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

*Speaker: Honourable Thomas Lush*

Friday

7 December 1990

The House met at 9:00 a.m.

Mr. Speaker (Lush): Order, please!

### Oral Questions

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

Mr. Woodford: Mr. Speaker, my question is to the Minister of Education. A number of my colleagues on this side of the House, including myself, have received copies of letters to the Minister and to the Premier expressing concern that the Royal Commission on Education lacks the mandate, the time and adequate funding to undertake a comprehensive study of the Provincial education system. These concerns are being expressed by school boards, teachers and parents.

What response has the Minister given individuals and agencies who have written them with those concerns?

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

Dr. Warren: Mr. Speaker, yes, I have responded to these letters. I might preface my direct answer with the statement that the public generally feel that this is a very important initiative for the Government. It is widely supported throughout the Province. Everybody says the time has come for a major review of the system. They have indicated, too, that perhaps the time line is short. We have told the agency, Mr. Speaker, if there is a need for additional time, we will consider it in due course. But I must be direct. We do not want

the Commission going on years and years, we want to get it done in as short a time as possible. But in the spring, if we find that the time is too short, we will review the time, the mandate, and perhaps additional funding will be necessary.

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

Mr. Woodford: A supplementary, Mr. Speaker. Although the terms of reference of the Commission do not specifically address the issue of denominational education, many people in the Province have taken various comments of the Minister to mean that the primary purpose of the Commission is to review and propose alternatives to the denominational system.

Will the Minister clarify the role of the Commission relative to the denominational system? And does he expect the Commission to undertake a comprehensive study of denominational education and propose either the abolition or consolidation of the system?

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

Dr. Warren: Mr. Speaker, the Commission was asked to examine all aspects of the delivery of education in the Province.

An Hon. Member: All aspects.

Dr. Warren: All aspects, including, for example, the use of media and technology in the future. Included in its terms of reference was an examination of the system, the organization of the system. Twenty years ago, the commission at that point in time studied the organization of education in the Province and made

recommendations. This Commission is asked, among other things, to study the duplication and try to cost some aspects of the denominational system.

Now with respect to its recommendations we must leave it entirely to the Commission. It is premature for me or any Member of Government to even speculate about what the Commission might recommend. It is given the autonomy to study all aspects of the delivery of education. We are looking forward to the report with great interest and when the report comes, the Government will examine the recommendations, as it should.

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

Mr. Woodford: A final supplementary, Mr. Speaker. We all welcome the appointment of the Commission and have confidence in the Commissioners. But this is a very important study and must be done thoroughly in order to gain public support for whatever changes are recommended.

Will the Minister listen to the concerns being expressed and unshackle the Royal Commission so that they and those who wish to make presentations to the Committee have the time and resources to do a comprehensive study? I remind the minister that the Task Force on Agriculture has been given almost twice the time and the Budget of the Royal Commission on Education.

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

Dr. Warren: Mr. Speaker, I am pleased the member is asking these questions, because we want to ensure that people throughout the

Province know about this Commission and they will be given - I have seen the list of hearings - every opportunity to appear at formal hearings, but at informal meetings throughout the Province. This is an opportunity for the people of the Province to address the future of education as we move into the twenty-first century. So the Commission is not shackled, Mr. Speaker.

And I must admit, Mr. Speaker, that the one year time limit may have been too restrictive, it may be that we need additional money, but we want to avoid spending the hundreds of thousands of dollars, and even the millions of dollars that some commissions have cost in this country in the past. So we are trying to balance the important role of this Commission with the financial situation we find ourselves in. If there is a need for additional money, Mr. Speaker, I will ask my colleagues to provide that.

Mr. Speaker: The hon. the Member for St. Mary's - The Capes.

Mr. Hearn: Thank you, Mr. Speaker. My question is also to the Minister of Education. I wonder, is the minister in a position yet to admit that his slashing of the substitute teacher budget has been horrendous to the professional development of teachers generally and to improvements in the educational system overall?

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

Mr. Hearn: Mr. Speaker, the substitute teacher funding has not been slashed and destroyed. There is still some in-service education going on. I will admit that it

has, in some areas, had a negative impact. We have been reviewing the impact of the reduction, the average for the Province. One day for each teacher in the Province we reduced on the average. There were some problems with implementation, and we are going to address these problems in due course.

Mr. Speaker: The hon. the Member for St. Mary's - The Capes.

Mr. Hearn: Thank you, Mr. Speaker. I thank the minister for admitting he was wrong. Specifically I would like to ask him, in relation to certain developments each year the minister will know that above and beyond regular leaves there was always ministerial leave, where the minister had to bend rules, perhaps, to make substitutes available and to allow teachers to get off, and I ask him specifically, in relation to events such as the upcoming Winter Games, will the minister assure that teachers who give of their time and effort to participate in coaching such activities will not be held back because of a lack of substitutes in their areas?

Mr. Tobin: That is a good question.

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

Dr. Warren: That is a good question yes, Mr. Speaker, as my hon. friend says.

Mr. Speaker, I want to pay tribute, and I have in the past paid tribute to the many teachers who contributed their time and their energies in the community at large. I will assure the member that we will review each

application on its own merits. The minister this year has been vigilant, more vigilant than, perhaps, past ministers in the granting of ministerial leave. And there is substantial support for this position.

An Hon. Member: Which Minister of Education?

Dr. Warren: This minister.

An Hon. Member: Which one?

Dr. Warren: The Minister of Education, Mr. Speaker.

The Minister of Education, Mr. Speaker, has been vigilant -

Mr. Simms: Vigilant?

Dr. Warren: - very careful in the awarding of extra ministerial leave, and I intend to do that. Certainly, however, Mr. Speaker, we will review each individual application, each recommendation by a school board for special leave.

Mr. Speaker: The hon. the Member for St. Mary's - The Capes.

Mr. Hearn: Thank you, Mr. Speaker. I will not talk to the Minister about the leave given Presidents of the Liberal Associations to attend meetings, but I will ask him if he will assure teachers who are out there preparing teams that they will be able to take those teams to participate in the Winter Games, that the Minister will not hold back their endeavors?

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

Dr. Warren: Mr. Speaker, when school boards make these

recommendations, school boards have certain flexibility and I understand that they are granting leaves; they have a number of days that they can grant. When they run out of school board leave, they then recommend to the Minister. I can assure the hon. Member that when the recommendations come in, we will review them and deal with them in the best interests of teachers in the Province.

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

Mr. Windsor: Thank you, Mr. Speaker. In the absence of the Premier and the Minister of Development I will address my question to the President of Treasury Board, if I may. Could the President of Treasury Board explain the reporting relationship now between the Premier, the Minister of Development, the Chairman of the Economic Recovery Commission and Enterprise Newfoundland and Labrador?

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

Mr. Baker: Yes, Mr. Speaker, I will attempt to do that. First of all, the Economic Recovery Commission, the Chairman and three commissioners, have a direct reporting relationship to the Premier. Enterprise Newfoundland and Labrador reports through the Minister of Development. The Board of Directors of Enterprise Newfoundland and Labrador, which, I might point out, includes the members of the ERC, report through the Minister and then from the Minister to Cabinet and ultimately to the Premier. So there is a reporting relationship of the whole structure of Enterprise Newfoundland and Labrador through

the Minister of Development and so to Cabinet and the Premier, whereas the Chairman and three commissioners off to the side have a direct reporting relationship to the Premier.

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

Mr. Windsor: Mr. Speaker, could the President of Treasury Board tell us then what parts of the Department of Development have now been transferred to the Commission and/or Enterprise Newfoundland and Labrador?

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

Mr. Baker: Thank you, Mr. Speaker. Because I am not directly involved with that Department I cannot specifically pick out the parts of the Department, but I will say to the hon. member that all parts of the Department which have to do with the development and encouragement of small business in the Province have been taken and made part of Enterprise Newfoundland and Labrador, in combination with the previous NLDC.

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

Mr. Windsor: Mr. Speaker, if I may be even more specific, could the President tell us who now is responsible for local preference policy? First I should ask, is the local reference policy still in effect? If so, who now is responsible for administering the local preference policy of this Province?

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

Mr. Baker: Thank you, Mr. Speaker. I will certainly find out and get back to the hon. member.

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

Mr. Windsor: Mr. Speaker, thank you. I can appreciate that the President of Treasury Board may not have details on the Department, but perhaps he would know whether or not local preference is applying to projects relating to Hibernia, and specifically to construction projects at Bull Arm.

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

Mr. Baker: Thank you, Mr. Speaker. The Hibernia agreement, first of all, contains work that is captive to Newfoundland. In that sense, there is an absolute Newfoundland preference in terms of that segment of the work - it is captive to Newfoundland. Then there is a segment that is Canada with best efforts Newfoundland; then there is a segment that is Canada, and then there is a segment that is worldwide. But in spite of all this, there is a Committee in place which oversees and tries to guarantee that in the process as much local work is done as possible. This Committee examines contracts, examines the awarding of the contracts and so on, to ensure that as much Newfoundland work as possible, and as many Newfoundland companies as possible get work on the Hibernia project.

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

Mr. Windsor: Thank you, Mr. Speaker. The President did not

answer the question, who was responsible now for the provincial preference policy? He may not be aware. I am advised, and I tell the President, that the responsibility now has been broken up and that there is no group in the Department of Development now responsible, and some of that has been transferred to the Department of Public Works. The question I would like to ask him, and I can appreciate the President may not know, but maybe the Minister of Public Works would tell me, who now is responsible for local preference? And what role does the Department of Public Works play in a project outside of Government Purchasing, as I understand that local preference to some degree has now been combined with the local Government Purchasing Agency? Now that may work fine for Government Purchasing, but who is now Administering provincial preference as it relates to other construction projects in the Province and other industries in the Province? Does somebody want to answer that?

Mr. Gilbert: Do you want me to answer it?

Mr. Windsor: If you like. If you have the answer.

Mr. Speaker: The hon. the Minister of Works, Services and Transportation.

Mr. Gilbert: Mr. Speaker, thank you my friend. Sometime ago, the local preference facility was broken up between the Departments. Originally it was in the Department of Development and then, because of the problems which were occurring, particularly with small local companies, they would apply for jobs and would not

have a P.O.A. number, then someone else would get them and there would be great problems and concerns out in the community. Now, some of the people who were administering the programme in the Department of Development have just been transferred to my Department and are in the process of setting up. So they will now monitor the public tenders which come in; they will be monitored for the local preference number and if there is not one there, there is now a five day grace period which is going to be put in place so that we will do away with some of the problems which were there when the previous Government administered the programme.

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

Mr. Windsor: Mr. Speaker, thank you very much. I am not getting a great deal of information this way. Let me ask the President of Treasury Board this more general question. The President of Treasury Board confirmed that the primary responsibility now for economic development in Newfoundland is that of the Chairman of the Economic Recovery Commission, and that the Minister of Development has been informed that Dr. House is in fact the primary spokesman for Government on economic matters rather than the Minister of Development?

Mr. Matthews: Hear, hear! That is so true.

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

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

The hon. the President of Treasury

Board.

Mr. Baker: Thank you, Mr. Speaker. What utter balderdash! What nonsense!

Mr. Speaker, the Member for Mount Pearl and former Minister of Development can be assured that the primary responsibility for development in this Province remains with the Minister of Development. He has not been told any such thing. The whole structure of Enterprise Newfoundland and Labrador reports through the Minister: he is responsible for Enterprise Newfoundland and Labrador, and the Minister of Development is the individual who answers in this House, who answers to Cabinet, who answers to the Premier for development in this Province.

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

Mr. Windsor: Thank you, Mr. Speaker. The problem is he has nothing left to answer for, because all his primary responsibilities have been farmed out.

Some Hon. Members: Hear, hear!

Mr. Windsor: Let me ask one more final supplementary question, Mr. Speaker. Will the President of Treasury Board confirm that the Minister of Development has expressed grave concerns over the fact that his role has been reduced, that he has expressed such concerns in Cabinet over the fact that his responsibilities have been given to an unaccountable and unelected bureaucrat?

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

Mr. Baker: No, Mr. Speaker, I can not confirm any such nonsense. The Minister of Development himself has been a key player in the development of the structure of Enterprise Newfoundland and Labrador, a key player in the development of the structure of the ERC, and is the person in this Province who has the responsibility for what is happening in Enterprise Newfoundland and Labrador, as well as in his own Department.

As a matter of fact, Mr. Speaker, he has tremendous responsibilities and I am pleased to report that he handles them in an exemplary manner, in a manner that has not been seen before in this Province.

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

Mr. R. Aylward: Thank you very much, Mr. Speaker. I have a question for the Minister of Works, Services and Transportation. Mr. Speaker, I must say to the Minister that last night, in my area at least, the roads were sanded by the Department of Highways very quickly.

Mr. Speaker, can the Minister confirm that the Curriculum Division of the Department of Education has been relocated from Atlantic Place to the Remax Building, and could he give us a reason for this relocation?

Mr. Speaker: The Minister of Works, Services and Transportation.

Mr. Gilbert: Mr. Speaker, every Department of Government somehow or another comes under my Department. There was one Division of the Department of Education I saw in the exceptions

to The Public Tendering Act that was tabled in the House, that was moved. I do not know what division it was, but I know one was moved out of Atlantic Place recently. I do not know to where it moved, but it moved to some building here in St. John's.

Mr. Speaker: The Member for Kilbride.

Mr. R. Aylward: Mr. Speaker, will the Minister confirm - I will confirm that they have moved. I know they have moved - that they have moved somewhere in the vicinity of September 14, 1990. Will he confirm that this division moved around September 14, 1990 into the Remax building?

Mr. Speaker: The hon. the Minister of Works, Services and Transportation.

Mr. Gilbert: Mr. Speaker, the Minister tells me they have moved into the Remax building. As to confirming it and the date, I think that is a question that should be put on the Order Paper and I will be able to give him a written answer to it. But it is a detailed question which I really cannot confirm at this time.

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

Mr. R. Aylward: Thank you, Mr. Speaker. Mr. Speaker, his department officials are not informing him. I have been three days trying to get some information out of his department on this. I guess they are not keeping him informed. I will confirm, Mr. Speaker, that they did move on September 14. Would the Minister tell me if there were public tenders called when this space was taken up?



Mr. Gilbert: I would say the answer would be no if it was listed in the -

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

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

Mr. Gilbert: I have to go through that again, Mr. Speaker? I would say no. Because if it was listed in the exceptions to The Public Tendering Act, no it obviously was not.

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

Mr. R. Aylward: Mr. Speaker, this move occurred about September of this year and the Minister is saying that it was listed in the exceptions to Public Tender. Yet, Mr. Speaker, those exceptions, which are supposed to be tabled in this House of Assembly within thirty days of the move, have not been tabled in this House of Assembly.

Mr. Speaker, would the Minister explain to this House why he has not tabled that in the House, which goes against the legislation which he is duty bound to enforce in this House of Assembly?

Mr. Speaker: The hon. the Minister of Works, Services and Transportation.

Mr. Gilbert: Mr. Speaker, I will take that question as notice and I will check to find out if it was not listed in the public - I assumed it was and I think it was. If not, I will check it, get back, and table it for the hon. gentleman.

Mr. Speaker: The hon. the Member

for Kilbride.

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

Mr. Speaker, would one of the reasons the Minister has decided not to table this information until after the House closes be that one of the owners of this building is Mr. Tom Hickman, a well known Liberal supporter in this Province?

Mr. Efford: You mean to say Dr. Collins does not own it?

Mr. Matthews: The old bagman, eh?

