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***VERBATIM REPORT***  
***(Hansard)***

***Speaker: Honourable Thomas Lush***

Tuesday

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The House met at 2:00 p.m.

Mr. Speaker (Lush): Order, please!

#### Statements by Ministers

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

Mr. Carter: Mr. Speaker, I am taking the opportunity today to advise this hon. House of a new approach in 1990 to the management of the caplin fishery.

The experience of past seasons in the caplin fishery has led the industry to the conclusion that further measures are necessary to alleviate the competitive nature of this short fishery. In recent years, the fishery has been managed on the basis of strict harvesting quotas, based on the market requirements as determined through industry negotiations. This has resulted in a very competitive fishery where every producer has been competing with his neighbor for the highest market share within the allowable quota. The inevitable result has been the production of less than top quality product, a fact acknowledged by the industry.

Mr. Speaker, today I am announcing that the Department of Fisheries will be advising all caplin processors that a condition will be attached to their processing licences which will permit them to produce only that quantity of fish for which they have confirmed orders, backed up by supporting financial documentation. I understand that, also, the Department of Fisheries and Oceans will determine the harvesting plan based on the total of these orders.

This arrangement will enable companies to produce a better quality product, which, I am sure, everyone will agree should be our prime objective.

I understand this new arrangement has the wide support of industry, and I sincerely hope it will lead to the improvement in the industry which their spokesmen maintain that this measure will facilitate.

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

Mr. Rideout: Thank you very much, Mr. Speaker. Having listened to the Minister in the Estimates debate a couple of months ago now, I guess, and in public pronouncements since, telling us or giving us reason to believe that there were significant changes coming this year for the management of the caplin fishery. I am somewhat at a loss with what is contained in this particular statement, Mr. Speaker. The only thing new in this particular statement is the fact that caplin processors will have a condition attached to their processing licence which will permit them to produce only that quantity of fish for which they have confirmed orders, and for which the Department can confirm financial documentation is in place. Now that is the only thing new, Mr. Speaker, in this particular statement.

The Minister in Estimates talked about regulations on trucking. He talked about possible regulations on a maximum quantity of fish that a fisherman could bring in in boat at any particular time. These initiatives are not here, Mr. Speaker. So what the Minister has done is precious little in terms of a new management plan for

caplin, and for him to be able to smugly say today that he has brought in a new management plan, Mr. Speaker, is far from the truth.

There are a couple of questions that need to be answered. First of all the Minister says, I understand this new arrangement has widespread support in the industry. Well does it? Is the industry supporting this, Mr. Speaker? Does the Minister have firm undertakings from the industry that they will be supporting this initiative? Secondly, Mr. Speaker, what about sea run caplin, for example, to Taiwan and Hong Kong where orders do not normally come in until the caplin fishery is three-quarters or almost over? And those areas, particularly Taiwan, Mr. Speaker, has been a traditionally good market for Newfoundland caplin. Are those potential markets going to be in jeopardy because of this kind of an approach taken by the Minister? We welcome the initiative, Mr. Speaker, but it is far, far short of what the Minister promised in a caplin management plan for this year.

An Hon. Member: It is better than you did.

Mr. Rideout: Who was it brought in the freezing temperatures? The core temperatures, the (inaudible)?

Mr. Speaker: Further Statements by Ministers?

The hon. the Minister of Social Services.

Mr. Efford: Thank you, Mr. Speaker.

Mr. Speaker, I would like to take this opportunity to further update the House as to present status of

the deinstitutionalization of Mount Cashel.

As you are aware, the Christian Brothers made the decision to close Mount Cashel last fall. In light of this decision, my Department was faced with the task of finding alternate placements for the thirty-five young people residing at Mount Cashel. Based on the needs of the residents, it was determined that only a few boys could be accommodated in the regular care system of foster homes and group homes. A project team was put in place and intensive work commenced to assess the individual needs of each resident. Mr. Speaker, based on the assessments, it was determined that it would be June 30, 1990 before suitable alternate placements could be established for all the residents.

