years and they became disgruntled with the Liberal party. Members of my own family who were the essence of Liberalism, I can remember how they had a short interruption of their senses and they said, 'it is time for us to go and vote against the Liberal Government'. Can you imagine? People who are normally so wise and intelligent, all my relatives, they became disgruntled with the Liberals and they did not go out and vote PC, they voted against the Liberal party in Ottawa, Mr. Chairman. And the only other option they had - there were only two people running. There was the person who is now Ombudsman and I forget who the Liberal Member was, I believe it was Charlie Granger who was running. So, they voted against Charlie Granger, and in order to vote against Charlie Granger they had to vote for Ambrose Peddle. And, Mr. Chairman, the hon. gentleman became the MP and he served for four years and I do not recall anything that bad about the gentleman. He served his district well, he did not make any bad friends because I do not think he spent a whole lot of time especially in the northern peninsula part of the riding so he did not have time to make too many bad friends. And as soon as his four year term was up the people of that district, of course, turfed him out again and put Bill Rompkey in his place.

Now, Mr. Chairman, all this, of course, has no bearing on the bill which is before the House tonight. The fact that the present Ombudsman used to be a Tory or the fact that Ambrose Peddle was the Member for Grand Falls, White Bay and Labrador has no bearing on this bill which is

before us tonight. We are discussing a bill tonight, and I understand there are probably many reasons why in this particular time, this particular administration has decided to abolish the position of parliamentary commissioner. There are many reasons, Mr. Chairman, but one of the reasons which attracts my support is financial. Financial is not the only reason, but financial is one of the reasons why I am supporting this bill tonight.

Just before the previous administration was turfed out of office it became known that this Province was right on the brink of bankruptcy. Maxwell Smart would say, 'we came that close'. We came that close to having 1934 all over again. Now, if anyone doubts what I am saying I would ask hon. Members to go back to the days just before the last election. Go back to the time when the former Premier was Brian Peckford. When Brian Peckford used to get up in this House and when he made his statements to the media he said, 'it is the 1930's all over again. We are approaching the 1930's all over again'. Then, Mr. Chairman, I want you to go back to about the time when Brian Peckford resigned as Premier, when he was being interviewed by some of the media, and he made the point that the Province is entering upon some hard times. He said: 'I do not have the ruthlessness to do the things that have to be done.' Remember that. He said: 'I do not have the ruthlessness to do what has to be done.' Now, Mr. Speaker, when he made that statement I thought he was referring to the twenty-four people in his Cabinet, some of whom should have been turfed out. I thought he was talking about the

fact that he should have been downsizing his own Government and throwing out some Parliamentary Assistants. You will remember how Brian Peckford behaved during the last few years he was in power. Every time one of his back benchers got a little bit edgy or got a little bit uppitty he would go to Brian and complain and Brian would say, 'Okay, boy, come into the Cabinet.' Before you realized it the Cabinet was bloated and then, Mr. Speaker, someone would complain and Mr. Peckford would say, 'Okay, boy, come on I will make you a Parliamentary Assistant.' Remember he had the Premier's Assistant on the West Coast. He had the Premier's Assistant on the South Coast. He had the Premier's Assistant who came up to Roddickton to announce the building of the steam plant, up there. Premier's Assistants coming out through your ears. His own office, Mr. Speaker, the eight floor of Confederation Building, represented a presidential palace. There were yes men, yes sir men, and yes yes men, they were coming out through your ears on the eighth floor. When the hon. Brian Peckford talked about the ruthless things that had to be done I and hon. Members who were sitting over there with me just assumed that he was talking about the problems that he was having in his own party and that he did not have the ruthlessness to deal with these matters. Well, Mr. Speaker, I have learned since that was not what he was talking about at all. He was talking about the financial position that he and his former Tory Administration, the former Administration, had left in this Province. He was talking about the fact that after seventeen years of Tory rule the Province owed a total debt of close to \$5.6 billion. Five point six billion

dollars was the total debt that included I believe the guarantees from Crown Corporations, if I am not mistaken. He knew that because of the Tory Administration being in power for seventeen years, the pension fund was in debt for \$2 billion, in excess of \$2 billion. So Brian Peckford knew that he could not borrow any more money. He could no longer go to the money markets and borrow to build roads, build hospitals, and to open schools. He knew he could not do it. He knew that he had to do something with the organization of this Province. He knew he had to do something with health. He knew he had to do something with education. He knew that had he gotten re-elected he would have eventually had to either freeze the budgets or cut the budgets, and he never had the ruthlessness to do it.