Mr. Speaker: The hon. the Minister of Works, Services and Transportation.

Mr. Gilbert: Mr. Speaker, I think it again reflects the mud raking of that side over there. And as my colleague, the Minister of Social Services says, it is one that John Collins does not own, if it is rented by them.

An Hon. Member: Maybe he changed his (inaudible) for the brown bags he brought in, eh?

Mr. Woodford: Christmas gifts. Christmas gifts.

An Hon. Member: What brown bags?

Some Hon. Members: Oh, oh!

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

I again notice this morning much bantering between both sides. I would ask hon. members if they would please leave the main performance to those recognized by the Chair.

Mr. Speaker: The hon. the Member

for Burin - Placentia West.

Mr. Tobin: Mr. Speaker, I believe all my colleagues are excited because it is getting close to Christmas. My question is to the President of Treasury Board in the absence of the Minister of Development and the Premier. Today there are seventy-two more walking through the gates of the Marystown Shipyard, with nothing in the future, to join the hundreds of others from the Marystown Shipyard who are now working on the Mainland since this Government has taken over. There is 70 per cent of the work force of the Marystown Shipyard unemployed. What is this Government going to do to help them? Will they construct barges for the Hibernia development on speculation, as we did with supply vessels? Will they please do something to help out these families that are basically being driven from the work force because of the inaction of this Government?

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

Mr. Baker: I feel sorry for people who do not have a job in this Province, and there are a lot of them. However, I would like to take exception with the statement that they are being driven from their jobs by the inaction of this Government. I would like to turn that around and say that the Marystown Shipyard has been operating for the last year and a half because of the actions of this Government.

Mr. Baker: Now, Mr. Speaker -

Some Hon. Members: Oh, oh!

Mr. Tobin: (Inaudible) government vessels (inaudible), four Federal

Government vessels.

Mr. Speaker: Order, please!

I again remind hon. members the question has been asked, and I would ask hon. members to extend the courtesy to the Minister so that he can answer it. If hon. members want to ask supplementaries, they have the time to do it.

The hon. the President of Treasury Board.

Mr. Baker: Mr. Speaker, the reason the Marystown Shipyard has been operating to the extent it has is because this is a facility that can take full advantage, we hope, of the Hibernia development. And as the contracts are called and as decisions are made in terms of construction for Hibernia, we fully expect that the Cow Head facility, that the Marystown Shipyard, that the whole area will be booming and will be a beehive of activity, Mr. Speaker. So this is the reason the previous Government as well as this Government kept the Marystown Shipyard going. It was not because of their competitive position in the world market, it was because we can now see a use for the Marystown Shipyard and we hope that this will be one of the areas of the Province that will experience a tremendous boom over the next two or three years.

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

Mr. Parsons: Thank you, Mr. Speaker. My question is to the Minister of Education, and this is certainly a district question. On November 20 I asked the Minister about busing arrangements for schoolchildren from the Woodlands

housing development. He will recall that children from the area had been denied use of the Wedgewood Park bus because of overcrowding. The Minister told me on November 20 that the Department had approved an extra run for one of the buses as soon as he heard of the problem.

My question to the Minister is this. Will the Minister confirm that parents in the area have now been notified that the extra run will be discontinued from December 10, and will he explain why that action has been taken?

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

Dr. Warren: Mr. Speaker, when the parents came to us we did arrange an extra run, and it was on for a period of time. It is my understanding that it has been discontinued already. Maybe I am wrong on that, but I thought it was discontinued already, instead of December 10. The extra run was not used and we are at a loss to know precisely why it was not. In fact, it went for a week and very few if any students used it. So what we have done is gone back to the board, and my officials are now discussing revisiting the whole question with the board. And I have talked with the parents, I have talked with the chairperson of the parents' committee, and we are examining it and we will hopefully resolve it in the next few days.

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

Mr. Parsons: Mr. Speaker, what the Minister said is quite true, that this new run was placed in the same area as the other two runs, one in conjunction with the

other. What happened was very simple. There are 125 children in Wedgewood Park, and there are 129 outside. Some of them are not using the buses. Because it was the same route, where it came up Carrick Drive and went out to Newfoundland Drive, it covered the same area. They asked that the buses go to Woodlands, and people from your Department said that that was not feasible, or it was not allowable under the present legislation. But on last Friday, Mr. Speaker, the Department of Justice ruled that anyone not serviced by metro bus had a legal right to transportation. Because the people down there are all confused, this is why I ask the Minister now would he re-instate the bus just for another month or two to see what will transpire in the interim?

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

Dr. Warren: Mr. Speaker, I think the hon. Member is right in much of what he said, but the Department does not run the bus system. The Department authorizes the use of buses by school boards, they do the contracting, and we are working very closely with the school board to try to address this problem. We have had meetings with them, I think our officials have met the parents, and hopefully within the next few days we can resolve this issue. Thank you.

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

Mr. Tobin: Thank you very much, Mr. Speaker. My question is to the Minister of Health. A couple days ago, the President of the Council announced that starting April 1 government buildings will

be smoke free. I think it is a good move for the health of the people in our Province. I would like to ask the Minister of Health a question. Would he agree that now would be an appropriate time to place labels on all containers which contain alcoholic beverages, so that people would be aware that the consumption of alcohol could also be dangerous to their health?

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

Mr. Decker: Mr. Speaker, it is a timely question. A few months ago, the health Ministers from across Canada met and the health Ministers from the western provinces, from British Columbia had that proposal, that item on the agenda. We gave it a very thorough discussion, and there are talks going on at this very moment between the Ministers of Health of all the provinces and the federal Minister of Health, because there is some federal jurisdiction involved here as well. I would tell the hon. Member that this is already being done in some of the American states, where there are warning labels on alcohol.

It is not a matter over which I have total control, Mr. Speaker, but it is a timely question and the hon. Member will be pleased to hear that indeed it has been discussed by all the health Ministers in the nation, as well as with the federal Minister.

Mr. Speaker: Question Period has expired.

Some Hon. Members: Oh, oh!

Mr. Simms: I wanted to ask the Minister of Forestry is he aware that the GATT (inaudible) over now in Brussels -

Mr. Speaker: Order, please!

#### Presenting Reports by Standing and Special Committees

Mr. Speaker: The hon. the Member for Mount Scio - Bell Island.

Mr. Walsh: Mr. Speaker, it is with pleasure today that I stand to present the Report of the Standing Committee on Rules and Procedures for the House of Assembly. Although, Mr. Speaker, I am presenting the report today, I will serve, I suppose, Notice of Motion as well, in the same context, that we will on tomorrow accept the report.

The reason for presenting the report today, Mr. Speaker, is to allow copies to be transcribed so that hon. members over the Christmas break will have an opportunity to take one last look at the rules and procedures as being presented, and also allow the Committee to take a final look at the last draft that has been prepared to ensure -

Mr. Simms: Is your family in the gallery today, or what?

Mr. Walsh: Not today, no - that the report does meet the various items that we have discussed over the last number of months, and, in actual fact, over the last number of years, because an excellent committee was put in place some years ago to begin this procedure, and our Committee have had the opportunity over the last twelve months to try to deal, not only with their recommendations, but with some current practices which have been brought into effect recently.

I am going to touch on the fact, Mr. Speaker, that the Committee has met so far a total of fifteen times and we anticipate a couple more meetings just to smooth out some of the rough edges. And, as I said, on tomorrow I will ask leave of the House to adopt the report.

To touch on some of the items we are looking at, Mr. Speaker, I think would probably be inappropriate at this point in time. The report itself is going to be far-reaching, and it affects a lot of the day-to-day activities of the House of Assembly, and I think to even touch on the headings would probably be inappropriate, as I am not moving adoption of the report today.

With that in mind, Mr. Speaker, I hereby present the report and, at the same time, serve notice that I will on tomorrow ask leave of the House to adopt the Standing Committee's recommendations on Rules and Procedures for the House of Assembly.

Mr. Speaker: The hon. the Member for St. Mary's - The Capes.

Mr. Hearn: Mr. Speaker, I would like to table the Report of the Public Accounts Committee of the House of Assembly for the financial year ending March 31, 1988, and also an Appendix Report of the Public Accounts Committee for the financial year ending March 31, 1987 - that would be the former Public Accounts Committee.

Some Hon. Members: Hear, hear!

Answers to Questions  
for which Notice has been Given

Mr. Speaker: The hon. the Minister of Works, Services and Transportation.

Mr. Gilbert: Mr. Speaker, the Member for Kilbride just asked some questions about a lease with the Department of Education. I will now give him the information. I have just clarified the details with my deputy minister. I point out, of course, that in my Department there are many transactions like this which go through every month, so I would not be aware of the details. I would not want to give the impression that I was misleading the House, so I wanted to have the full details before I gave him the information.

The Department of Education, Mr. Speaker, occupied space in Atlantic Place since May of 1989, I think, or sometime back in 1989, and the lease expired. At the time the Department was then deciding if they were going to require more space, or if they would move to a new facility.

Atlantic Place had lots of space at that time, there was no hurry, so they went into a month-to-month arrangement which continued on until July of this year, at which time Atlantic Place, with the hype that was created with the Hibernia signing, and the rental space in St. John's tightening up, the people who owned Atlantic Place gave the Department of Education notice and said, we want you out by the end of September, which meant there was no opportunity for the Department to come to my Department, who would then go out for public tender.

So they went out for a proposal -

An Hon. Member: 1989, you are

talking about.

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

Mr. Gilbert: 1989. They have been renting month-to-month since 1989. Now, Mr. Speaker -

Some Hon. Members: Oh, oh!

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

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

Mr. Gilbert: Mr. Speaker, I ask to be heard in silence.

Mr. Speaker: The Chair has called for order on a number of occasions while the minister has been addressing. Hon. members know they are not supposed to interrupt a member, and they also ought to know the consequences when they do.

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

Mr. Gilbert: Mr. Speaker, as I was saying, the Department of Education has at least had space in Atlantic Place since 1989 on a month-to-month basis, because at the time the Department did not know if they were going to require more space or if they were going to move to new facilities. This went on, and it was an arrangement which they were quite satisfied with. Atlantic Place, the landlord, was satisfied with it, because at the time they did not have anyone who wanted to rent this space. With the event of the impending signing of the Hibernia agreement, all of a sudden there was pressure put on for rental space in St. John's, and Atlantic Place was one of the places people

wanted to rent.

An Hon. Member: (Inaudible).

Mr. Gilbert: Now, Mr. Speaker, do we start again?

Mr. Speaker: Order, please!

I would ask the hon. Minister, please, not to start again. We want to get to the substance of the answer now. I believe he is in repetition now, so could the hon. Minister please speed up the answer?

Mr. Gilbert: Alright, Mr. Speaker. Mr. Speaker, in July of this year the landlords at Atlantic Place came to the Department of Education and told them that they were giving them notice and they wanted them out of the premises by the end of September, which meant they would not have had time for the department to move if it had gone through the regular tender process. So the people in my department went out and called for proposals. They obtained three proposals, and the lowest one was Remax. They named a good Liberal. They said a good Liberal was one of the owners of that, but I might point out that a good Tory was the other owner; a man by the name of Mr. Ted Rowe is the other one with Mr. Hickman. So there is a mixture in that one, if we are going to impute motive, Mr. Speaker.

Now, the reason why it has not been reported in the exception -

An Hon. Member: They are both Liberals. Now you have made it worse.

Mr. Woodford: When was he baptized?

Mr. Gilbert: The reason it was not reported, Mr. Speaker, is that those things are not reported under The Public Tendering Act until such time as a lease is signed, and to this date the lease has not been signed on that. It will be signed and reported, and I can assure hon. Members that as soon as the documentation is done, we will be only too happy to report it under The Public Tendering Act.

Some Hon. Members: Oh, oh!

Mr. Gilbert: Actually the former Premier is renting in the same building. Mr. Peckford has a place there, too.

Mr. Speaker: Further Answers to Questions for Which Notice has been Given.

The hon. the Member for Exploits.

Mr. Grimes: Mr. Speaker, I would like to provide two answers on behalf of the hon. the Premier, the first in relation to a question on the Order Paper of October 26 from the hon. the Leader of the Opposition, Mr. Tom Rideout, to ask the hon. the Premier to lay upon the table of the House information regarding number of trips, who accompanied him and so on. It took a while, Mr. Speaker, because it covered the period from August 1st, 1989 to October 15, 1990. On behalf of the hon. the Premier I am pleased to table the information, Mr. Speaker, because it demonstrates clearly that the responsible approach taken by this administration regarding travel is certainly refreshing for the people of this Province compared to the extravagant approach taken by the previous administration.

The Premier asked me to indicate to the House in tabling the answer, Mr. Speaker, that he hopes that the same question is asked next year, so he can again show the responsible manner in which he handles travel. I would like to table the answer to the first one.

The second one is from yesterday, the hon. the Member for Port au Port asking a question regarding the cost of french lessons. The information, Mr. Speaker, is that from the date of the very first lesson up to and including today, the total cost to the treasury has been \$1,200.

Some Hon. Members: What!

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

I remind hon. Members that we are passed question period and that I am trying to get on to the Orders of the Day with great difficulty, as hon. Members are shouting from both sides.

Mr. Speaker: Petitions.

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

Mr. Speaker: The hon. the Opposition House Leader on a point of order.

Mr. Simms: Yes, Mr. Speaker, under Answers to Questions. I wonder if - the Minister of Health has left. The President of Treasury Board might be able to respond. The Minister of Health is gone at the moment. But a couple of days ago we asked if the Minister of Health would table for us - it should be a simple request to respond to - a list of hospitals in the Province and the

occupancy rates of each. I believe he indicated he would do it. I cannot understand why he would not. So I wonder is it possible that the President of Treasury Board could have a talk to the Minister of Health and see if he can get that for us before the House closes today, and that it be tabled before the day is over? I do not think there is much to it.

### Orders of the Day

Mr. Baker: Order 10, Mr. Speaker.

Mr. Speaker: Order 10. Committee of the Whole, "An Act To Remove Anomalies And Errors In The Statute Law". (Bill No. 71).

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

### Committee of the Whole

Mr. Chairman: Order, please!

A Bill, "An Act To Remove Anomalies And Errors In The Statute Law". (Bill No. 71).

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

Mr. Baker: Order 9, Mr. Chairman.

A Bill, "An Act Respecting Chiropractors". (Bill No. 60).

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

Ms Verge: Chairperson, I would like to say that very regrettably

this long awaited and overdue bill is being rushed through the House of Assembly. The bill was not even printed or distributed until a couple of days ago, and yesterday afternoon I was frankly shocked to realize that the Minister of Health and the staff of the Department of Health had not even notified the chiropractors. This legislation is designed primarily to provide a legal framework for chiropractic in the Province, yet the Department of Health did not even give this bill to the Provincial Chiropractors Association, or notify chiropractors or patients or other interested groups in the Province that the bill was going to be coming forward now. An earlier version of the bill was vetted by the Social Legislation Review Committee back in September and early October and, as I said when I spoke yesterday, and as the Chairperson, the Member for Carbonear, indicated in his remarks and in the written report of the Committee that he presented, there was a tremendous response to the Committee's request for input.

Obviously a great number of people in the Province are vitally interested in this legislation. The preliminary steps were done and done well; there was consultation through an advisory committee appointed by the previous government, continued by this Government. The Legislation Review Committee did a thorough job of reviewing, but the Legislation Review Committee unanimously requested several amendments to the bill and not all of those amendments were accepted.