Due to the hard work of the project team, the determination and effort of the boys in locating and furnishing their living accommodations, the last boys moved from Mount Cashel on Friday, June 1, 1990, Mr. Speaker, one month ahead of schedule.

The boys and young men have been accommodated as follows: seven living home with relatives; nine, semi-independent living; sixteen, independent living; three foster homes for a total of thirty-five.

Mr. Speaker, while all the boys have moved from Mount Cashel, the project team remains active in developing programs (counselling, life skills) and training the live-in staff for the five semi-independent living units. The process has started to develop a Board of Agency and community representatives to operate and further develop the independent

living model to be known as 'Choices for Youth'. This model of independent living will provide a continuum of care for children in care of the Director of Child Welfare ranging from foster care, group homes to independent living. Mr. Speaker, in closing, I would like to recognize the contribution of Mount Cashel, the project team and the thirty-five residents in working together to develop an exciting concept of independent living. Choices for Youth will benefit all children in the foster care system and is one of many steps my Department will be initiating to improve programs for children in care.

Mr. Speaker: The hon. the Member for Port au Port.

Mr. Hodder: Just a short comment before I make any comment about this. I would just like to say that time is getting shorter and shorter in getting our Ministerial Statements. I got this one just as I walked in through the door. I remember the Minister's stand when he was on this side of the House, so I would like him to remember that if he wants to be fair about it. Mr. Speaker, the information for the most part in this is not new. Basically, all I could say is that this has been a sad chapter in Newfoundland's history, and I do hope that the Minister uses all compassion to place the young people affected, and to ensure that as long as they are in foster homes they will be well looked after. As I said before, when I spoke on this, there are an awful lot of good people who graduated from that facility, those that are left who are in other facilities now, I would charge the Minister to make sure that the services remain, it is not enough to say now that

things are fine but they have to be fine next year, the year after and the year after that. Mr. Speaker, I would also like to pay tribute and to recognize, and to use the Minister's words, the contribution of the facility itself and the Project Team and the thirty-five residents whom, I understand, worked together to bring about the facilities and the living conditions in which they now live. I can only say, on behalf of this side of the House, we wish them well and we hope that everything works well for them.

#### Oral Questions

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

Mr. Rideout: Thank you, Mr. Speaker.

Mr. Speaker, I had a question for the Minister of Employment and Labour Relations but in her absence, I will direct the question to the President of Treasury Board.

Mr. Speaker, the Minister to whom I refer, the Minister of Employment and Labour Relations, yesterday in this House, in response to a question from my colleague from Harbour Main about the current crisis which exists between the Workers' Compensation Commission and the Appeals Tribunal, indicated quite clearly that no crisis did in fact exist.

Mr. Speaker, I would like to briefly quote from a letter dated May 3, 1990, to that Minister from the Chief Executive Officer of the Workers' Compensation Commission in which he makes the following statement: We now have reached

such a crisis stage in the Tribunal/Commission relationship that the Board believes immediate attention from Government is required to arbitrate the divergent views of the Commission and the Tribunal. Now in view of that statement made by the Chief Executive Officer, Mr. Speaker, I want to ask the Minister, the President of Treasury Board, whether or not the Government still maintains his colleague's answer yesterday, that no crisis in fact exists.

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

Mr. Baker: Thank you, Mr. Speaker.

There may be, depending on the definition of crisis in a particular relationship. That does not mean that a crisis situation exists in the Province. The Minister was reacting to the impression being given by Members opposite that there was a crisis that existed in this Province.

Mr. Speaker, the Minister is in very close touch with this particular problem. And there is a problem. Hopefully, over the next short while, the problem will be solved and things can then progress properly and the proper relationship be established between the Workers' Compensation Board and the Appeals Tribunal.

Mr. Speaker: The hon. the Leader of the Opposition, on a supplementary.