When Brian Peckford made that statement, he knew that he and the previous Tory Administration had used up every single bit of taxing power that this Province had. All the taxing power was used up, 61 per cent of the Federal Income Tax was being paid by the people of this Province so he knew there was no way in God's world that he could go back for a raise in personal income tax. He knew Mr. Chairman that the retail sales tax had gone to 12 percent, the highest retail sales tax in this nation, probably the highest retail sales tax in the western World I am not even sure of that, certainly in North America, the highest retail. He also knew when he made that statement-

An Hon. Member: Higher than Britain.

Mr. Decker: Higher than Britain the honourable Member points out

and I agree with him. He also knew that every single litre of gasoline that was sold had a 12 cents tax on it, Mr.Chairman. So when he said he did not have the ruthlessness to do what had to be done he knew that he had used up all the borrowing capacity. He knew that he had used up all the taxing capacity of the province and he knew that he had left this province in a mess, Mr.Chairman. He admitted that he did not have the ruthlessness to do the things that had to be done. Now, Mr.Chairman, members on this side of the House either do not have the ruthlessness to do what has to be done, we cannot do it with any great deal of joy or pleasure. We are not doing the things that have to be done because we are ruthless. We are doing the things that have to be done because, for that very reason, they have to be done. There is no taxing capacity left. There is no borrowing room left, Mr.Chairman, and the only thing left for us to do is to try to smarten up all the various services in this Province. So that is why when this particular bill comes forward there are merits for having an Ombudsman. There are merits. They were blatantly evident with the previous administration after 17 years of arrogance they needed an Ombudsman and maybe after we are in power 25 or 30 years we might become arrogant enough that we might have to put an Ombudsman in place. But Mr.Chairman, when this Province is in the financial crunch that it is in we have to take advantage of every opportunity that we can find to save some money. When we save this money it does not go back into some pot. It goes into other services, Mr.Chairman. We had to make a judgement call. Whether to spend 250 thousand dollars on

keeping the position of Ombudsman alive or keeping a half dozen hospital beds open for 12 months in the Health Sciences Centre, Mr.Chairman. That is the kind of judgement we have to make. We would like to have both. Not either or. We would like to have both and, but in order to keep a half dozen extra beds open in the hospital system we thought it was in the better interest of the people of this province to eliminate the office of Ombudsman and put it into our health care system, Mr.Chairman. We looked at the 250 thousand dollars and we asked ourselves how would we best serve the people of this Province. Would it be by making 250 thousand dollars available for the Ombudsman which I admit is a worthy cause, but was that more important than making it available to the people of this province for medical doctors, Mr.Chairman. In that savings we can make 4 medical doctors. Never before has there been a medical doctor in Forteau up in the District of my friend from Eagle River. As a result of the savings of this we for the first time have been able to make available to the people of Forteau an extra doctor, Mr.Chairman. In Roddicton where I live we needed an additional doctor. We had been screaming for an additional doctor for the past 5 years, Mr.Chairman. As the result of this we saved enough to have 4 medical doctors and we have put one of them in Roddicton and we have put one in Forteau. There are 2 other positions left that we (Inaudible) savings and we are looking at some other places to put them because we need more than 4 but we are looking for some place where they are needed worst, Mr.Chairman. That is what it came down to. Not whether or not we agree with the office of Ombudsman

but it came down to this: what is more important to the people of this Province an Ombudsman or 4 medical doctors? These are the kind of questions we had to ask, Mr. Chairman. We had to make a judgement call, \$250,000 would give us eight nurses. We had to ask ourselves where it would be better for us to spend our money? Will we spend it on the office of Ombudsman, which I admit is a worthy office and which has a considerable degree of merit, but when it comes down to where is the service best required for our people, is it in an Ombudsman or is it in supplying four nurses to the health care system of this Province, Mr. Speaker? We decided that in the better interests of our people it was better for us to take that money and put it towards the sixty-six additional nurses which we gave to the health care system last year. It is not a matter of wanting to abolish a position, it is a matter of where are we going to spend the money we have, where is the most sensible place we could spend it? If hon. members would look at the Budget for last year they will see that we have \$250,000 allocated to nurses who can go to the schools and supervise what is happening, supervise the medical treatment that we are giving to those mentally delayed students, and physically handicapped students, who are in the school system. In the school system now we have physically handicapped people who spend their days in specially made chairs, in wheelchairs, who have to be carried in and carried out, they have to be fed with tubes, they have to have their diapers changed, and medication has to be given. It would cost \$250,000 for us to put a program in place whereby we can move nurses in there to supervised this, and to