The final bill has been rushed into the House, suggesting that the Government was trying to hide



something, actually. I mean, it is leaving chiropractors doubting the Government's motives and suspecting the whole process. Chairperson, there are three amendments to the Bill that I would like to propose. I gave the Minister of Health notice of these amendments earlier this morning.

Mr. Simms: Do not do that yet. Wait until we get to the appropriate clauses.

Ms Verge: The Opposition House Leader is suggesting to me that I wait until we get to the appropriate clauses before making the amendments. But I would like to express now my concern about the way this has been handled by the full House, and to express my disappointment that the Minister of Health did not circulate this bill, the final version of the proposed legislation to the people affected before it was put to the House. The chiropractors and others interested were left with the impression that Government was going to delay introducing this in the full House until next spring and what happened yesterday took them completely by surprise. When I was speaking yesterday I was expressing regret that the people interested did not know what was happening in the House yesterday and therefore none of them were in the visitors' gallery. I think that is a real shame, because the earlier stages of the process were done in a consultative way and the end has been extremely disappointing. Thank you, Chairperson.

Mr. Chairman: Before I recognize the hon. the President of Treasury Board, on behalf of hon. members I would like to welcome to the House today seven basic education students from Avalon Community

College, accompanied by their instructor Adele Sharpe. It is my understanding that these students were former employees of National Sea.

Some Hon. Members: Hear, hear!

Mr. Chairman: The hon. the President of the Council.

Mr. Baker: Thank you, Mr. Chairman. I agree with the Member for Humber East in that I feel sad, but we feel sad about different things. This Chiropractors Bill was developed in the legislative system and was given to a Legislation Review Committee. The Legislation review Committee sent copies to all interested parties and held hearings. I do not know how many witnesses they listened to, but they had hearings and there was a lot of input into this Bill. The Member for Humber East is trying to give the impression that somehow we are doing what she did so well when she was in Government, and that is brought bills in at the last minute, whipped them through - whipped thirty-five or forty bills through in a day. Nobody ever saw them and nobody knew what was in them. She is trying to give the impression that that is what we are doing. It is not what we are doing. The process of developing this Bill has been totally open, there has been a full public discussion, and there has been discussion in this House. We are not trying to hide anything, and we are not trying to rush it through at the last minute. Nothing is being hidden. It is totally aboveboard. I am very proud of the system of Legislation Review Committees which allows for such open discussion. I think it is a giant leap forward in terms

of democracy, the structure of those Committees.

Let us go one step further. The Legislation Review Committee examines the Bill and then they come back. In this case, it so happened that the Legislation Review Committee had its report ready before the bill was even brought into the House, discussed in the House. So the suggestions were given to the Minister of Health who had a look at the suggestions and again brought the bill through the Cabinet process, and made changes upon the recommendation of the Legislation Review Committee, so that changes were made even before this bill, which you see in front of you, was printed. So the changes are already incorporated into this bill.

Now in the ordinary course of events perhaps what would happen is that the bill itself, in its unamended form, would appear before the House and then, during the Committee stage, the amendments as suggested by the Legislation Review Committee would be proposed and then Government would decide whether to support or reject.

The point I want to make is that because there has been a full and open discussion, because everybody has had a chance to examine Government's intent, because there have been a lot of suggestions as to changes, this does not mean that Government has to accept all the changes. This is Government's bill, a bill proposed by Government. Its purpose is for the better service of the people of the Province. It is not a bill for chiropractors, it is a bill for the people of the Province. There has never been a bill before

respecting chiropractors. We believe this is an excellent bill, and we believe, as with any piece of legislation, that once it becomes enacted and we see how it works over the years and we see the problems that may be with it, there are amendments and there may be amendments which will come up from time to time. But as Government, obviously, we have the responsibility to support the legislation in the form that we believe is the best form for the time, and in this particular case, it meant not accepting all the suggestions of the Legislation Review Committee. And I do not see anything wrong with that.

As I say, what I do see wrong is the concept that this is the first time in a matter of hours - the impression is that this is the first time this bill has been available and open for discussion. That is the impression the hon. Member is creating, and I think it is really unfortunate, Mr. Chairman, I just want to express my support for the system, my pleasure with the work of the Legislation Review Committee, and to state the fact that this is not an Act for chiropractors, it is an Act for the Province, it is an Act for the people of the Province. That is the way we view it, and that is the way we will proceed with the bill.

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

Mr. Simms: Mr. Chairman, just a few brief remarks with respect to this particular issue and this particular debate. I do not think it was appropriate for the Government House Leader to assail the Member for Humber East for the approach she took in the matter.

Her point was not the fact that it went to Legislative hearings, or any of that kind of thing. In fact, up until a week ago, as far as we are concerned, the process worked fine.

In fact, I think she commended the process, in the sense that there were a number of presentations made at the public hearings and the Advisory Committee which, in fact, had been set up by the previous Administration in the first place to advise the Department of Health and so on. I do not think it was fair of the Government House Leader to assail the Member for Humber East in that respect, and besides, it is irrelevant, it is all irrelevant to the issue, the issue that has surfaced here today. The Government House Leader himself made the point that the process is you have public hearings, the Legislation Review Committee has public hearings, people can attend and make suggestions, and the Committee makes recommendations for amendments.

What the Committee was dealing with at the time and what the public saw was a draft bill - it was a draft bill. And as the Minister said a moment ago, 'we then as Government or Cabinet will decide whether we accept the amendments of the Committee and make changes to the bill. So until the bill was printed, we in this House, members of the Chiropractic Association and others, the public, had no idea if any of these amendments proposed by the Committee were, in fact, being accepted by the Government until most of them were, and they were incorporated into the final draft. But I guess the point the Member for Humber East was making was that we did not know that

until a couple of days ago, when the bill was actually printed and tabled. So I think she made a very valid point in that respect.

But, again, that is almost irrelevant, because there is one major issue that has surfaced here in the last day or so, and that is a request from the Association, I understand, made by a member of the executive, Dr. Goyeche, I think, on behalf of the Association's Executive, Dr. Bryans and others, who made a request in writing - handwritten I understand, but in writing - to the President of Treasury Board and the Minister of Health -

Mr. Baker: Just a few minutes ago.

Mr. Simms: Just a few minutes ago? I realize that. But that is because they were not aware that this process was taking place today. And that is not unusual. Most people do not follow the activities and intricacies of the House of Assembly; it is a job for most of us to keep on top of it. But, anyway, he does have a written request.

Now in that request, I understand, and they have made a simple request, they asked that the legislation at this stage, Committee stage, be held over until we reopen the House in January or February, or whenever we reopen again. And if there is no emergency associated with it, and we understand the whole purpose here is to try to bring in legislation that will benefit the people of the Province - we understand that, so does the Association, I am certain - if there is no emergency and if the Association has asked that it be held in Committee stage of the bill until next January or

February, I presume so that they can have further consultations or discussions with the Minister and Department of Health officials to see if, in fact, they cannot improve upon what we already have now started, why does the Government not consider that? We, on this side, would have no problem with that, waiting until January or February, if it is not that big an emergency - right?

Now maybe the Government House Leader will get up and say no, not a chance, not in the world, we are ramming it through and that is it, or maybe he might be considered, as he usually is I might add, he is usually considered of these points when they are made, and he might want to have a chat with the Minister of Health before the morning is out and decide to accede to that very request. And if that is what he might want to do, just in case he might want to do that, perhaps I could suggest to him simply that he would stop the debate at this stage on this bill and move on to the next bill to give him a chance to have a little discussion on it. If he comes back a little later in the morning or something and says no, final, that is it, we are going through with it, well, then, that is about all we can do with it, other than raise the issue here. So maybe the Government House Leader would consider that.

Mr. Chairman: The hon. Government House Leader.

Mr. Baker: First of all I want to comment, Mr. Chairman, on one aspect of the logic of the process that I tried to get at in my previous speech but failed obviously, failed miserably. We have a process in place. Whether the bill was a draft bill or not

makes little difference. The process was followed, all groups had input, and they have had a long time to consider it. Now I am wondering in terms of the process if the Opposition House Leader is suggesting that after we get the Committee report - there are two ways we can get it: we can either get it in the House, if we are already in the process of discussing the bill and the amendments can be suggested, or we can get it direct if the House is closed, or if we have not considered the bill yet, and the minister then takes it and makes the changes that Government is willing to accept. But is he suggesting that once Government has decided on which amendments they are willing to accept that then it should go back through the whole process again? I mean, that is what I am getting from the hon. Member. Because the Member for Humber East indicated, oh, well, this is a real surprise now, therefore, we should go back to the process. And Members opposite are suggesting that there is something wrong with Government taking the suggested amendments, deciding which ones we want to officially support, and putting them in the bill and then stopping the process. Because we have to stop somewhere. If every time an amendment is not acceptable to a group -

Mr. Simms: You misunderstood the (inaudible).

Mr. Baker: If at some point in time an amendment is not acceptable to a group, then we do not have to go through the process again. I mean, obviously we cannot do all amendments acceptable to all groups.

Mr. Simms: Nobody is suggesting

that.

Mr. Baker: The real point here is that the objections the hon. Members have are objections which have been expressed and have been dealt with. What you are asking is that we deal with them a second time now and delay the passage of the legislation, when the Minister of Health feels it is important for him to have that legislation. Mr. Chairman, that is our position.

On motion, Clause 1 carried.

Mr. Chairman: Shall Clause 2 carry?

The hon. Member for Humber East.

Ms Verge: I would like to propose an amendment to Clause 2 (b). I propose that the word 'usually' be deleted. Clause 2 (b) is a definition of chiropractic. It now reads: "'chiropractic' means a professional service usually performed by a chiropractor directed towards the diagnosis, examination and treatment, principally by hand, and without use of drugs or surgery, of the spinal column, pelvis, extremities and associated tissues."

Now, Chairperson, the word 'usually' does not seem to serve a function in this definition. It is ambiguous. It can be interpreted in a variety of ways. One possible interpretation is that the professional service which is outlined is only sometimes performed by chiropractors and other times is performed by other professionals or other people. I do not think that is what was intended, so I would suggest, I am in fact formally proposing, that the word 'usually' be removed. That will leave the clause reading as

follows: "'chiropractic' means a professional service performed by a chiropractor directed towards the diagnosis, examination and treatment, principally by hand, and without use of drugs or surgery, of the spinal column, pelvis, extremities and associated tissues.

Mr. Chairman: Shall clause 2(b) as amended, carry?

Some Hon. Members: Nay.

Some Hon. Members: Carried.

Mr. Simms: Nay? The Government said "nay"? Any reason why?

Ms Verge: Why?

On motion, Clauses 4 through 15, carried.

Mr. Chairman: Shall Clause 16 carry?

Ms Verge: The hon. Member for Humber East.

Ms Verge: Thank you, Chairperson. Clause 16 details with the vital issues of diagnostic tools available to chiropractors. I propose one of two amendments to subclause (1). The first suggestion is that the words 'No chiropractor shall' be deleted and the words, 'Chiropractors may' be substituted therefore, so that the subclause will read: "Chiropractors may prescribe a laboratory test or maintain, use or have access to hospital or other laboratory services."

If that suggestion is not -

Mr. Baker: This is subsection (inaudible).

Ms Verge: Yes, this is Section 16

(1) on page 11 of the bill. Just to give the Government House Leader a few minutes to find the right page and to think about what I am proposing, I believe the Minister of Health understands the point I am making because I discussed my idea with him early this morning, plus I made the point in debate yesterday. The issue is whether or not chiropractors in diagnosing and treating their patients should be able to prescribe lab services provided by hospitals, whether they should be able to prescribe lab tests that are done in hospitals, and have direct access to hospital laboratory tests.

All the evidence that was presented to the Legislation Review Committee was in support of this proposition. The information indicated that it is in the interest of public safety and patient good for chiropractors to be able to access directly and easily lab tests that are done in hospitals. The alternative is problematic. The alternative would require chiropractors who need lab tests to do proper diagnosings to have to refer their patients to a physician who is a general practitioner and have the patient request the GP to prescribe and order the hospital lab tests. The patient would then, if successful, go to the hospital and have the tests done; the results would be sent to the intermediary general practitioner, necessitating a second visit to the general practitioner on the part of a patient to get the lab test results and then a resumption in the contact between the patient and the chiropractor. Now I would argue, Chairperson, that this involves delay, it involves uncertainty, and it involves jeopardy to the health of the

patient. Finally, it involves extra cost for the Government - it necessitates two visits to the intermediary physician, which MCP has to pay for, just to get a hospital lab test for the chiropractor to make the diagnosis. It just does not make any sense.

Now the Committee heard from a great number of groups and individuals. We were given internationally recognized studies, and all the evidence supported allowing chiropractors easy and direct access to laboratory testing that is done in public hospitals. The only presenter who objected to chiropractors having direct access to hospital lab and x-ray services was the Association of Hospitals and Nursing Homes, and they did not advance any reason of substance. They indicated that there is bad blood between chiropractors and physicians and therefore you cannot have them talking to each other. It is necessary for the hospital radiologists and lab technologists, they said, to have a buffer to talk to a general practitioner who, in turn, will relay the results to the patients who can carry them to the chiropractor.

The Newfoundland Medical Association, the professional association of physicians appeared before our Committee and I asked them, I asked the President of the Newfoundland Medical Association the physician's view on allowing chiropractors to access directly hospital lab and x-ray services and he said he had no opinion on the subject. So it seems very strange that the Government would include this measure in the bill.

The Legislation Review Committee which, as Members here realize, comprises three Liberal Government Members, including the Member for Carbonear who serves as Chairperson, along with two Opposition PC Members, unanimously recommended that the legislation provide for chiropractors having direct access to hospital lab and x-ray services. The Minister of Social Services is doubting what I say. Now I find that surprising, because in his discussions with chiropractors he has indicated support for their cause. Now I would refer the Minister of Social Services to the report of the Social Legislation Review Committee, Arthur Reid MHA, Chair, page - the pages are not numbered, but it is the same page of the text of the report - the same page - that bears the signature of Arthur Reid, MHA, Chairperson, which indicates that the Committee's unanimous recommendation to is the insertion of a provision to grant chiropractors direct access to hospital x-ray and laboratory facilities. Here it is. It was distributed in the House yesterday as part of the rush process.

Now, Chairperson, the Minister of Health will probably get up and echo the views of his physician advisors and the physicians who failed to indicate directly to the Review Committee in their presentation any objection to chiropractors having direct access; he will probably relay their view that this is not provided for in legislation elsewhere in Canada and since we have lagged behind the country in terms of a legal framework for chiropractic for so long, why now should we go ahead of the rest of the country? Well, that is not an argument. Newfoundland and

Labrador can lead. But the premise is false in any case, because in other parts of Canada chiropractors are accessing directly hospital lab services, and for our Act to have an explicit clause banning chiropractors having direct access would be contrary to all the evidence presented to the Committee, contrary to the unanimous recommendation of the Committee, the recommendation of the Liberal Member for Carbonear, the Liberal Member for St. George's, and the Liberal Member for Harbour Grace. Additionally, it would be contrary to the Department of Health Advisory Committee which included physicians: it included medical doctors, it included specialists or general practitioners. So, Chairperson, I am proposing an amendment that is consistent with the unanimous recommendation of the Review Committee, consistent with the weight of evidence presented by members of the public to the Social Legislation Review Committee during our several hearings in September and October, and consistent with the advice of the Department of Health Advisory Committee, which included physicians, that chiropractors by law be able to access directly hospital laboratory services. Thank you, Chairperson.