Mr. Rideout: Mr. Speaker, what we are talking about here is clearly a crisis referred to by the Chief Executive Officer of the Workers' Compensation Commission that exists between the Commission and the Tribunal, not a crisis in the

Province. That is another issue, Mr. Speaker.

Now I would like to ask the Minister this: Is the Minister suggesting that the Chief Executive Officer of the Workers' Compensation Commission is not telling the truth, is blowing it out of proportion? Does the Government have confidence in the Chief Executive Officer of the Workers' Compensation Commission, Mr. Speaker?

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

Mr. Baker: Of course, Mr. Speaker, we do have confidence in that individual. A problem does exist. Whether people want to call it a crisis, and I believe in the letter there was an indication that there was a crisis in a particular relationship that developed. There is a problem; we admit there is a problem; and we will solve the problem. It solves no problem by standing up in the House of Assembly and inflaming the situation even more so than it is already.

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

Mr. Rideout: Mr. Speaker, if you take what Ministers opposite want you to do in this House, you might as well close it all down and go home; it is totally redundant anyway. Our responsibility is to ask the questions, and it is the Ministers' responsibility to answer them.

Mr. Speaker, let me ask this of the Minister. Unlike his colleague yesterday, is the Minister going to heed the plea from the Chief Executive Officer of the Workers' Compensation

Commission and have Government move immediately to try to arbitrate the differences that exist between the Commission and the Tribunal?

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

Mr. Baker: First of all, I do not question the Opposition's right to ask questions. I am simply questioning the choice of language, and I have a right to respond to the choice of language used. I hope the Opposition continues to ask good questions, and it is important that they ask this particular question. All I was questioning and commenting on was the style of the asking of the question.

Mr. Speaker, I believe the Minister outlined in some detail yesterday exactly what steps were being taken to arbitrate or to solve this particular problem, and I am sure it will be solved in due time.

Mr. Rideout: A supplementary, Mr. Speaker.

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

Mr. Rideout: Mr. Speaker, I will stack my provocative language up against the President of Treasury Board and what was said in the press yesterday anytime, when it comes to labour relations in the Province.

Mr. Speaker, is the Minister not concerned that the Workers' Compensation system, as also referred to in this letter to the Minister of Employment and Labour Relations, has broken down and that that will, in essence, adversely affect employers in the

Province, employees in the Province? And what is the Government going to do to correct this very sad situation immediately? Are you going to continue to sit on it, or do something about it?

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

Mr. Baker: Mr. Speaker, there is a problem, and we are concerned that the system is not working as efficiently or as well as it should work because of this particular problem. We are working on it. We are not going to immediately jump in there and trample everybody in sight, we are going to try to solve this sensibly and logically.

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

Mr. Simms: I have a question for the Minister of Health and it relates to the current situation in the hospitals with respect to the lab and X-ray strike. As the Minister, I am sure, would be aware, many people around the Province are quite concerned about the level of service they can expect and, indeed, the level of service being provided in the hospitals, and whether or not the public can expect to get good quality health care as often promised by this particular Government. Can the Minister of Health give reassurances and some degree of comfort to the thousands of Newfoundlanders and Labradorians who are quite seriously worried about this particular situation?

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

Mr. Decker: Mr. Speaker, the

Department of Health is constantly in touch with the various hospitals throughout the Province. Of course we are concerned about this. There are a lot of people on strike. Can I assure all the people that they are going to get the quality of health care we would like to be able to give them? That is difficult to say, Mr. Speaker. We are confident that no individual's life is endangered - NAPE has consented to provide emergency services and essential services. It is an area we are very concerned about and we are monitoring it hourly. Just five minutes before I left to come up I talked with the ADM who is responsible for this. It is a labour dispute and we are trying to ensure that no one's life is endangered, Mr. Speaker.