see that they receive an acceptable level of care. We allocated the money, but we have not done that yet because contingent upon doing that we are saving \$250,000 here. The Opposition is saying, no, let us forget those poor children, who through no fault of their own have to be fed with a tube, who through no fault of their own have to have diapers removed, who through no fault of their own have to receive medications and injections, Mr. Chairman. Yes, we looked at the position of Ombudsman and we said it was a good position and we would like to be able to keep it, but when it comes down to caring for our physically and mentally handicapped children in the school system, either/or, we cannot have both. If it is either/or what will we do? We decided, Mr. Speaker, and I am not ashamed to be a part of the Government which decided, we decided that in the interest of the health of our children, our physically handicapped children, we decided in their interest it was better to abolish this position, as good and as worthy as it might be, it was better to abolish that position so that we could take some of the savings and apply it to putting nurses into the school system so that we can care for our physically handicapped children. So, Mr. Chairman, that is the kind of ruthlessness, I believe, that the former administration was not prepared to do. They were not prepared to touch anything in the status quo, they were not prepared to adjust to difficult times, Mr. Chairman, and I suppose I cannot believe them, because the very word conservative, progressive was just thrown in there, I believe, when they wanted to attract a leader back some time ago. They were trying to get a leader who

would not become a conservative so they added one progressive. The very word conservative means keep the status quo, means keep things as they are, means continue to push your wheelbarrow, continue to go on your horse and cart, do not adapt to the modern times, Mr. Chairman, do not adapt to reality, that is conservatism.

Mr. Chairman, do you realize that the dinosaur was a conservative. He just could not adapt to evolution and he was left behind. Just as hon. Members on the other side cannot adapt to evolution, cannot adapt to what is happening in this Province, Mr. Chairman, and like the dinosaur of old they will be left behind.

I will predict tonight, and history will show that I am right, and someone in the not too distant future will read Hansard and say Decker knew it. I will predict tonight, Mr. Chairman, that in the next election and maybe not the next but the one after, it will not be Conservatives sitting over there. Hon. Member will be pleased to hear that conservatives will not be sitting over there, Mr. Chairman. Now, you might say perhaps we will be sitting over there but before he reaches that conclusion let me explain to him. We will still be over here, but over there will be the NDP. The NDP will become the official opposition in this House, Mr. Chairman, and you will see a Liberal Government on this side for a good many years yet to come.

Because they are not able to adapt, they want to keep things the way they were, they want to keep things nice and cosy, they want to be like the dinosaurs, Mr. Chairman, they are not prepared to accept what is really happening.

We, on this side, are quite prepared to say that there is indeed some merit in having the Office of Ombudsman.

But in the last budget when the hon. Minister of Finance got up and so proudly read it out, he read that we had put in about \$400 thousand to do some engineering study on making an extension to the hospital in St. Lawrence, Mr. Chairman, to change the hospital in St. Lawrence into a chronic care facility, and we allocated some money so that the Department of Public Works could call tenders and do the engineering work on expanding the hospital in St. Lawrence.

Now, Mr. Chairman, we could have taken that money and we could have given it to the Ombudsman. And if we had lots and lots of money we could have decided to do what we want to do with St. Lawrence and as well we could have kept the position of Ombudsman. But it was not both and, it was either or, Mr. Chairman, either we could keep the Ombudsman or we could do some work on the hospital in St. Lawrence. We could either keep the position of Ombudsman or we could put eight nurses into the system. We could either keep the Ombudsman or we could put four doctors into the medical system. Now, Mr. Chairman, it was not both and, it was either or.