Mr. Decker: Mr. Chairman, I find it difficult to believe what I am hearing here this morning. For seventeen years the previous Government refused to even recognize chiropractic as a profession, for seventeen years they refused to take any action with this legitimate profession which is practicing in this Province. I sat in this House for five years when the mouthpiece for the Tory administration, John

Carter, used to get up and I remember him saying specifically that there is no bigger fraud, there is no bigger scam, he said, perpetrated on the people of this Province than that which is being perpetrated by chiropractors. That is a direct quote from John Carter, and every member over there, except possibly the Member for Grand Bank and maybe one or two others, agreed with their mouthpiece. So I am having a difficult time understanding this kind of hypocrisy. For seventeen years they treated those people as if they were somehow not professional people.

Mr. Simms: It is scandalous, that is what it is. It is scandalous. It is the typical political garbage that comes from the likes of that minister every day. He cannot deal with (inaudible).

Mr. Decker: Mr. Chairman, what we are seeing here this morning is nothing but political grandstanding, and the hon. the Opposition House Leader knows it. For years and years they would not recognize those people as professionals. I came into this Department and I did it, Mr. Chairman, and the Act which I am putting here today I am proud of. I am proud to put this Act forward. Now, let me tell hon. members what this Act is for. This Act which is before us today is for chiropractors. But this Act is not only for chiropractors. The role of Government is to make sure that we look after all our people, whether they be chiropractors, whether they be ordinary citizens, whatever they be, Mr. Chairman. This Act is for the people of Newfoundland and Labrador. This Act is to ensure that any person who sees a sign stating

'Chiropractor' and goes to visit that person, the citizen knows he is going to a person who is qualified to perform the duties of a chiropractor, that that person, that chiropractor would have had five or six years of formal training, he will have had some experience and he is certified, he is a member of a profession, a valiant profession, Mr. Chairman, which is just as valuable to this Province as the medical profession, as the nursing profession, as any other profession. But this Act was not in place before and it is going to be here.

Now, Mr. Chairman, when I put this Act in place I did not sit down one night and dream up all the rules and regulations. I do not have the ability to write a Chiropractor's Act, I have to get information, I have to take advice, I have to consult. And that consultation process, Mr. Chairman, has been going on now for nearly twenty months. I consulted with the chiropractors. They asked for some things I was not prepared to grant, and they asked for other things I was prepared to grant. I met with groups of people of certain professions who said we should outlaw the chiropractors. That has been suggested to me, Mr. Chairman. I had to listen to what they were saying, I had to listen to their arguments. Some of their arguments I did not accept, and some of their other arguments I did accept.

I had to listen to every one - all the legal advice I could get, all the professional advice I could get, and I got it from both extremes. One extreme was personified by The John Carter approach, the other extreme was



approached by men like John Efford, who is a full-fledged supporter of this profession and when he was in Opposition spoke highly of the profession; the hon. Member for St. John's East Extern is another full supporter who made no effort to cover up his feelings when the Government was in a different manner here in this House, Mr. Chairman.

Now I consulted with everyone in this Province, and I went outside the Province. I looked at other jurisdictions, down through the States and across Canada, and as far as I can determine, it is not the norm at this time in Canada to grant the rights to chiropractors to prescribe lab tests.

Some of the western provinces are indeed looking into doing it. I understand it is possible that one or two of the western provinces might have gone that far, but the vast majority of Canadian provinces, at this time, have not gone that far, to allow chiropractors to prescribe lab tests.

That might indeed come. Yesterday there was no Chiropractors Act in this Province. These things evolve. And as long as we have a listening, open Government, then this could well evolve some day. If I, as Minister, am convinced that this is the proper thing to do and there are no questions and there are no doubts, then I will bring an amendment to this. But I have to say, Mr. Chairman, that at this point in time the advice I am getting and the recommendations which I am receiving do not warrant giving access to labs.

The Act, as far as I am concerned, considering where we are in our state of evolution, considering

what has gone on in the past, considering the divisions which are alive within this Province, because there are just as many people who are anti-chiropractor as there are people who are pro-chiropractor, as a Government we have to listen to all views and after we have listened to all views, we have to come forward with an Act which is satisfactory for the chiropractors, but more importantly, Mr. Chairman, for the people of this Province.

Mr. Chairman: Shall the amendment carry?

Ms Verge: Chairperson?

Mr. Chairman: Clause 16?

Ms Verge: Clause 16. I would like to propose another amendment?

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

Ms Verge: Chairperson, the Minister of Health just made a speech praising chiropractors and talking about how well qualified they are, saying that they are as valuable as other health care professionals, including doctors and nurses. Well, if the Minister of Health believes that, why in heaven's name is he, by law, going to block their access to hospital labs tests? I mean, how does the Minister of Health propose that chiropractors diagnose their patients if they are not going to be able to have lab tests done and analyzed? What is the minister's alternative? How are chiropractors going to have the diagnostic tools they need to do their jobs and serve their patients?

The Minister of Health has acknowledged that chiropractors

are accessing directly hospital lab services in other parts of Canada. He seems extremely conservative in his approach; he seems to want to have everyone else in North America doing something before we entertain it. But if the evidence is there that chiropractors need lab tests to diagnose properly, why put roadblocks in their way? And why reject the advice the minister has received from the Advisory Committee to his department, that included doctors as well as chiropractors? Why reject the advice of his own Liberal colleagues, the Member for Carbonear, the Member for Harbour Grace, and the Member for St. George's? He might not like me, and he may be an extremely partisan individual and he may on principle reject anything that any PC says. Well, forget what I am saying, but please listen to what his own Advisory Committee and his own Liberal colleagues have recommended.

Now, Chairperson, I would like the minister when he gets up in response to my second amendment proposal to explain how he envisages chiropractors diagnosing their patients. I mean, does he realize that chiropractors need lab tests? Does the minister realize that? And if he does, how does he imagine chiropractors are going to get the lab tests and get the results so they can treat their patients?

Now, Chairperson, my second amendment proposal is that clause 16 (1) be deleted altogether. If there cannot be an explicit, positive statement that chiropractors may prescribe laboratory tests or maintain use or have access to hospital or other laboratory services, well

let us take it out altogether and effectively we will have the status quo on that score. That is better than having an explicit negative prohibiting chiropractors from prescribing and accessing laboratory tests. Let us just take out the subclause, and then, perhaps, the minister can take more time to consult and watch what they are doing in the rest of the country. And if enough provinces bring in positive legislation, then maybe he can follow suit. Do not lead, but at least follow.

Mr. Chairman: The hon. the Member for Carbonear.

Mr. Reid: Mr. Chairman, I am sorry, I have to apologize, but I was out of the House for about a half hour earlier this morning. I just got back and I have been listening to my hon. colleague for Humber East. I really do not know what is going on here this morning. I am at a loss. Yesterday afternoon I crossed this floor during Question Period and I asked the hon. member if she was satisfied with the report that was delivered to her yesterday morning. The comment the hon. member made to me was yes, it is all right, Art, but I have not had a chance to look at it.

Now I am really surprised. What is happening here this morning is certainly not fair to the Committee, and it is certainly not fair to me as a Chairman. Yesterday afternoon in this House my hon. colleague stood and she spoke for, I think, almost forty minutes, and every member in this House at the tail end of it got up and tried to encourage the lady to finish up, including her own colleagues. She did mention laboratory tests, but without any

equivocation whatsoever, Mr. Chairman, I can admit to you right now that my hon. colleague across the way knew that the minister had refused access to laboratory tests even long before yesterday. She knew that. She knew that we made five particular recommendations to the minister, asking the minister to look at these recommendations, and the Minister agreed with four of the five. And this is not being fair, Mr. Chairman, to this House. It is not being fair.

An Hon. Member: (Inaudible).

Mr. Reid: I am not arguing the question of what would be wrong or what would be right about it. But all of a sudden because yesterday afternoon - and if you remember, Mr. Chairman, on a number of occasions yesterday when the lady was speaking she mentioned the fact that there was nobody here from the Chiropractic Association to hear the debate, and conveniently this morning there is one person sitting in this House from the Chiropractic Association who has met with Ms. Verge and has met with other Members. Now all of a sudden the issue of laboratory tests comes to the floor this morning, and I am confused. Because I am of the belief that my hon. colleague accepted the report as it was presented to her yesterday and that report stood. Now to turn around and try to place some blame on me as Chairman or on the Minister, trying to slough through a piece of legislation, as far as I am concerned that is wrong.

The other point that I want to make, Mr. Chairman, is this - I will be quite honest, and my hon. colleague from Humber East realizes this as well - that both herself and myself felt that this

piece of legislation had to go through this House before we closed this session. I wanted it through because I am an advocate of chiropractic medicine, as well as a number of my other colleagues. And she also knew that it was through the Clerk's desk and through the efforts of myself and her and Ms. Murphy that we put a rush on this so that we could convince the Minister and this Government to push this through right now, because chiropractors wanted this piece of legislation. And that is the reason why it was rushed.

And I take exception, Mr. Chairman, to the fact that we are being accused of rushing a piece of legislation through, because we are not. We are doing it because my hon. colleague and I agreed, and we convinced the Minister to table this piece of legislation right now. And if it had not been tabled, we would be looking at maybe next fall before this piece of legislation could come through and the chiropractors of Newfoundland would still be out there with absolutely nothing. I do not think it is fair of Ms. Verge, my hon. colleague. I do not think it is fair. I think what you are doing here today is putting on a show for somebody for some reason. I do not know what it is!

This is a good piece of legislation. This is a perfect legislation, considering we never had any legislation until now. Thank God we have a Minister who has enough guts to bring it in. Thank you very much.

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

Mr. Simms: Mr. Chairman, it is

rather unfortunate that Members opposite have decided to take a political approach in this debate.

Some Hon. Members: Hear, hear!

Mr. Simms: Well, I mean it seriously. The Minister of Health got up and spent most of his time commenting on what happened in the past and attacked... the President of Treasury Board got up and assailed the Member for Humber East. And now the Member for Carbonear has got up and done exactly the same thing, attacked the Member for Humber East.

But none of them have the political courage to address the issue. And I want to quote what the Member for Carbonear just said. He said, first of all, that the Member for Humber East accepted the report of the Legislation Review Committee. Well, Mr. Chairman, let me quote from that report. Number 2 recommendation. 'The insertion of a provision to grant chiropractors direct access to hospital x-ray and laboratory facilities.' Yes, the Member for Humber East accepted the report, and so do we.

The problem is the Government has not accepted it. That is the problem. So what is the point of berating the Member for Humber East? She is doing her duty as an Opposition Member and as a Member of the Legislation Review Committee, in pointing out - she does not disagree with his argument that she accepted the report. Of course she did. But the report, which included a majority of Liberals, Government Members, on that Committee, recommended that that be included and it is not accepted. So we have every right to argue it.

Now the other most important point, though, is that he said that chiropractors want the legislation. That is what he said just then, about two minutes ago. Well, Mr. Chairman, we are acting on the understanding that a representative of the Chiropractors Provincial Executive, the Association Executive - Secretary-Treasurer I believe is the position of the individual who made the representation this morning - she has authority to act on behalf of the executive of the Association, including Dr. Bryans, the President, as I understand it.

Mr. Efford: I have spoken to them all this morning.

Mr. Simms: As I - pardon me?

Mr. Efford: I spoke to (inaudible) as early as seven o'clock this morning. (Inaudible) is not coming through this House.

Mr. Simms: So is the Minister of Social Services saying that this is not a request from the Association executive to have this legislation delayed? Is he saying that?

Mr. Efford: They are satisfied to see an amendment made over the next year or so if they can prove they are professionals and their ability to practice in this Province without any problem. They are not stuck.

An Hon. Member: Why should you have to prove that? (Inaudible).

Mr. Efford: (Inaudible) amendment could be made at any time.

Mr. Doyle: So is the Minister of Social Services, I ask him again, saying that the request made this

morning by the Association to the President of Treasury Board and the Minister of Health in writing -

Mr. Efford: In writing?

Mr. Simms: Yes, in writing. Handwritten, this morning.

Mr. Efford: Dr. (inaudible) told me at 7:00 a.m. this morning he is quite satisfied with this particular piece of legislation.

Mr. Simms: Is he saying that the executive of the Association made a request this morning in writing and that that is not an accurate request of the Association executive?

Mr. Efford: I am saying Dr. (inaudible).

Mr. Simms: I am asking him. He is the one who is telling us.

Mr. Efford: I have not seen anything written.

Mr. Simms: Well, may I suggest to the hon. Minister that he not say anything if he has not seen it?

Mr. Efford: Well I told you what Dr. Mallett said this morning.

Mr. Simms: He should ask to see it. In any event, Mr. Chairman, for Members opposite to get up and berate the Opposition for raising these questions, I mean, it is a bit unfair and quite unusual to do so. We are acting on the understanding that there is a request. The President of Treasury Board - as a matter of fact, I say to the Minister of Social Services -

An Hon. Member: (Inaudible).

Mr. Simms: Yes, I say to the

Minister of Social Services, the President of Treasury Board indicated already, confirmed earlier in this debate, that he had received a note this morning from the Secretary-Treasurer of the Association on behalf of the executive, as I understand it, requesting that the legislation be held off. Now there is no reason for the legislation to be held off until next fall, as the Member for Carbonear said. The legislation could be held off until the House resumes in January, or whenever we resume, and at that time there would be an extra bit of time for the Association to have further consultations with the Minister and see if they can work out their differences. If not, then it comes back into the House in January and then we finalize it, whatever the response is. I will let the Minister respond.

Mr. Chairman: The hon. the Minister of Health.

Mr. Decker: With this Act, Mr. Chairman, there has been a lot of consultation with the chiropractors and with other groups of people, as the hon. Opposition House Leader can understand. Now if the Opposition wants to force us to remove this Act, we will have to go back and go through all that process again. And I can tell hon. Members that once I go back, then all the other groups who have a stake in this are going to have to be heard as well. And, Mr. Chairman, this could take a long, long time. Now the Opposition will have to make up their minds. If they want this Act scrapped to go back through the process - it is a long, drawn-out process - but if this is what they are insisting on, well this it.

There was a note slipped to me this morning, there is a signature on it, saying that - and Dr. Bryans himself did not sign it, apparently he is away -

Mr. Efford: I spoke to Dr. Bryans this morning.

Mr. Decker: - so I am not sure what is going on. But I am just suggesting to hon. Members that maybe what we are doing here might not be in the best interests of the chiropractors or the people of the Province. Because if this is scrapped, it is not just a matter of going to the chiropractors and saying, if we do this are you satisfied? There will then be a hundred and -

Mr. Simms: Did you tell that to Bryans this morning?

Mr. Decker: I did not talk to him this morning, I just received a note. If it was a matter of just delaying, going to the chiropractors and saying change this word, give us permission to do that, if that was all that was involved, it could be done.

But, Mr. Chairman, there is more involved in this. Because there are so many people in the health care system that once you bring an Act in for one group it impacts on every single other group in the whole system, Mr. Chairman. So with what we are doing we could end up losing the total chiropractors Act, and this is why I think it is important that it go through today.

Mr. Chairman: The hon. Member for Burin - Placentia West.

Mr. Tobin: Mr. Speaker, I would like to have a very few brief comments on this, being a Member

of the Social Legislation Review Committee. I do not think there is any need for my colleague, the Member for Carbonear, to get up and rant and roar in the House this morning, the way he just got on, and play politics. That does not solve anything.

An Hon. Member: (Inaudible).

Mr. Chairman: Order, please!  
Order, please!