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

Mr. Simms: Mr. Speaker, I have a question for the President of Treasury Board. Yesterday the President of Treasury Board used some very provocative statements towards Mr. March, saying he was throwing a temper tantrum and that he was taking his people out and making them suffer. Today, I noticed in The Evening Telegram, he is quoted again with respect to a potential dispute for the hospital support staff. He is quoted as saying, 'I don't know how to deal with it.' That is the quote today from this Minister.

I ask the President of Treasury Board, if he doesn't know how to deal with it, is there anybody in Government who does? If so, what initiatives are they, or he, going to take?

Mr. Speaker: The hon. the

President of Treasury Board.

Mr. Baker: Thank you, Mr. Speaker.

The full quote in my conversation with the reporter was that when collective bargaining starts and each side lays a proposal on the table, then, when one side says, 'Are you willing to drop all of your proposals?' and you say, 'No, let us talk,' and they walk away, I really don't know how to deal with that situation under collective bargaining. That was the quote I gave.

I am very happy to announce today, Mr. Speaker, that as a result of discussions this morning, negotiations will get down to serious business as quickly as possible with the support staff workers. It so happens that at NAPE's request the quickest possible time, because of some other things which are ongoing, is Saturday morning. So on Saturday morning we will be getting down to the serious business of negotiating the collective agreement with the support workers.

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

Mr. Simms: Mr. Speaker, I have a final supplementary for the President of Treasury Board.

Getting back to the situation with respect to the Lab and X-ray dispute, since the Minister, I think, has been quoted as saying no negotiations are underway with respect to that particular dispute, and I believe he is also quoted as saying that if talks were to get underway he felt optimistic they could reach an agreement - if I am not incorrect, I believe that was attributed to him - I am asking the Minister

today would he be prepared to put aside his own personal feelings on the issue, forego his own temper tantrums, forget his own ego and pride and would he pick up the telephone and call the President of NAPE, Fraser March, show some interest, indeed show some leadership, and see if he can't get together with Mr. March and try to resolve this very serious situation? It is not laughable.

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

Mr. Baker: Yes, Mr. Speaker, I assure Members opposite that the communications which are ongoing between Treasury Board and NAPE are proper communications; the proper channels are being used, and there is no shortage of communications minute by minute, hour by hour, second by second between Treasury Board and NAPE.

Mr. Speaker, I have indicated that so far there has been no collective bargaining in terms of the package - there has been an initial meeting and no collective bargaining - that late last week, I believe Thursday, we presented a package to NAPE that included movement on, I think it was, forty-two items. We are awaiting the response from NAPE and I assume that we will get that in the very near future.

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

Mr. Simms: One quick final supplementary. Did I understand the President of Treasury Board correctly when he used all the flowery words about the great line of communications that is opened? When was the last time the President of Treasury Board spoke personally to the President of

NAPE, Mr. March?

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

Mr. Baker: I am not prepared to discuss these particular details Mr. Speaker.

Some Hon. Members: Oh, oh!

Mr. Baker: As Members opposite know, this is a delicate situation and I do not want to do anything that would unnecessarily disrupt the process or inflame the process, Mr. Speaker.

Mr. Speaker: The hon. the Member for Harbour Main.

Mr. Doyle: Mr. Speaker, I have a question -

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

The hon. the Member for Harbour Main.

Mr. Doyle: Mr. Speaker, I have a question for the Minister of Employment and Labour Relations but, in her absence, I will ask the Government House Leader, as well.

Again, in reference to the letter from the Chief Executive Officer to the Minister of Employment, the CEO makes the point and I quote: 'While the Board of Directors has legislative authority to review Tribunal decisions, it has no decision-making authority and can only make its determinations known to the Tribunal. As of this date, May 3rd, not one of these determinations submitted to the Tribunal has been acted upon.'

What the CEO is saying is that



workers claims are being held up because no decisions are being made. Is Government not aware that the workers are waiting patiently, without income, for these decisions to be made and what is Government going to do about that?