We have decided that when it comes down to that, considering the mess that this Province is left with, considering what the previous administrations, in the plural, considering what the previous administrations, the Rideout administration, Mr. Chairman, the Peckford administration, and the Moores administration, considering the mess that they left us in, we

had no choice but make some judgement call. And in our judgement call, Mr. Chairman, we believe that the money which we are presently spending on the ombudsman, as worthy as though that may be, the money that we are presently spending on the Office of Ombudsman would be better spent on other areas in health and in education, Mr. Chairman. And that is why, when this motion is called, I will be one of the first people on my feet to vote in favour of this motion. Thank you, Mr. Chairman.

Mr. Chairman: The hon. Member for Kilbride.

Mr. R. Aylward: Thank you very much, Mr. Chairman. I do want to say a few words on this, it is hard to find the correct adjective to describe it, Mr. Chairman. I cannot believe, the most surprising part of all of this, Mr. Chairman, and probably the most unfortunate part of all of this, Mr. Chairman, and probably the most unfortunate part of all of this is that this Bill 42 was sponsored by the President of Treasury Board. Well, Mr. Chairman, I know for a fact, knowing the honourable Member for Gander and the President of Treasury Board that this is probably one of the last things that he would ever do had there been a few more votes different in their last Leadership convention, Mr. Chairman. Had a few more votes gone another way, Mr. Chairman, and that honourable Member happened to get the job that the Premier has now this would be the very last piece of Legislation that that Member would ever bring in. So I am sure and it is unfortunate that it comes under his name Mr. Chairman and his name is printed even in larger letters

than his title, Mr. Chairman, on this bill. Unfortunately it will go down in history that the honourable Member for Gander the honourable Winston Baker, President of Treasury Board was responsible for dismissing the Ombudsman, the only jurisdiction, democratic jurisdiction in the world that ever did such a draconian measure, Mr. Chairman, is now going to go down in history under the name of the honourable Winston Baker. Mr. Chairman that is unfortunate because I know had he won the leadership several years ago that he would never bring in such a bill. Well, Mr. Chairman, I had always thought and it was always in my mind that it was the Premier who was responsible for this piece of legislation. It was the Premier who was the one who talked the Minister of Finance into putting this into his budget of last March. Mr. Chairman, I was probably wrong it was not the Premier. Before I get on to that I just want to make a couple of brief comments on what the Minister of Health was saying for 30 minutes. He got up congratulated the Leader of the Opposition for speaking for 2 hours and said the unfortunate part of it was that he said nothing. Now, Mr. Chairman, I listened to most of what the Minister of health said and I would say that any independent person who looked at both speeches would say that there was more substance in what the Leader of the Opposition said in either 5 minutes of his 2 hours than there was in the 30 minutes that the Minister of Health spoke. I guess his main point is that the saving of this 236 thousand dollars was to take that money and put it into health care. Now, Mr. Chairman, that was never considered around

the budget table. I am sure, I am positive that that was never considered. I can see a discussion around the cabinet table going a bit more like this Mr. Chairman, is that we need some savings, we need 120 thousand dollars for cars, we need 160 thousand dollars to double the vote of Information Services. That is the type of conversation I can see Mr. Chairman, when they were talking about deciding to abolish the Ombudsman's Office and the Minister of Finance probably came up with the Ombudsman's Office as a 250 thousand dollar saving, or 236 thousand dollar saving and said that is what we will use to give us our 15 or 16 8-thousand dollar allowances for cars, about 120 thousand dollars and with that we can get the Premier what he wants when he wants to double the budget of Information Services and, Mr. Chairman, put it in Executive Council, Mr. Chairman, where it should never be in the first place. But, Mr. Chairman, if they were truly interested in saving money for health, if they were truly interested in providing more doctors and nurses for the coastal Labrador areas all they had to do without a lot of disruption to the democratic system, they had no need whatsoever of doing away with the Ombudsman's office. I mean it is a backward step again in our Province. We are the laughing stock of anyone who is interest in this type of stuff. Maybe there is not a lot, I do not know. I happen to be interested in it. Maybe a lot of people are not. But there are people who are interested in democracy, parliamentary systems and offices such as the Public Accounts Committee and Ombudsman. There are people who are interested in this type of activity. Maybe the