Mr. Tobin: The way the Chairman of that Committee got on this morning just does not solve anything. As a matter of fact, it was totally out of character for the Member, Mr. Chairman, and I do not know why he is putting himself that low in this Assembly, trying to defend the actions of the Minister of Health.

We all worked hard on that Committee and no one worked any harder, Mr. Chairman, than the Member from Humber East. And the Chairman knows that. I take great exception to the personal attack he launched on her this morning. I would like to say, Mr. Chairman, and I make no apologies for it, that I supported the piece of legislation yesterday. I thought it was better than nothing. I thought that was the beginning, and that an amendment would come in. That is exactly what I thought.

But this morning I was approached by a representative on behalf of the chiropractors who asked that rather than going that way, if they would delay it until February. I believe that is the request that was made by my colleagues. If I am right, I believe the request made by my colleague for Humber East was that it be delayed until February.

They did not make a request for public hearings and all that, that is the Minister of Health, Mr. Chairman, trying to drag a red herring into this debate. That is what is taking place. There has been a legitimate request, a reasonable request made to the Minister of Health as it relates to this and I suggest that he deal with it. What is the urgency if the chiropractors are not ready to deal with it right now?

Mr. Chairman, I do not think it is going to take a great deal of foresight, a great deal of sacrifice, a great deal of commitment on anybody's part to meet the request that has been delivered to the Minister in writing this morning. I was on the Committee, Mr. Speaker, and I support the efforts of my colleague for Humber East, and I take exception to the personal attacks that have been launched on her this morning by various Members opposite.

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

Mr. Simms: Mr. Chairman, look, it is very evident that the Government is not going to respond to this request in a favorable manner. I mean, the Minister has already said no.

Ms Verge: Not to this second amendment.

Mr. Simms: Yes, he has. He has said no to the amendment. But, in any event, we will see if he says no or yes to the amendment, because our amendment is put and it will stand. We will vote on the amendment. But in terms of the rest of us getting up here and repeating exactly the same request over and over again, I do not

think that gets us anywhere and it does not make any progress. We can certainly try to delay this and stall it and all the rest of those kinds of tactics, but if the Government is not prepared to accept the amendment as proposed by Committee, then in the end they will have their say no matter what the process is. So I suggest that we call the question on the amendment, see what the response is in terms of a vote, and then we will move on from there.

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

Ms Verge: Just so there will not be any doubt, the proposal for amendment that is before the House now is to delete clause 16 (1), to leave out any reference to chiropractors prescribing laboratory tests or having access to hospital or other laboratory services. That way, essentially chiropractors will operate the way they have up to now in terms of lab tests and diagnosis based on lab test results, that way the Government will have a chance to assess the situation, consult the chiropractors and the Chiropractic Association, examine in more detail international studies, look more closely at what is being done in other Canadian provinces, and then, when the House next sits in the winter or the spring, the Minister, if he wishes, may come back and bring in a bill to amend the Chiropractors Act. But let's not spoil a positive legislative measure which people have been waiting for a long time by crippling chiropractors by having an explicit clause prohibiting chiropractors from prescribing lab tests or accessing directly hospital or other laboratory services. So the amendment proposal is just to leave out

clause 16 (1).

Mr. Chairman: The hon. the Minister of Health.

Mr. Decker: Mr. Chairman, I am going to vote against this amendment. If clause 16 (1) stays in, we can still do exactly the same thing as the hon. Member is pointing out - we can still consult and do this sort of thing. I am very much afraid, Mr. Chairman, that we are going to lose this Act. And if we lose this Act, it will be worse for the chiropractors and for the people of this Province than if we (inaudible).

On motion, amendment defeated.

On motion, Clauses 16 through 26, carried.

Mr. Chairman: Shall clause 27 carry?

The hon. the Member for Humber East.

Ms Verge: Chairperson, Clause 27 is a delayed proclamation provision. With this clause the Act, having been passed despite our efforts to amend it, will not come into force today, after the bill receives Royal Assent, it will not come into force until some indefinite time in the future when the Cabinet makes a decision to proclaim it law.

Now in the past these delayed proclamation provisions have led to unnecessary delays in the coming into force of laws. The most recent example is the amendments to The Adoptions Act we passed here in June, amendments we passed on the understanding, from what social services officials told the Review Committee, that

they were urgently needed for the sake of some twenty-five applicants for adoptions information.

Now instead of those reforms coming into force immediately, they did not take effect until the end of September. So with this delayed proclamation provision, even though the Government majority has passed this bill, and even though the Lieutenant-Governor gives it Royal Assent today, it will not become law today. It will not become law until some uncertain time in the future when the minister gets around to asking Cabinet to make an order proclaiming it law. So the chiropractors legislation, flawed as it is, may sit on the shelf, may be on the Statute books of the Province for months or for years without it being in force. So I would suggest to the minister that unless there is a good reason for delaying the coming into force of this Act, that this delayed proclamation clause, Clause 27, be deleted.

Mr. Hogan: Go take your pill.

Mr. Chairman: The hon. the Minister of Health.

Mr. Decker: Mr. Chairman, I am sorry, but I am going to have to vote against this amendment as well. There is no one in this Province who wants a Chiropractors Act proclaimed more than I do. I think I have proven that already. However, Mr. Chairman, the Act, hopefully, will be put in place as soon as we can. However, we have to formulate the regulations. There are no regulations yet done, and these things will all have to be done. It is just impossible for us to do it, the time is just not there. But I think the people



of this Province realize by the action I have taken that there is no desire on my part, certainly, to squash this, and as soon as we get the regulations in place, we certainly will proclaim it.

On motion, amendment defeated.

The hon. the Member for Humber East.

Ms Verge: I have another amendment, a variation to propose. If the minister needs time to formulate and pass regulations, then let us set a reasonable length of time, but set a date certain for the coming into force of the Act. If the minister needs three months, then let us have Clause 27 reading that the Act shall come into force on March 31, 1991. If he needs six months, let us have a clause saying the Act shall come into force on June 30, 1991.

Mr. Decker: No.

Ms Verge: The Minister of Health is saying, no. I have the feeling, Chairperson, that no matter what I might say, because I am PC and sit on the opposite side of the House from the Minister of Health, no matter what suggestion I might ever make, he will always vote against it. But that will not stop me from advancing positive ideas for reform and improvement in health care. Thank you, Chairperson.

Some Hon. Members: Oh, oh!

Mr. Chairman: Order, please!

The hon. the Minister of Health.

Mr. Decker: Mr. Chairman, I am sorry to see the hon. member who normally takes the highroad, get

down in the mud and accuse me of being political biased in this matter. Mr. Chairman, it is an extremely busy time in the Department of Health, as hon. members of this House will know. If there was no other single thing for the Department of Health to be involved in but The Chiropractors Act, I would be quite pleased to set a limit of fifteen days or twenty days, whatever the case might be. However, I think the chiropractors I have met with and the people of the Province realize that we will get the regulations in place as soon as we can, and hopefully that will be sooner and not later, Mr. Chairman.

Mr. Grimes: It will not take seventeen years.

On motion, amendment defeated.

On motion, Clause 27 carried.

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

Mr. Baker: Order 8, Bill No. 42.

A Bill, "An Act To Repeal The Parliamentary Commissioner (Ombudsman) Act". (Bill No. 42).

Mr. Chairman: Shall Clause 1 carry?

The hon. the Opposition House Leader.

Mr. Simms: Mr. Speaker, this is another piece of legislation and a great progressive move by this Government that unfortunately we have not been successful in having the Government change its mind on, and that is abolishing the Ombudsman's office. I am not sure again, other than trying to force closure, which is always an

option, but I mean, I guess, the Government has already indicated to us that they are prepared to use closure on anything, so it almost does not work anymore, or there is not much point to it anymore. We have spoken at length on it. The Leader of the Opposition spoke for two hours, I spoke for an hour on the Bill, and the Member for Kilbride has been -

An Hon. Member: (Inaudible).

Mr. Simms: It seemed like it, it was such a great speech. The Member for Kilbride has doggedly pursued the Premier with questions, asking him, first of all, to have public hearings referred to a Committee - the answer was no - asking to bring the Ombudsman before the Bar of the House since he is an employee of the House, and the Premier said, no.

Mr. Grimes: Did he name the gentleman from Central Newfoundland (inaudible)?

Mr. Simms: No, he did not name the gentleman. But if the member opposite would insist on it, I guess we could do it. I am not sure they would want to insist on it.

Mr. Chairman: Order, please!

Mr. Simms: Let me just say to the Member for Exploits, speak to the Government House Leader. He knows.

Anyway, Mr. Chairman, in addition to that, on this piece of legislation we have moved a six month hoist which the Government defeated, so I do not know what else we can do. We asked for a free vote on it in the House and no was the answer to that. I would not be at all surprised if

my colleague, the Member for Humber East, right at the end of her few remarks made the point, that because it is being proposed by the Opposition, no matter what they are not going to listen to it.

Mr. Hogan: (Inaudible), too.

Mr. Simms: Well, why did members opposite not force the Government to have public hearings on the Ombudsman Act? Why did they not allow a free vote? Why did they not ask Government to bring the Parliamentary Commissioner to the Bar of the House? Why did they not support the six month hoist? Why? Why? Why? The reason is because they are not going to buck the Government or buck the Premier. That is the reason, Mr. Chairman, and there is lots of evidence for it. Because I know members on that side, I know there are members on that side of the House who feel very, very uncomfortable with this move. Enough said!

Mr. Hogan: Name them.

Mr. Tobin: You? You?

Mr. Simms: No. I am not like the hon. member. I will not name them. Anyway, Mr. Chairman, having said that, I do want to give notice that we will be moving an amendment - one last ditch effort, I suppose - to the appropriate clause at the time it comes, and at that time we might have a few more words to say on the amendment with the hope that maybe, as a last ditch effort, as the last gasp comes from the Opposition, the Government House Leader, who is a democratic person I believe, might feel inclined to agree with the amendment and give them time to give it a little more thought. The purpose of the

amendment will be for that reason. So when we get to the appropriate clause, I will be moving that amendment.

On motion, Clauses 1 and 2, carried.

Mr. Chairman: Shall Clause 3 carry?

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

Mr. Simms: Mr. Chairman, I wanted to move an amendment to Clause 3, which presently says this Act comes into force January 1, 1991, so that it would not come into force until 1995, or something along those lines, but we did not expect there would be a lot of support for that on the Government side. However, we thought a more reasonable amendment they might very well accept. In view of the fact that the Government has already spent, or will have by the end of this month, nine-twelfths or three-quarters of the money required for the operation of the Ombudsman's office - there is only three months left in the fiscal year after the end of this month - and in view of the fact that there has been a lot of concern expressed by the public, by editorial writers, by people all around the Province and by world authorities, and in view of the fact that we did not have public hearings on it, just in case the Government might want to reconsider this whole issue - just in case - all we are asking is that the proclamation be delayed, or the date of the Act coming into force be delayed until the end of the fiscal year, March 31, just to give a bit more time to give it some real thought and consideration. With that in mind, that is basically the reasoning

for the plea, our last ditch effort it appears. Maybe the Government House Leader will take pity on us because of this last gasp and might accept this amendment, who knows? He is a fair, democratic person and he might very well do just that. I move the amendment which would delete clause 3 as it now exists and the following substituted therefore: 'this Act comes into force on March 31, 1991.' That is the simple way of moving the amendment, Mr. Chairman, and I do so.

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

Mr. Baker: Thank you, Mr. Chairman. I have just one comment which kind of sums up my attitude towards this. I say to the hon. Member, if t'were done, 'tis best t'were done now.

On motion, amendment defeated.

On motion, Clause 3, carried.

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

Mr. Baker: Order 7.

A Bill, "An Act Respecting The Creation Of Regional Service Boards Throughout The Province". (Bill No. 38).

On motion, Clauses 1 and 2, carried.

Mr. Chairman: Shall Clause 3 carry?

Mr. Simms: No, Mr. Chairman.

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

Mr. Simms: Mr. Chairman, we have numerous amendments to make to this legislation, as Members opposite might be aware. This is the first amendment. We propose to amend Clause 3 by adding the following as a new sub-section and that would therefore be sub-section 3. There are now 1 and 2, we want to add sub-section 3. That new sub-section would read then, 'an order made under sub-section 1 may only be made on the request of the municipal authorities to be affected by the order.' So what we are suggesting there, obviously, is that this particular amendment would make an order to create a region and/or to establish a regional services board subject to a request from the municipalities that want to provide a service on a regional basis. It would not be done unless there was a request from the municipalities.

I think the amendment embodies the intention of Government as stated by the Minister of Municipal and Provincial Affairs when he introduced the legislation in the House on November 1, when he said and I quote from Hansard, page 25 -

An Hon. Member: (Inaudible).

Mr. Simms: I only have one copy for the Table. You can have a look at it and give it to the Table after - when the Minister said, 'The Act gives total authority to the municipal councils involved. Towns and cities wanting to provide a service on a regional basis...' I would like the Minister to hear this now. This is the reason why we put forth the amendment, because we think it embodies what he intended to do. 'The Act gives total authority to the municipal councils involved. Towns and

cities wanting to provide a service on a regional basis could ask the Province to set up a regional services board.' So it is there in his own words. 'Towns and cities wanting to provide a service on a regional basis could ask the Province to set up a regional services board.' The intent was to have it driven and operated by the councils involved who had the responsibility for the delivery of that particular service on a regional basis. 'I cannot imagine' the minister goes on to say 'that the Province, unless there is a peculiar reason for it, would want to be setting up regional services boards by way of the Province initiating the set-up of these boards.' That is from Hansard, page 27, of November 1.

So clearly the minister would agree with this amendment then, which simply says that any order to set up a regional services board may only be made on the request of the municipal authorities to be affected by the order. It fits in very well, and I move that amendment.

On motion, amendment defeated.

Mr. Simms: You are opposed to it?

Mr. Chairman: Shall Clause 3 carry?

Mr. Simms: No, Mr. Chairman, Clause 3 does not carry.

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

Mr. Simms: I have a further amendment to Clause 3, Mr. Chairman.

I must say I am shocked at the response of the minister. I

thought that was almost going to be an automatic approval.

An Hon. Member: Another deception.

Mr. Simms: I mean, it reflects clearly his words in Hansard of November 1. I just cannot believe it.

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

Mr. Simms: No, I read what the minister said. Did he say it, or did he not say it?

Some Hon. Members: Oh, oh!

Mr. Chairman: Order, please!

Mr. Simms: I read clearly what the minister said. It will be here for the media to see what he said, because I will make sure the press gets copies of everything he said, as well as a copy of the amendments. We have an extra copy; my colleague the critic, the Member for Burin - Placentia West, has an extra copy of the amendments which we will also give to the press afterwards, along with the explanatory notes for every single amendment and we will let the press decide, I guess.

I move in Clause 3 a further amendment, Mr. Chairman. There should be a Clause 3, and this would then become 3 or 4 I guess, depending on our previous amendment, but obviously the previous amendment was defeated. So it now would become under Clause 3, a new subsection 3 - I am sorry, an amendment to 3 (1) - okay? - to add 1, 2, 3. The Clerk knows all about what I am talking about. Anyway, it would say 'the minister shall order the preparation of a feasibility report in the prescribed form

prior to his making a recommendation for an Order of the Lieutenant-Government in Council under section 3, and shall appoint a person to prepare the report.' 2 of 3 (1) - 3 (1)(2) now it would be - 'the person conducting the feasibility report has all the powers of a commissioner under The Public Inquiries Act', and 3, 'the person conducting the feasibility report shall hold the public hearing in the proposed region.' And continuing on with an amendment would be 3 (2)(1) and 2 - okay? - and 3 (2)(1) will read, 'prior to the ordering of a feasibility report by the minister under section 3 (1) the minister shall publish the notice of his intent to do so in a newspaper having general circulation in the area affected by the feasibility report, where there is such a newspaper, and by public notice posted up in the area.' And 2 would read, 'where a notice of intent is to be published by the minister under subsection 1 that directly affects a municipal authority the minister shall give a prior notification of his intent to so publish it to the council of that municipal authority.'

Now, Mr. Chairman, just as a brief explanation the amendment would require, therefore, the Minister of Municipal Affairs to commission a feasibility report prior to making a recommendation to Cabinet for the creation of a region and the establishment of a regional services board. It would require a feasibility report, which is something that most presenters had asked for and that we support on this side.

Under the current Municipalities Act, as we all know, a feasibility report is required before Cabinet can order an amalgamation or the

establishment of a regional services council, which is provided for. A feasibility study is important because we all know the process is very broadly based, I suppose: you require consultation, or you require input, and we all know the reasons. And a feasibility study, of course, could only enhance the prospects, perhaps, for maximum municipal co-operation under a regional services board.

So clearly we think the Government wants to achieve the possible greatest degree of co-operation and would want municipalities which are considering any kind of regional co-ordination to have the findings of an objective study available to them before he goes to Cabinet. In fact, when he introduced the bill, from Hansard, November 1 again, he said 'it is important that we have co-operation between communities, so I am going to raise the magic word, amalgamation. The best way to have co-operation is to be together. The second best way is to work on a co-operative basis and stay apart. Mr. Speaker, if we can not achieve amalgamation the next thing, obviously, is regional co-operation.'

So assuming from his comments on the day he introduced the bill, that he wanted co-operation and all the rest of it to work, then we understood, or we assumed that he would be very amenable to us proposing an amendment that would require a feasibility study to be done before he then went to his Cabinet colleagues to establish a regional services board.

So I hope the amendment is clear. It is to order the feasibility study to take place. The rest of the amendments, basically, are

outlining the way that would be done: they would have the same power as a Commissioner, notice must be given, etc. I do not need to go through them all again.

Mr. Chairman: The hon. Minister of Municipal and Provincial Affairs.

Mr. Gullage: Mr. Chairman, we cannot support this amendment any more than we could the previous one, because they are both tied in. In both cases the Member is asking that we provide for a feasibility study in one case, in the previous amendment, subject to the regional board being requested by a group of communities, two or more communities.

The Minister has to have in some circumstances the authority, and that is the reason why the bill reads as it does - some circumstances - the authority to recommend to Government that a group of communities would come together, especially in a circumstance where we may have one or more communities objecting strictly for parochial self-interest, if you like, in the sense that they do not want to co-operate with a particular regional service. Most likely a board would be created in the first instance in any case, because of a regional service that is being contemplated or, in fact, may be in place.

So the Government and the Minister would want the authority to make sure that all those who would cost-share and be part of a regional service would in fact be obligated to take part. And that is the reason why I stated, as I was quoted in Hansard, that I cannot foresee any reason where a board might be created by the

Province on a mandatory basis.

But there may be circumstances. In fact, there may be several. But in the majority of cases, no question and I said that, boards would be initiated and requested and ultimately set up as a result of the initiative of a group of councils wanting those boards. But there are circumstances and will be circumstances, and we know there are, we have checked across the country - and regional service boards are not unique by any means - and indeed there are times when the Minister needs the authority to have boards come into place in circumstances where they are important and necessary. And all players in a particular region, all councils, should be obligated to pay their fair share. So we cannot support this amendment any more than the previous one.

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

Mr. Parsons: Thank you, Mr. Chairman. I am certainly not going to beleaguer this debate, because the end result will be that this piece of legislation will pass. That is a foregone conclusion. But I want to go on record as saying to the hon. Minister that this regional services board, although changed in name, is not something that is new to anyone out there in municipal government. The record will show that past governments have tried on occasion to bring in regional government, which is basically the same thing. And the Minister may shake his head all he likes. But when this Government took office, the Minister of Municipal Affairs wanted to bring in amalgamation which was turned down absolutely and unequivocally by the people of the Province, in

many areas.

Now the Minister had his tail shaved off, but he was not about to let go. He said, we are going to bring in regional services boards. Now, let's talk for a couple of minutes - I am going to be brief - about what is happening as it pertains to regional services boards, if implemented.

I am delighted that the Minister said he would very rarely, if ever, bring in those boards without a request from those councils involved. I am speaking specifically about my own area, where there is really no need for regional services. Everyone has his own water supply, everyone has his own garbage pickup - everyone. All the services those councils need are individual services, which are performed well. Again, if one body of water was supplying a number of towns, then perhaps, there might be room for some kind of negotiation, some kind of participation in that type of activity. But we do not have that.

The only thing that scares me, perhaps, is that the Minister could bring it in as a regional services board for the entire Northeast Avalon, which could take place. Now, Mr. Chairman, if councils in a particular area did not want to participate in this regional services board, then the Minister could appoint the complete board - the Minister in his rights could appoint a complete board.

We would have a group of individuals out there, not elected individuals, not elected people, spending money without authorization, because money they will spend. It will snowball. I

do not care what the Minister or what Government is in power states otherwise, it will snowball, it will become another expense, more money coming out of the poor people of this Province who can ill-afford it.

When the Minister was elected, when I was elected, when each Member on either side of the House was elected, we were elected to perform a service to the people in governing this Province, and when you delete or get away from, you almost abdicate that responsibility.

The people out there cannot afford another expense; their taxes are as much as many of the people can afford right now; a regional services board will be taxation without representation in many respects. Although we are not going to be able to stop this legislation, Government is bringing it in, they outnumber us, so we will not be able to stop it, but I say to the Minister with all the sincerity I possess, that regional services boards, without a request from those particular areas, I really believe, Mr. Speaker, should be a no no.

We heard some hon. Members here this morning talk about the Legislation Review Committees. I can see important bills before the House now, one of them The Regional Services Bill, the other The Crown Lands Act, on which meetings have been held right across this Province and people from every walk of life have told those Committees no, we do not want it: no, we do not want regional services boards, no, we do not want changes in the Land Act.

Mr. Murphy: That is not true.

Mr. Parsons: No, we do not want changes in the Land Act. No uniformity, that is what they are saying.

Perhaps in certain instances, again, where it is requested by councils, fine. I mean, if that is their prerogative and the people out there are satisfied, well, then, I see no problem with it, as long as the people are prepared to go along with it. Because I repeat and I repeat, and I will repeat while I am in the House, poor people in Newfoundland and Labrador can ill-afford another tier, another layer of taxation, and that is what we are introducing in this House today, that is what we are passing in this House today. And, Mr. Chairman, I cannot be, never will be part of anything, any kind of legislation that will take more money from the poor people of this Province. Thank you, Mr. Chairman.

Mr. Flight: (Inaudible) regional services (inaudible).

Mr. Parsons: Ah, the councils will pay the taxes!

Mr. Chairman: Shall Clause -

Mr. Parsons: Regional Services go with the tax (inaudible) the councils.

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

Mr. Windsor: Thank you, Mr. Speaker. I am not going to take a great deal of time, as I have already spoken in this debate on this piece of legislation, twice.

The points are made, I think, as clearly as I can make them and recorded in Hansard, and the Minister is aware of the points I



made. I simply want to just emphasize once again that this is a highly undemocratic piece of legislation. It removes public input and feasibility studies. That is all this legislation does. It does not provide anything new as it relates to a form of regional services. There is nothing that the Minister can do now that he could not do under existing legislation, except that now he no longer requires public hearings and feasibility studies. It also give the Minister far too much power, Mr. Chairman, to appoint members of the board who are no longer answerable. My colleague just spoke of taxation without representation, and that is precisely what this is. The board is an appointed board, appointed by the Minister. He will stand up and argue that they must be nominated by councils, but if they are not nominated by councils, the Minister can appoint. He can impose a board. If councils do not wish to have a regional council, do not wish to have a regional services board, then they are not about to make nominations to such a board. So I can see very clearly situations that can arise. The Minister may choose to impose a board, and I find no comfort in the Minister's statements in the House that he cannot foresee any situation where he would impose a board. If the Minister is so clear on that, then he should have agreed with the amendment proposed by my colleague from Grand Falls and put it in the Act. In fact, you do not need it. It is in the Act now.

Mr. R. Aylward: (Inaudible) member down in Dunville when he does that, because they do not want it.

Mr. Windsor: Mr. Speaker, there

is tremendous opposition to this regional services bill, but not against regional services. I do not think there is a council in the Province, or a member of a council, that really opposes the concept of regional services and regional co-operation. We have all kinds of regional services in this region done by co-operation between the municipalities and the Province, and working very, very well. There is no need to change it. I fear that the Minister is proposing to change it; I fear that he is proposing to do by the backdoor what he knows he will not be allowed to do by the front door, which is amalgamation in this region. I think the Minister now realizes - I hope he does. And if he does not, I beg him to get out talking to the people, talk to the people in his own district as I have been doing very, very, directly, particularly over the past three weeks, very deliberately speaking to hundreds of constituents, some of whom were mine and some of whom were his, and there is a very, very strong feeling against the concept of amalgamating with the city of St. John's. They are very concerned that the Minister is proposing to do that. I hope he is not going to do it, but I am also very concerned that the Minister is going to do by the backdoor what, hopefully, he will have sense enough to realize he cannot do by the front door.

He will not get away with amalgamating against the wishes of the communities in this region. But he may well, under the power of this Act, give a regional services board so many of the responsibilities of a council that there will be nothing left for them to do except collect taxes. And the weakness here is that

those people who are now forced to impose taxation have no control over the expenditure. There is a built-in safeguard when a council which has to announce a tax rate also has control over the expenditures, because they know if their expenditures are out of hand, therefore, they have to answer when they impose taxation. Now we can have regional councils that can provide any level of service, can be grossly inefficient, can provide a level of service that may not necessarily be desired by many of the people, if they had a choice of paying for it or doing without such services, and all the regional board has to do is send the bill once a year to the councils involved. That is all they have to do. They do not have to answer to the people. The Minister shakes his head, no. Then show me in the legislation something different. The legislation clearly gives the regional board the authority to impose a user fee on the municipalities that are using those services. They answer to no one except the Minister.

They are not answerable to the people, they do not have to be elected, they do not have to come under public scrutiny, their budget does not have to come before this Legislature or a Public Chamber in a municipality; the budget of that regional council is done by appointed board members, not elected, answerable to no one except the minister. They can provide services and send one bill to the municipalities and those municipalities have no recourse, the act gives the regional services board power over the municipalities. The regional services board can say to the municipalities here is what you

will pay this year, and the municipalities have no choice. The only thing left for them to do then is sit down and set a tax rate that gives them the revenues necessary. That, Mr. Mr. Chairman, is very clearly taxation without representation.

There is absolutely nothing that is democratic in it, Mr. Chairman. Regional services boards can work very, very well if they are desired. And I can see many areas in this Province where regional services are required, where there are economies of scale for municipalities combining services, where a higher level of service can be provided at a lower cost. But I warn the minister that he will not be successful if you impose it. Regional service boards will not work unless they are desired by the municipalities and the people involved. The same is true for the minister's amalgamation scheme, as he has found out. It will not work if it is not desired, Mr. Chairman. And I cannot for the life of me think why the minister would want to impose regional services in any area where they are not desired. But I find no comfort in the minister's hollow statements in this Chamber that he is not prepared to back up by putting in legislation the words that he speaks in this Chamber.

On motion, Clause 3, carried.

Some Hon. Members: Division.

Mr. Chairman: Division. Call in the members.

#### Division

Mr. Chairman: The hon. Opposition

House Leader.

Mr. Simms: The Government House Leader says we are not voting on the amendment, but I presume we are, are we? That is the stage we are supposed to have been at. You called the vote on the amendment, voice vote, and it was -

Some Hon. Members: Oh, oh!

Mr. Simms: Yes. Well, then, we called Division, that is the process. So we are voting on the amendment. The amendment is a lengthy one that establishes feasibility studies.

Mr. Chairman: The hon. Government House Leader.

Some Hon. Members: Oh, oh!

Mr. Chairman: Order, please!

The hon. Government House Leader.

Mr. Baker: Thank you, Mr. Chairman. I am just waiting for the noise to quiet down a bit. My understanding is, and this is why, perhaps, we have to be a little more careful when we are going through this particular stage, when we are going through these stages -

Mr. Simms: You can't raise anything if we are in the state of limbo (inaudible). Are we back now? Is this it?

Mr. Chairman: He is speaking to the point of order.

Mr. Simms: The Bar is not up here.

Mr. Baker: I am just responding to your point of order.

Mr. Simms: Well, I mean, the thing is, is the Bar up now or not?

Some Hon. Members: No, no!

Mr. Baker: No, I am just responding to your point of order.

Mr. Simms: If the Bar is down, we can't say anything.

Some Hon. Members: Oh, oh!

Mr. Baker: You raised a point of order and you made your presentation.

Mr. Simms: We agreed to called the vote, though. I am only making the point that the Bar is not up.

Some Hon. Members: Oh, oh!

Mr. Baker: We can put the Bar up, but then I have a point of order.

Mr. Chairman: The hon. Government House Leader.

Mr. Baker: I was going to say that perhaps we should be a little more careful in terms of when we are going through those stages and sections of bills and calling votes. There is a lot of confusion around the House and it is very difficult to sometimes understand what is going on. My understanding of what had happened was that the vote that the Members called Division on was a vote on Clause 3, that the amendment had been handled and then there was the vote on Clause 3, which was what was called.

And I am sure that if you check Hansard you will find that that is so. But I am willing to overlook that fact and go back. But the point I want to make is that because it is important and what we are voting on is important, everybody should always be aware of what it is we are voting on.

Hansard will show that we have a problem here, and that the vote that was called was the vote on Clause 3 which, by agreement, I am saying, we can go back. But, I mean, it has to be by agreement, simply because the vote was Clause 3 and the hon. Member called Division on Clause 3, not on the amendment to Clause 3.

Mr. Simms: The Division was called on the amendment. That was the intention. As long as everybody understand that, question!

Mr. Chairman: Question. All those in favour of the amendment, please rise.

Mr. Hewlett, Mr. Doyle, Ms Verge, Mr. Simms, Mr. R. Aylward, Mr. Matthews, Mr. N. Windsor, Mr. Tobin, Mr. Woodford, Mr. Hodder, Mr. A. Snow, Mr. S. Winsor, Mr. Parsons, Mr. Warren, Mr. Power.

Mr. Chairman: All those against the amendment, please rise.

The hon. the Minister of Fisheries, the hon. the Minister of Social Services, the hon. the Minister of Works, Services and Transportation, Mr. Hogan, Mr. Reid, the hon. the President of the Council, the hon. the Minister of Health, Mr. Walsh, Mr. Noel, Mr. Gover, Mr. Penney, Mr. L. Snow, the hon. the Minister of Forestry and Agriculture, the hon. the Minister of Municipal and Provincial Affairs, Mr. Grimes, the hon. the Minister of Education, the hon. the Minister of Employment and Labour Relations, the hon. the Minister of Mines and Energy, Mr. Murphy, Mr. Dumaresque, Mr. Langdon.

Mr. Chairman: I declare the amendment defeated. 'Nays', 20,

'ayes', 15.

On motion, Clauses 3 and 4, carried.

Mr. Chairman: Shall Clause 5 carry?