vast majority of this Province are not interested. I would say the several hundreds of people who were helped by the Ombudsman were probably fairly interested. I do not know they even know this is going on. There was a researcher who spoke to a member only yesterday, a researcher for the Peter Gzowski Show, I think it is, it comes on CBC sometime during mid-morning. She works with CBC in this Province and she is doing research for this national show and for the local shows, and what she understood the Premier was doing was to get rid of the person not the office. She should be an informed person in this Province. That is one of the reasons why I still do not believe that the majority of people in this Province is aware of what we are doing here. If the person is a problem, if the person is a tory hack, as characterized by the Minister of Health he can squirm and wiggle around all he likes, Mr. Speaker, but on May 9, 1990, it is written in black and white. Now the Premier told him to apologize for that because I asked the Premier a question about it the other day and he was not aware the Minister said it. So today he had to get up, he was forced to his feet by the Premier to apologize for saying that. Certainly he should because the Ombudsman in this office is not a Tory hack. The Ombudsman in this Province I mean, he is not a Tory hack not by any independent people's judgement, Mr. Speaker. He has carried out the duties of that office.

An Hon. Member: (Inaudible).

Mr. R. Aylward: Pretty well political? He has not been political whatsoever in his decision.

Mr. Speaker, the Minister of Health was told tonight, or sometime since he made his comment on May 9, he was told by the Premier to get up and apologize. While he was doing it he tried to make some justification for getting rid of the Ombudsman's Office by suggesting that it would benefit the Department of Health. Mr. Speaker, if they really wanted to benefit the Department of Health without hurting anything, without really taking away one of our democratic mainstays, Newfoundland Information Services would have saved them an extra \$120,000. Now the Minister of Finance probably identified that for us, but the Premier said, 'I want Newfoundland Information Services as my propaganda arm. I want to put it in Executive Council so I control it.' That left the Minister of Finance with no option but to go back and have a look again and he came up with the Ombudsman's Office. If that was going to be done, even through common courtesy they could have at least contacted the Ombudsman and told him this was going to happen. He was not even informed until it was read in the Budget. That is not only bad manners, Mr. Speaker, it is ignorance.

An Hon. Member: (Inaudible).

Mr. R. Aylward: Mr. Speaker, you ask the Ombudsman. I only get my information from the man. He told the public of Newfoundland that it was in the media what happened with that.

I am not trying to suggest that the President of Treasury Board did not inform him, probably it was his responsibility, I do not know, but I would suggest that it was the responsibility of the Premier, not the President of

Treasury Board to inform the man and the Premier would not do it.

Just to go back a little to find out where this all came from or what started this reduction or elimination of the Ombudsman's office; in the Thursday, March 15, Budget, 1990, a nice picture of the Minister of Finance on it and you can see in his eyes, the look in his eyes says I finally got Ambrose Peddle back, I am going to get him now just by looking at that picture.

Now, Mr. Speaker, what his reasoning was to eliminate this office, was that -

An Hon. Member: (Inaudible).

Mr. R. Aylward: Because around the Cabinet table, and I am sure this happened because the Minister of Health let the cat out of the bag. Somebody brought up that this was another Tory hack in the system and let us get rid of him, that is the simple reason. I do not know why you do not even admit it. I do not think the Liberal supporters in this Province will think bad of you if you came out and admitted it; maybe they would be happy with you, getting rid of another Tory hack, if that is what you wanted to do, but that is what was said around the Cabinet table.

The Minister of Health let the cat out of the bag, he is the one who said it, some of your Members had been saying it back and forth here all the time, but at least the Minister of Health had the intestinal fortitude to get on his feet and say it. That is the reason for- it is no big complicated reasoning for it, it is just that you wanted to get rid of another Tory.

Now Liberal supporters in this Province would probably commend you for doing that, so just admit it, all you have to do is admit - yes, there are others, and there were those who were fired and there are those who will be fired, from some information that I have right now; but we will see what happens.

But, Mr. Speaker, what the Minister of Finance says in his speech, he said: the Government will shortly be introducing legislation to repeal the Parliamentary Commissioners Act. In Government's view, the number and substance of the complaints investigated by the Ombudsman and his staff, do not warrant the office costing \$236,000 annually. In future, complaints against Departmental actions will be brought directly to Ministers and to the other Members of the House of Assembly.

Now, Mr. Speaker, if I thought the Members of the House of Assembly could do this job; I might even agree with that, but I tried to do my job once this year, as a Member of the House of Assembly and as a critic to a Department, I tried to get information as to why there was a mistake by the Department of Works, Services and Transportation in letting a contract in Labrador.

I did not know if there was a cover up, I did not know anything about it until the Minister of the Department put out a press release saying that the reason this contract was not awarded was because of an Administrative error.