The hon. the Opposition House Leader.

Mr. Simms: Mr. Chairman, I wish to move an amendment to Clause 5 which would delete Clause 5 (1) and (2) and substitute the following: 'Every board shall elect a Chairperson and Vice-Chairperson from among the members of the board.' The simple explanation for that, I guess, as everybody would be aware, is that this amendment would remove the power of the Cabinet to appoint a Chairperson to each board, and empower every board to be able to elect a Chairperson from among the members of the board.

Again I want to point out that the amendment is consistent with the intent of Government, that regional services boards would only be established at the request of municipalities which would be comprised of membership which would represent councils in a particular region and would be driven and operated by the councils involved. Cabinet appointment of the Chairperson would be contradictory, therefore, both in theory and in practice to municipal control of regional service boards, so the amendment I so move.

On motion, amendment defeated.

Mr. Simms: You are against that, too! Boy!

On motion, Clause 5, carried.

Mr. Chairman: Shall Clause 6 carry?

Mr. Simms: No, Mr. Chairman.

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

Mr. Simms: I move an amendment to Clause 6 to amend sections (3) and (5) of Clause 6 by deleting the word 'nominated' and substituting therefore the word 'appointed' - or the words 'nominated' or 'appointed' where appropriate, obviously. It is to delete the word 'nominated' substituting therefore the word 'appointed' in the appropriate places.'

The purpose of this, again, is straightforward and clear and consistent with representations made to the Legislation Review Committee, at least all the hearings that I attended. It would make provision for municipal councils to appoint the members of a regional services board to represent the municipal authorities in a particular region. It gives effect to Government's intention again to have regional services boards comprised of members appointed by councils in a particular region, as announced by the Minister of Municipal Affairs himself when he said in the House, from Hansard, Page 25 again, 'the intent is to have this board operate under the auspices of municipal councils. They can initiate the setting up of the board and then appoint to the board. That clearly gives the total authority to the councils.' So clearly this amendment helps the Minister in his effort, and as described in his intent in Hansard. I therefore move the amendment.

Mr. Chairman: The hon. the

Minister of Provincial and Municipal Affairs.

Mr. Gullage: Once again the hon. member appears to be very selective in his choice of words out of Hansard. The fact of the matter is the councils can nominate from amongst their membership representation.

Mr. Simms: Why can they not appoint?

Mr. Gullage: Because the ultimate appointment is by the Lieutenant-Governor in Council.

Mr. Simms: Precisely why. Why?

Mr. Flight: Because we want to (inaudible).

Mr. Gullage: The nomination is quite clearly elected people who have been elected to councils that are forming part of the board. They would nominate members to the Lieutenant-Governor in Council - to the Minister through to the Lieutenant-Governor in Council, and then subsequently they would be appointed to the board, a quite straightforward procedure.

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

Mr. Simms: Mr. Chairman, I beg to differ with the Minister. It is not a straightforward issue. The fact of the matter is that under the present legislation councils can nominate names to the Minister. That is what the legislation says, and we are arguing that the councils themselves should have the authority to appoint the individuals to serve on the regional services board. Not give the Minister five or ten names and let him chose, but let the

councils chose. That is the whole purpose of the amendment. What is wrong with that?

On motion Clause 6 through 8, carried.

Mr. Chairman: Shall Clause 9 carry?

Mr. Simms: No, Mr. Chairman, Clause 9 is not carried.

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

Mr. Simms: Mr. Chairman, I want to move an amendment to Clause 9 by re-numbering it as subsection 1(A) to (H) of Clause 9 and adding the following as subsections (2) and (3).

Subsection 2 would say, 'Regulations made under subsection (1) may only be made on the request of the municipal authorities to be affected by the order', and (3) would say, 'Where powers are granted to a board under subsection (1) fair compensation shall be provided by the board for the property of a municipal authority acquired as a result of the powers granted under subsection (1), and the liabilities associated with the property shall be assumed by the board.'

Now, Mr. Chairman, a little brief explanation. In fact, what this amendment would do is restrict the authority of the Minister to prescribe the powers that the board may have to those requested by the municipal authorities.

It would restrict the authority of the Minister to prescribe the powers and instead take those requested by the municipal authorities. That is what the

amendment basically means. I could quote from Hansard again to indicate clearly what the intent of the Minister is, but he just gets up and says that in some strange way he did not say it, or I am using selective words. He said it. Right from Hansard.

The second part of the amendment, subsection (3), would require the payment of fair compensation for any municipal asset transferred to the jurisdiction of a regional services board. Surely the Minister can accept that amendment?

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

Mr. Gullage: Mr. Chairman, the purpose of having the powers of the board such that they would not be able to opt out of a particular service should be obvious. If we have a given number of councils in a region and we are considering a service for a particular board, we do not want to have it on such a basis that a council can opt out if they are accessing a service.

It is pretty common practice across the country, and I am talking about all other provinces not just Newfoundland, that if you are accessing a particular service, no matter what it happens to be, because almost every conceivable municipal service could be included theoretically in a regional services board's mandate, you should have to pay your fair share and you should be obligated to pay, usually on a per capita basis, but on some reasonable basis of allocating expenses for a particular service. And again, across the country, the Ministers with whom I have checked, if you can show that you are not accessing a service,

then you are allowed to opt out.

An example might be where you have a water supply that has been in place which you are using and do not need to be part of a regional water supply per se, well, you opt out of that particular service. On the other hand, the opposite is true, that you have to opt into and remain a partner and a participant in a service that you cannot show you are not accessing, and an example would be a regional recreation facility, where obviously within certain distances usually people are accessing the regional recreation facility, and the municipality in which those people are living, their council would have great difficulty showing that they do not access that service and, therefore, should not be allowed to opt out.

So quite clearly with the regional services board it is important to have all participants using a particular service pay their fair share and not have the discretion to opt in or out without any legislation to prevent it otherwise.

Mr. Flight: That makes good sense. Excellent sense. Great sense.

On motion, amendment defeated.

On motion, Clauses 9 through 14 carried.

Mr. Chairman: Shall Clause 15 carry?

Mr. Simms: No, Mr. Chairman, it shall not carry, at least until we have had our word.

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

Mr. Simms: I want to move an amendment to Clause 15 by adding the following after subsection (1), which would then become subsection (1) (1), I guess, (1) (A) or (1) (1). It would then read, 'Prior to the adoption of a budget under subsection (1), the budget shall be approved by the municipal authorities in the region.' A simple, straightforward, acceptable amendment and what it would mean is that the regional boards would be required to submit their annual budgets to the Town Councils or municipal authorities in that region for approval, and that gives effect, I think, again to the intent of the Government as expressed by the Minister. Because he said - I hope I am not being selective - in Hansard, 'we want these boards to be, as I said, council-driven so that any budget approval would have to be approved by the councils involved and not by the Minister.' Now he said that in Hansard. That is not being selective, he said it in Hansard.

Well, in order to allow that to occur you need this amendment, a pretty minor, simple amendment. I think the council should have the authority - anyway, we will forget the argument or the politics. They should have the authority to approve the budget before it goes to the Minister - a very minor amendment.

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

Mr. Gullage: Mr. Chairman, we cannot support the amendment. The Act does not give - does not give - unless there is something there I am missing, the Minister the right, or make it subject, if you

like, to the Minister having to approve the budget. The budget has to be submitted to the Minister. But then, again, all budgets in the Province do anyway. That is standard procedure. But there is no right of the Minister to overturn and have input into a budget and say that this budget has to be changed in any particular way. And by having it that way it means that the elected Councillors, elected within their councils, who are appointed to these boards have full accountability to the councils they represent on the board. And, obviously - it should be obvious anyway - if you have a couple of councillors from a given municipality on a board representing that municipality, I would think it unlikely that they would be party to a budget that did not represent the interest of the council they came from, and that is the intent.

Mr. Simms: Mr. Chairman, I guess all we are saying -

Mr. Chairman: Order, please!

The hon. the Opposition House Leader.

Mr. Simms: I guess all we are saying is - the Minister says it should be obvious, that is the intent, there is nothing there that I can see. All we are saying by introducing this amendment and including it in the legislation is that there will never be any doubt, there will never be any question, they will never have to say that is the intent, because it will be clearly spelled out. It is quite a simple amendment to ensure that the municipal authorities in the region covered by the board would have to approve any budget first of all, before it

is sent in to the Minister. That is all. It is pretty straightforward.

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

Mr. Gullage: Briefly, Mr. Chairman, that, quite frankly, is unworkable. Because we have some situations where we are possibly transferring provincial assets, \$100 million for example, if you want to look at the Northeast Avalon, over to a regional services board. And if that takes place, and I am using that as an example, we cannot have that budget totally subject to the municipalities' discretion, if you like, because we are dealing with \$100 million of assets -

Mr. Simms: Why did you not say that (inaudible).

Mr. Gullage: - and clearly the Minister and the Lieutenant-Governor in Council has to be able to see the budget, and it has to be submitted to the Province, as is the case now with all municipalities.

Mr. Flight: Sure! Carried.

On motion, amendment defeated.

Mr. Simms: The Minister of Forestry said 'carried'.

On motion, Clauses 15 through 17, carried.

Mr. Chairman: Shall Clause 18 carry?

Mr. Simms: Mr. Chairman.

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



Mr. Simms: I move an amendment to Clause 18 by adding the following after subsection (1) as then subsection (1) (1). It would then read, 'Prior to the adoption of a revised budget under subsection (1) the revised budget shall be approved by the municipal authorities in the region.' That amendment, of course, follows the one we just tried to put to section 15. It would require councils to approve the revised budget of a regional service board prior to it being adopted by the board. It is a pretty simple rationale, and I cannot for the life of me understand why the Minister would not allow that kind of amendment to go through.

Mr. Doyle: He will allow it. He will allow it.

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

Mr. Gullage: I can only repeat myself, Mr. Chairman, that the members of a regional services board would be representing councils who are participants in that board.

Mr. Simms: With the exception of the chairman.

Mr. Gullage: With the exception of the chairman -

Mr. Simms: That is right.

Mr. Gullage: - who could, by the way, be an elected person as well. And the same rationale applies. I would think it unlikely that these elected people, who will be representing the councils that comprise the board, would do anything that was not in agreement with the councils they represent.

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

Mr. Simms: I would just ask the minister very briefly, what about the situation where you have the authority to appoint people to a regional services board? If the councils do not participate, you have that authority. You might very well have a board that is not made up of elected councils. You might very well. It is possible. So then what happens?

An Hon. Member: He is right, too.

Mr. Simms: Any answer to that?

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

Mr. Gullage: Mr. Chairman, I cannot conceive of a situation like that, but I suppose it is possible. With a given service being so necessary to a group of communities, a regional services board is the answer to make sure that everybody pays a fair share. And I guess theoretically all the councils could say we are not appointing anybody. If that circumstance happens, I guess we will have to deal with it. But that is possible, sure. I mean, I cannot deny that is possible.

Some Hon. Members: Oh, oh!

Mr. Chairman: Order, please!

The hon. the Opposition House Leader.

Mr. Simms: If it is possible and if it happens, what I would suggest to the minister is that he would have to come back to the House of Assembly to introduce this minor amendment. All we are suggesting is that it be

introduced now so that you would not have to face that eventually. I mean, it is so simple it is not even funny.

On motion, amendment defeated.

On motion, Clause 18, carried.

On motion, Clauses 19 through 21, carried.

Mr. Chairman: Shall Clause 22 carry?

Mr. Simms: Clause 22, Mr. Chairman.

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

Mr. Simms: Mr. Chairman, I want to move an amendment to Clause 22 by adding the following at subsection (2) (1) to then read, 'the financial statement and auditor's report shall be sent to each municipal authority in the region.' The amendment provides for councils to receive and have the right to receive the financial reports necessary to ensure that the boards are operating within the budget and being fiscally responsible. That is simply the purpose of the amendment.

Mr. Chairman: Does the amendment carry?

An Hon. Member: Just read that again.

Mr. Simms: I said the amendment gives councils the right to receive financial reports, which is not in there now, necessary to ensure that the board itself is operating within budget and being fiscally responsible. I mean, right now there is no provision for the councils to receive that or to be eligible, and we think

they should, that is all.

On motion, amendment carried.

Mr. Simms: Oh, we got one. We won one.

On motion, Clause 22 as amended, carried.

Mr. Chairman: Shall Clause 23 carry?

Mr. Simms: Clause 23, Mr. Chairman.

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

Mr. Simms: Mr. Chairman, finally the persistence pays off, I suppose. Finally the Government caved in -

An Hon. Member: One amendment.

Mr. Simms: - after the pressure. Now if we had not kept up the pressure in moving amendments there would be no changes to this legislation. That change, as minor as some people might think it to be, is an improvement to the legislation.

I would like to move a further amendment, to amend subsection 4 of Clause 23, for those who are following closely, by adding and inserting the following words after the word 'minister'. 'The board shall advise the minister', see that?

An Hon. Member: Yes.

Mr. Simms: These are the words to add: 'and the municipal authorities in the region.' Basically the amendment simply requires that the regional services board informs the councils in that region of its

appointment or relocation of an appointment of the auditor. It is a very simple amendment. Very, very minor.

On motion, amendment carried.

On motion, Clause 23 as amended, carried.

On motion, Clauses 24 through 26, carried.

Mr. Chairman: Shall Clause 27 carry?

The hon. Opposition House Leader.

Mr. Simms: Mr. Chairman, I thank the Government. That is two of our amendments they carried. Now this next one is following in the same vein, very simple. To amend Clause 27 by adding the following words, again after 'minister' - it just make it consistent with the one we just passed, really - 'and the municipal authorities in the region.' It would simply require the board to send a copy of the annual audit report to municipal authorities in the region. It is very simple. But it is not in there, so we thought it might improve the legislation.

On motion, amendment carried.

On motion, Clause 27 as amended, carried.

Mr. Chairman: Shall Clause 28 carry?

The hon. the Opposition House Leader.

Mr. Simms: No, Mr. Chairman. Clause 28 basically is another - this is to make it all consistent now. Since you have accepted the other two amendments, Clause 28 has to be amended. The Minister

is nodding, so he knows what I am about to say. After the word 'minister' in that Clause, the first line, you would have the words 'or the municipal authorities in the region.' Also, you would have to add the following words after 'minister' in the third line and the words would be, 'and the municipal authorities in the region.' I take it from the Minister there is no problem with that one? Here you go, Elizabeth.

Mr. Baker: Can you read that again, please?

Mr. Simms: Okay. To amend Clause 28 by adding the following after the word 'minister' in the first line - right? - which would say, the auditor shall at the request of a board or the Minister 'or the municipal authorities in the region' the words to be added. Follow that?

And the second change would be adding the following words after 'minister' in the third line, 'and the municipal authorities in the region' within thirty days of its completion.

Does the Government House Leader see a problem or something?

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

Mr. Baker: Yes, Mr. Chairman. This, in essence, is different from the others. The other amendments we accepted were from the point of view of informing the councils of decisions that were made. This one, in fact, now would give each of the individual councils authority to create this interim report. And if you have ten councils and each of them at a different time of the year

requesting interim reports, it adds chaos to the financial examination of that board. So, I would suggest, Mr. Chairman, that it would be totally inappropriate in this case.

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

Mr. Simms: Perhaps I was not clear enough, Mr. Chairman. The intent of the amendment would be to require an auditor to make an interim report on the accounts of a board at the request of municipal authorities in that region. That is the intent. If the municipal authorities in the region wanted the -

An Hon. Member: (Inaudible).

Mr. Simms: I am saying, if the town council wanted, or the municipal authorities and the board wanted the auditor to give them an interim report on the accounts of the board from time to time, they now have no authority to do that - right? - and we are suggesting that they should have that authority, especially if the councils are going to be held accountable for the proper financial management of regional services boards. That is the purpose of the amendment.

Mr. Chairman: Order, please!

It is now 12:00 p.m. Before we proceed, do we have agreement to stop the clock?

Mr. Simms: We agree to stop the clock.

On motion, amendment defeated.

On motion, Clauses 28 through 30, carried.

Mr. Chairman: Shall Clause 31 carry?

The hon. the Opposition House Leader.

Mr. Simms: I move an amendment to Clause 31 by renumbering it as subsection (1) of Clause 31, and adding the following as a subsection (2): 'the board shall submit a copy of the forecast prepared under subsection (1) to the municipal authorities in the region.'

That is that five year forecast, right? There is no obligation to do it now, and this would obligate them.

On motion, amendment carried.

On motion, Clause 31 as amended, carried.

On motion, Clause 32 through 35, carried.

Mr. Chairman: Shall Clause 36 carry?

Mr. Simms: Mr. Chairman.

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

Mr. Simms: Mr. Chairman, Clause 36 presently says 'all methods of raising revenue which may be imposed under Section 13 shall be imposed or varied by a resolution of the board.'

We wish to amend that Clause by adding the following words: 'subject to the approval of the municipal authorities in the region.'

An Hon. Member: (Inaudible).

Mr. Simms: Can't do that? Well,

let me try to explain it. The amendment would require all the revenue assessments imposed by a board subject to the approval of the municipal authorities in the region, and it gives effect to the intention of the Government, we presume, as outlined by the Minister in Hansard again, where he said in Hansard - I do not think I am being selective, he said it - 'Revenue assessments could be done either on a per capita basis or in some other rationale which would fairly see the communities involved pay for the services which we are speaking about on a fair basis, as determined by the councils and the board.'

Now he said that in the Legislature, and this amendment would simply give effect to the intention as outlined by him in Hansard, unless we totally misinterpret what he said in Hansard on November 1. He has already denied many of them - 'subject to the approval of the Municipal authorities.'

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

Mr. Gullage: The intent of having the elected councillors on the board, unlike a situation we have in the Northeast Avalon, as an example, right now, where it is partially elected partially appointed, is so that they would represent on the board, whether it be two or three or however many per council, the views of their council on that board. And then the board has decision-making powers. But to have the board then have to go back to each respective council on every decision I think defeats the whole purpose of having the board in the

first place.

On motion, amendment defeated.

On motion, Clauses 36 through 45, carried.

Mr. Chairman: Shall Clause 46 carry?

Mr. Simms: Sorry, Mr. Chairman. Clause 46, I think my colleague, the critic, the Member for Burin - Placentia West, wants to have a few concluding remarks on this particular piece of legislation.

An Hon. Member: (Inaudible).

Mr. Simms: By the way, there were thirteen amendments we proposed.

Mr. Chairman: The hon. the Member for Burin - Placentia West.

Mr. Tobin: Mr. Speaker, just a very brief remarks on it. Certainly in the past few days myself and my colleague and some of the research people have been drafting the necessary amendments which we thought would make this better for the people of the Province, rather than the dictatorial approach which has been taken by this Government.

Mr. Speaker, I was a bit disappointed by the Member for Placentia and the Member for Carbonear, who are both former Presidents of the Federation of Municipalities and who lobbied over the years to have the changes and the amendments put forth that we did today, and who were always great advocates of public hearings and feasibility studies. It is unfortunate that today the Government House Leader cracked the whip and they both fell in line and followed, against their consciences, I might add. But it

is certainly noticeable that while we did put forth a number of amendments, there were three members -

Sergeant-at-Arms: Mr. Chairman, His Honour the Lieutenant-Governor has arrived.

On motion, Clause 46 carried.

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

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

Mr. Speaker: The hon. the Member for Trinity - Bay de Verde.

Mr. Chairman: The Committee of the Whole have considered the matters to it referred and has directed me to report Bills Nos. 71, 60 and 42 carried without amendments, and Bill No. 38 with amendments, and ask leave to sit again.

On motion, report received and adopted, amendments ordered read a first and second time, bills ordered read a third time, presently, by leave.

On motion, amendments read a first and second time.

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

Mr. Baker: Mr. Speaker, I was going to move that we do the third readings of Orders 3 to 10. We have leave on 7, 8, 9 and 10, and the others are just ordinary third readings. So if we could do third readings of all bills by leave?

Mr. Speaker: The hon. the

Opposition House Leader.

Mr. Simms: Mr. Speaker, just to be perfectly clear.

Some Hon. Members: Oh, oh!

Mr. Simms: I would not want members to misunderstand. This is an expense claim I just received my cheque for, and it is for \$7.80. I can assure members I am not rushing for any particular reason. I can tell you, I am not rushing out to cash it.

The House could come back on Monday, obviously, but since third readings traditionally and by practice in the House generally receive no debate, there is not much point in doing that. I understand His Honour is on his way, so it would be accommodating to him, I guess, to be able to do the third readings of the four bills we did this morning. I do not think we have any real problem with that.

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

A Bill, "An Act To Revise The Law Respecting The Management, Harvesting And Protection Of The Forests Of The Province". (Bill No. 11).

A Bill, "An Act To Amend The Human Rights Code, 1988". (Bill No. 46)".

A Bill, "An Act To Reconstitute Newfoundland and Labrador Development Corporation Limited And Certain Divisions Of The Department Of Development As Enterprise Newfoundland And Labrador Corporation". (Bill No. 72).

A Bill, "An Act To Amend The Amusements Rides Act". (Bill No. 59).

A Bill, "An Act Respecting The Creation Of Regional Service Boards Throughout The Province". (Bill No. 38).

A Bill, "An Act To Repeal The Parliamentary Commissioner (Ombudsman) Act". (Bill No. 42).

A Bill, "An Act Respecting Chiropractors". (Bill No. 60).

A Bill, "An Act To Remove Anomalies And Errors In The Statute Law". (Bill No. 71).

Sergeant-at-Arms: All rise.

It is the wish of His Honour the Lieutenant-Governor that all present be seated. Thank you.

Mr. Speaker: Your Honour, it is my agreeable duty on behalf of Her Majesty's dutiful and loyal subjects, Her Faithful Commons in Newfoundland, to present to Your Honour a Bill for the Appropriation of Supplementary Supply granted in the present Session.

A Bill, "An Act For Granting To Her Majesty Certain Sums Of Money For Defraying Certain Expenses For The Public Service For The Financial Year Ending the Thirty-First Day Of March One Thousand Nine Hundred And Ninety And For Other Purposes Relating To The Public Service." (Bill No. 2)

Hon. J. A. McGrath

Lieutenant-Governor: In Her Majesty's name, I thank Her loyal subjects, I accept their benevolence and I assent to this Bill.

Mr. Speaker: May it please Your Honour, the General Assembly of the Province has at its present session passed certain Bills, to which, in the name and on behalf of the General Assembly, I respectfully request Your Honour's Assent.

A Bill, "An Act To Amend The Assessment Act, 1986" (Bill No. 22).

A Bill, "An Act To Amend The Day Care And Homemaker Services Act, 1975". (Bill No. 10).

A Bill, "An Act To Amend The Criminal Injuries Compensation Act". (Bill No. 35).

A Bill, "An Act To Amend The Registration Of Deeds Act". (Bill No. 49).

A Bill, "An Act To Amend The Child Welfare Act, 1972". (Bill No. 51).

A Bill, "An Act To Amend The Urban And Rural Planning Act". (Bill No. 9).

A Bill, "An Act To Amend The Fish Inspection Act". (Bill No. 18).

A Bill, "An Act To Amend The Freedom Of Information Act". (Bill No. 6).

A Bill, "An Act To Amend The Welfare Institutions Act". (Bill No. 20).

A Bill, "An Act To Amend The Livestock (Health) Act". (Bill No. 19).

A Bill, "An Act To Amend The Income Tax Savings Plans Act" (Bill No. 29).

A Bill, "An Act To Amend The Department Of Health Act". (Bill

No. 45).

A Bill, "An Act To Amend The Loan And Guarantee Act, 1957 (No. 2)". (Bill No. 69).

A Bill, "An Act To Amend The Local Authority Guarantee Act, 1957 (No. 2)". (Bill No. 70).

A Bill, "An Act To Amend The Highway Traffic Act, 1988". (Bill No. 48).

A Bill, "An Act To Amend The Highway Traffic Act, (No. 2)". (Bill No. 65).

A Bill, "An Act To Amend The Municipalities Act". (Bill No. 23).

A Bill, "An Act To Provide For The Regulation Of Motor Vehicles Used In The Transportation Of Persons Or Goods For Compensation". (Bill No. 12).

A Bill, "An Act To Repeal Certain Obsolete And Spent Statutes". (Bill No. 21).

A Bill, "An Act To Revise The Law Respecting Securities". (Bill No. 15).

A Bill, "An Act To Amend The Dangerous Goods Transportation Act And The Summary Proceedings Act". (Bill No. 37)

A Bill, "An Act To Amend The Young Persons Offences Act". (Bill No. 36).

A Bill, "An Act To Amend The Members Of The House Of Assembly (Retiring Allowances) Act, The Public Service (Pensions) Act And The Uniformed Services Pensions Act". (Bill No. 44).

A Bill, "An Act To Amend The

Corporations Act". (Bill No. 53).

A Bill, "An Act To Amend The Western Memorial Hospital Corporations Act, 1947". (Bill No. 64).

A Bill, "An Act To Amend The Buildings Accessibility Act, 1981". (Bill No. 55).

A Bill, "An Act To Amend The Occupational Health And Safety Act". (Bill No. 59).

A Bill, "An Act To Revise The Law Respecting The Management, Harvesting and Protection Of The Forests Of The Province". (Bill No. 11).

A Bill, "An Act To Amend The Human Rights Code, 1988". (Bill No. 46).

A Bill, "An Act To Reconstitute Newfoundland and Labrador Development Corporation Limited And Certain Divisions Of The Department of Development As Enterprise Newfoundland And Labrador Corporation". (Bill No. 72).

A Bill, "An Act To Amend The Amusement Rides Act". (Bill No. 58).

A Bill, "An Act To Remove Anomalies And Errors In The Statute Law". (Bill No. 71).

A Bill, "An Act Respecting Chiropractors". (Bill No. 60).

A Bill, "An Act To Repeal The Parliamentary Commissioner (Ombudsman) Act". (Bill No. 42).

A Bill, "An Act Respecting The Creation Of Regional Service Boards Throughout The Province". (Bill No. 38).



In Her Majesty's Name, I assent to these Bills.

May I take this opportunity, Mr. Speaker, to wish you and all of the Members of the House of Assembly, and the Table Officers and all who serve this hon. House, my very good wishes for Christmas and the New Year.

Some Hon. Members: Hear, hear!

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

Mr. Baker: Thank you, Mr. Speaker. A couple of comments -

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

Mr. Baker: There are a couple of comments I would like to make. First of all I would like to thank all hon. Members for the hard work that has gone into the last month and a half. I would like to take particular note of the Table Officers and other Officers of the House who do an exemplary job here every day. I would like to thank the Pages for the prompt and very appropriate way in which they respond to our needs and carry out the business of the House. I would like to mention that Tara will not be with us when we rise again, so I would like to wish her the best of luck in the future.

Some Hon. Members: Hear, hear!

Mr. Baker: I would particularly like, Mr. Speaker, to mention the workers in the Hansard office. They, perhaps, have been under more pressure in the last year or six months or eight months than at any other time before in history. They have been toiling on committee reports as well as the

House of Assembly reports, and their facilities have been strained to the limits. They have hired extra help and have done a commendable job, an exceptional job in trying to keep up with all of this extra work. I think under very, very trying circumstances they have done an absolutely superb job, so I would like to make special mention of the workers in Hansard.

Some Hon. Members: Hear, hear!

Mr. Baker: Barring unforeseen circumstances, Mr. Speaker, this will probably be the last time we will be sitting in this particular Chamber. I would just like, for a moment or two, to have us all reflect back on what has gone on in this Chamber. Since it was first used there have been a lot of changes in this Province, and Governments have come and gone and politicians have come and gone. Some a lot quicker than others, granted. Some have been around for quite a time. But I am sure that regardless of the length of time we ourselves have spent in the House, we will have a kind of special place in our memories for this Chamber. It has served its function well. It may have been misplaced in the sense of being on the ninth floor of a building and maybe should not have been there in the first place, but the Chamber itself has been a very functional Chamber and we will remember it fondly.

I have had a request from the Leader of the Opposition to perhaps consider whatever disposition there may be of certain structures in the Chamber - the desks and chairs and things like that. So I suppose, Your Honour, consideration will be given to this. And whether we

move some of these to the first House of Assembly, or whether we leave them here, or whether we make some other arrangement for the disposal, I am sure all hon. Members will be advised and have knowledge of what is happening.

Mr. Speaker, I would simply like to take note of these facts. This is a very unusual closing. When we open - unless we have to open for some reason next week, which is always within the realm of possibility - but unless nothing unforeseen happens, we will be opening in the new Chambers. And I am sure that after fifteen or twenty years in the new Chamber, we will develop the same feeling for it as we have for this one.

Some Hon. Members: Hear, hear!

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

Mr. Simms: Thank you, Mr. Speaker. I do not wish to delay the adjournment but there are few things I would like to say. Not to be repetitive, I concur in the sentiments expressed by the Government House Leader - the favourable sentiments, at least - in thanking those associated with the operations of the House. The Clerks and all the rest of the staff, the Pages and everybody else, particularly Hansard. I agree with him. They are a hard-worked group who sometimes get maligned, as a matter of fact, but they should not.

I might point out to him - I think he said that the first House of Assembly was the Colonial Building. That is a slight inaccuracy. The first Legislative Assembly, I think, was in a bar downtown before it then moved to the Colonial Building. So,

actually, the second Legislative Assembly, if you want, was at the Colonial Building. The first one was at a bar downtown, and I sometimes wonder, with the actions of Members opposite, would it not be more appropriate to move back to the first site of the first Legislative Assembly.

Some Hon. Members: Oh, oh!

Mr. Simms: Mr. Speaker, it is hard to be pleasant when you are facing people like those opposite day to day.

Ms Verge: Don't forget the Ombudsman.

Mr. Simms: Mr. Speaker, I noticed the Government House Leader, I believe, forgot to thank the Press Gallery - I do not believe he mentioned the Press Gallery. I am sure that was in error, just a simple oversight. And not being one to try to take advantage of any kind of an opportunity like that, I would simply like to pass along the best wishes to the members of the Press Gallery, who do give us - all jokes aside - very fair coverage, I think, reasonably fair coverage. There are lots of times when we argue with them, but I think fair coverage. And it being an oversight I am sure, I will pass along those greetings on behalf of Members opposite as well.

Mr. Speaker, I guess all that remains is to, on behalf of my colleagues in caucus, express best wishes for an enjoyable festive season and hopefully an enjoyable New Year, including the Members opposite, and thank the Speaker and his staff of course for all the assistance he has provided. And I would be remiss if I did not take one parting shot, and wish

the very best of wishes to the Ombudsman, our Officer of our House, and his staff for their futures as well.

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

Mr. Baker: Mr. Speaker, I move that the House adjourn to the call of the Chair.

On motion, the House adjourned until tomorrow, at the call of the Chair.