Now, all I wanted to do, Administrative error can be -

An Hon. Member: (Inaudible) investigated (inaudible).

Mr. R. Aylward: Sure, and the Ombudsman might have looked at that too. You did not get the information while you were over here; you could not do that job. Mr. Speaker, so what I did, was try to get some information on what happened to the contract.

The Minister's only explanation was administrative error, that could mean a million things I would say, and that could probably be a good excuse for a cover up, so Mr. Speaker, what I did, was try to get the Auditor General to look, no, I wrote the Premier first and asked him to get the Auditor General to look at it, to get an independent person to look at this legislation-

An Hon. Member: (Inaudible).

Mr. R. Aylward: I do not know much about it to tell you the truth, but, Mr. Speaker, I do know a bit about the procedure I went through and had-

An Hon. Member: It is quite ironic (inaudible).

Mr. R. Aylward: - what I did I went to the Premier to ask the Premier to ask the Premier to get the Auditor General to look at it, the same as he did with Sprung. It was a good idea, he should have done it with Sprung. If he felt there was something wrong he should have done it. He could have asked the Auditor General and I would say that within two hours this whole thing could have been straightened out. He refused and he sent me back a letter, a misleading letter, not explaining why the contract was changed the second time it was put out, not explaining that the things that were dropped out of the contract were worth some \$180,000 to

\$220,000, and not because the Premier tried to mislead me but his Minister did not give him the information, Mr. Chairman. The next thing I did was write the Public Accounts Committee and try to get them to do the job. The Public Accounts Committee got my letter and they considered it. They certainly had to consider it because they got the letter. I think it was the Member for Bonavista South who said, no, we will not look at this, if the Member for Kilbride has any proof let him come before us, make his case, and then maybe we will look at it. Now, if I had proof I would not be there. I would go to the police if I had proof of some kind of a cover-up. I would not be going to the Public Accounts Committee. It is the most ridiculous excuse I ever heard in my life, but publicly on the media I said if they wanted me to come before them I would come before them. Never, once, was I asked to come before the Public Accounts Committee, but I would gladly go before them. If they wanted me to come before the Public Accounts Committee I could but not for the lamebrain excuse of the Member for Bonavista South who said if I had proof of a cover-up give it to them and they would have a look at it. If I had proof I would have gone to the police, Mr. Chairman, and I would not be going to the Public Accounts Committee. After using every option available to me as an MHA, I had no power of subpoena, I had no other way to have a look at this, so I went to the Ombudsman. Then the Premier made some slur about the Ombudsman and how we were just using it for political purposes. Now, I did not have any other option so I wrote the Ombudsman, I laid out the details and I asked him if he would look into this. I phoned

him first and asked him if he could look into it. He said, send me the details and I will see if we can look into it. Mr. Speaker, I wrote the letter and sent it to him and he phoned the Minister. He made a telephone call to the Minister and said, look, I wonder if you could have the Auditor General's Department look at this, get it over with, in two hours it is over and done with. He said, if you do not do that, which would be the easy way out, I am going to have to investigate it. What did the Minister of Works, Services and Transportation do? He had his Department write a letter to the Ombudsman saying that he has no right to look into it. Now, that is another stupid move on behalf of a Minister of Government. If he knew there was nothing to hide let the Auditor General's Department go in there and look at it. Two hours is all it would have taken, I am sure. There was no great cost. The Minister wrote the Ombudsman back saying he would not give him any information and the Ombudsman had no jurisdiction to look at it, so then the Ombudsman had to go to the Supreme Court of Newfoundland to get clarification to see if he could look at it, and that is where the Minister of Transportation has tried to stall me, as an MHA, to try to get an independent person to look at a problem that was existing in the Department of Works, Services and Transportation. There was no other option to me except the Ombudsman and they even blocked the Ombudsman. Now, Mr. Chairman, they are going to put this legislation through to make sure there is never an investigation into that because they have the Ombudsman in court now and whatever cover-up there might have been, or might not have been, will

never be known in this Province. Mr. Chairman, we have another example in this House of an MHA trying to do his job. We have another example of an MHA trying to represent a constituent and not being able to get the proper job done. And he is a part time MHA, this one. He happens to be a Cabinet Minister too. His brother came to him with a legitimate, constituency problem, I agree.

The Minister of Social Services tried to look into that problem and it was decided by the Premier that there were a lot of problems with it. It was decided by the Premier that it was a conflict and he was left out of Cabinet for a while. I mean, that is all beside the point. But the point I am trying to make is that if his - not even his brother. If a constituent came to him with the same problem, any constituent, and the person who he was complaining against was another constituent - and maybe it was in this case, maybe there were two constituents - which one does the MHA represent in the complaint? How do I get the information of one constituent who is complaining about something that happened, and another constituent is against him?

An MHA can not do that. An independent Ombudsman might be able to do it, but it is impossible for an MHA to do it as borne out by the Minister of Social Services. He could not do it and he got suspended from Cabinet for several months because he tried to do it. Mr. Chairman, the Government or the Government Members or the backbenchers and Cabinet Ministers might say yes, the Opposition is the only one who is kicking up on this. They are trying to make political points. Sure, you tried to do it while you

were here and we try to do it too. So what you are trying to make a decision on then is to see what some third parties feel about the move that you are doing. As a Government you know what the Opposition might try to do, they will try to make political points pretty well, even if they are sincere in what they are doing.

But what the next step should be is that you should try to find out what third parties might think about this. And we have a mechanism in this House that can do that very well. We have Legislation Review Committees set up in this House that could have taken this piece of legislation - not go on the road like the Premier suggested, like the Premier said we could not do anyway, no matter if the committee had decided it, the Premier said they could not do it - and sat down amongst themselves and tried to find out what a third party or a group of third parties might think about this legislation.

Now, Mr. Chairman, I prepared a list of groups that could be interested in this and if a Legislation Review Committee could have gotten this in time they might have been able to write some of the seventy or eighty groups of people - I can not find it there now, it is not important - but I had seventy or eighty groups of individuals or interested people who might make a comment on this. It would not cost very much money for the Legislative Review Committee to do some work on it and see what other people thought.

We have one example in this House where the Legislation Review Committees worked perfectly well, I think. And that was the Legislation Review Committee that

reviewed the Department of Forestry and Agriculture's new forestry bill. And they had public hearings, they made recommendations, and to the credit of the Minister of Forestry and Agriculture he looked at those recommendations, found them to be reasonable and made every change in his Act that was necessary. And I congratulate him for the job that he did in this House, even though there were some complaints about him reading a speech and everything. It was a complicated piece of legislation. But he did the right thing and made the changes that were necessary from - not from the Opposition's, I mean the Opposition might have agreed with the changes - but they heard from third parties and these third parties made most of these recommendations and the Minister agreed with them, which is a good system.

Now had we decided to do that with this legislation maybe, just maybe, some of those people, the third parties, independent people from Oppositions or Government, might have made some convincing arguments to a Legislation Review Committee in this House of Assembly. I guess this legislation would have gone through the Legislation Review Committee chaired by the hon. Member for Carbonear, I would imagine. Mr. Speaker, if this had gone - maybe we would get all the answers back that said no it is not worth all the money you are spending on it, get rid of it, that could quite possibly happen. But we never had the opportunity even though the President of Treasury Board said on October 5, 1990, as reported in a newspaper, 'A Bill to authorize Government's controversial plan to alleviate the office of the Ombudsman, announced

in the Budget, would be ready for reference to a review committee within a few days to be dealt with this Fall.

Mr. Speaker, the President of Treasury Board said it would be ready to go to a review committee, the Premier said in this House that it would go to a review committee, and neither one of them lived up to their word and put this to a review committee so that the review committee had a small amount of time to look at it. Mr. Speaker, I do not think it was necessary to go on the road because most of the people who would be interested in the philosophy of Ombudsman are probably associations from within the Province and outside the Province.

An Hon. Member: (Inaudible).

Mr. R. Aylward: I have no objection to it. The Premier's only reason for not letting this go to a Legislation Review Committee was because it would be a waste of money to travel. I agree that we should have travelled to every community in the Province because, Mr. Speaker, if some Members would like to know some of the communities that made complaints to the Ombudsman maybe they would be interested in finding out some of the communities that made the complaints, Mr. Speaker. There are some here from Bay L'Argent, Bay de Verde, Belleoram, Bell Island, Cape Ray, Carbonear, Change Islands, not all St. John's complaints, Mr. Speaker, but all over the Province. It would have been legitimate for any parliamentary committee to go to any of these communities Cape Ray I believe is in the hon. Member's District, Carbonear. I am sure

the Chairman of the Committee would have gone to his own community of Carbonear. Carbonear had twenty-four complaints, I believe, Mr. Speaker, in this report. Change Islands had complaints. I am sure the Member for Lewisporte wherever he is would have like to have gone there. Clarke's Beach Mr. Speaker, this is the Report for 1988.

An Hon. Member: (Inaudible).

Mr. R. Aylward: What difference does that make?

An Hon. Member: (Inaudible).

Mr. R. Aylward: Inclusive. It says the source of complaints by community and the number of complaints in each for the year of 1988 there is a total of approximately 900. I even see here, Mr. Speaker, there are some complaints from the Goulds. Obviously, not from the part of the Goulds that I represent, but there are complaints here from the Goulds. Mr. Speaker, there are complaints here from Kilbride. There were five complaints here from Kilbride which, Mr. Speaker, my constituents will not have the opportunity to go and do that anymore. Complaints here from Hillview, Harbour Grace. I am sure that the Member for Harbour Grace will be interested to know that there were eleven complaints from his district. Harbour Breton had complaints. Gooseberry Cove had complaints, that is up in the Northern Peninsula in the Minister of Health's District, I believe. Gander, Gambo, Flower's Cove, Mr. Speaker, from all over the Province we have had complaints. Main Brook, I believe Main Brook would be in the Minister of Health's District. Paradise, the

Member for Mount Scio - Bell Island would be interested to know. Port Rexton, Port Saunders, Portugal Cove from all over the Province, Mr. Speaker, there have been complaints to the Ombudsman and most of them have been successful.

I can see why a Minister like the Minister of Social Services would not want this passed, Mr. Speaker. I can see why the Minister of Social Services would like to get rid of the Ombudsman. The Minister of Social Services's Department in 1989 had the most complaints of any other department in this report, Mr. Speaker - 148. I can see why the Minister of Justice would not want it, Mr. Speaker, because the Department of Justice had 45 complaints. I can see why the Minister of Labour would not want it because Workers' Compensation had 56 complaints against it in the Report of the calendar year ending 1989.

Now, Mr. Speaker, I do not care what Government was in office. I used an example of 1988 and I used an example of 1989. We were there at that time, Mr. Speaker. There were just as many complaints when we were there and there were just as many complaints when you were there. Mr. Speaker, the complaints are not listening. And I would say if the Ombudsman's office was publicized more rather than disband you would get a lot more complaints.

Now, Mr. Speaker, the frivolous argument given in the Budget and given by the Premier that MHA's can do the job is just not practical. Mr. Speaker, the stupid argument that open line show hosts can do it. Now, Mr. Speaker, certainly the President of Treasury Board would never

agree with that. I am sure when he gets up to speak he will say that it was a slip of the tongue by the Premier, although he said it twice. So, I do not say that the Premier's tongue slips that often regularly. He was probably trying to be facetious I would imagine. But I did hear the two hosts of open line show on the radio, both of them from VOXM, who categorically denied that it was even practical, not even possible for open line shows to do the job of the Ombudsman.

Mr. Speaker, every argument that the Government has given concerning reasons for eliminating the Ombudsman's office have no validity. They have all been argued against, they have all been proven to be wrong. Even the Minister of Health argues that we took this \$236,000 and put it to four more doctors or ten more nurses or six more hospital beds, whatever it was, cannot hold water when you look in a budget that doubles the office, that doubles the amount of money that Newfoundland Information Services has and that spends \$120,000 on car allowance to Ministers. And if they were serious about providing more doctors and nurses they certainly would have taken that much money first. Mr. Speaker, I contend that there is no other reason, and I would have an opportunity to speak again in this debate maybe before it is over. But there is no other reason to abolish the Ombudsman's office except the fact -

If I go past 10:00 how long do we stay here? Do we stay all night? If I go past 10:00 do we stay all night?

An Hon. Member: (Inaudible).

Mr. R. Aylward: Mr. Speaker, the only reason that the Ombudsman's office is being eliminated is because of a vendetta against what is characterized by the Minister of Health as a Tory hack.

Mr. Speaker, I adjourn the debate.

Mr. Speaker: On motion, the House at its rising adjourned until tomorrow, Wednesday at 2:00 p.m.