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

Mr. Baker: Yes, Mr. Speaker, we are very aware that this situation has arisen, that there is a backlog that is not acceptable and that it has to be dealt with. The Minister of Employment and Labour Relations is dealing with it in a way that I am certain will result in a solution to the problem in the very near future. As I said previously, she gave a rather lengthy and detailed answer as to what she was in the process of doing yesterday, and I assumed that after a short time we will see some results from this process.

Mr. Tobin: It will soon be time for her to come into the House and answer some questions.

Mr. Speaker: The hon. the Member for Harbour Main.

Mr. Doyle: Mr. Speaker, a supplementary. In view of the fact that the workers are the real victims when you get right down to it - they are the real victims of this internal dispute - and in view of the fact that no action has been taken by the Minister, because I brought it up to her about a month and a half ago now, and she had been made aware of it about two or three months ago, and no action has been taken definitely since the letter was written on May 3rd, will the Minister determine, will the Government determine from the

Workers' Compensation Commission how many workers are caught up in that cross fire you are in without any income support and have some sort of temporary relief, temporary funding made available to the workers who are the victims of this internal dispute until you can get it straightened out?

Mr. Simms: A good question.

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

Mr. Baker: I believe, Mr. Speaker, we already know the number of cases we are talking about here, and also the number of workers. Because, in some cases, there are more than one worker and so on. But we know the number of workers.

As to the second part of the Member's question, I will have to take that under advisement because it will require me doing some further checking with the Department of Employment and Labour Relations.

Mr. Speaker: The hon. the Member for Port au Port.

Mr. Hodder: Mr. Speaker, a question for the Minister of Development. The Minister has confirmed that he has awarded a \$2.3 million tourism contract to APPA Communications, and the principals of the company have close communications to the Minister and to the Liberal Party. The company was formed just eight months ago, and one of the partners of the company has already made a statement and is quoted as saying that he felt it would take a couple of years to become a major player in the marketplace.

Now performance in the marketplace, Mr. Speaker, is normally one of the important criteria for awarding Government contracts such as this. My question to the Minister is will the Minister inform the House what in the performance record of APPA Communications persuaded him that it was the best company to handle the tourism advertising contract for this Province?

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

Mr. Furey: Mr. Speaker, that is a good question, and I thank the hon. Member for the question. I have been waiting for a question on that for quite a while, since we put it there.

Mr. Tobin: Why would you wait for a question on that?

Mr. Furey: Mr. Speaker, what happened in this context is this -

Mr. Tobin: (Inaudible).

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

Mr. Furey: Let me start again, Mr. Speaker.

Some Hon. Members: Hear, hear!

Some Hon. Members: Hear, hear!

Mr. Furey: Mr. Speaker, we called for proposals through the Agency of Records for the tourism contract some months ago. Five companies put forward proposals. They were Target Communications; Total Communications; Marbury Atlantic; APPA Communications; and, I believe -

An Hon. Member: Saga Communications.

Mr. Furey: No, it was not Saga.

An Hon. Member: M5.

Mr. Furey: M5.

What happened was we reviewed them immediately, Target Communications did not meet the specifications of the call for our proposal, so that limited it to four.

Now, when the hon. Member says we have Liberal connections with the company called APPA, I suppose, in fairness, that is true. But, you know, Liberal connections, the argument could also be made, could be with Total Communications who were, as a private sector company, offered to do some business for this party during the election, as well. It could also be argued that Marbury Atlantic, who was invited to help this party and participate in our election, could have Liberal connections, as well.

So, you know, when the hon. Member says there were Liberal connections, yes, there were Liberal connections to three of the four companies that were looked at. Now he has questioned specifically I think, Mr. Speaker, dealt with the formation of this new company and the fact that it was only twelve months old -

An Hon. Member: Eight.

Mr. Furey: - eight months old, and where would the credibility be with this Company? Because a company is new does not necessarily mean, Mr. Speaker, that it is inexperienced. The three senior partners for this company, in fact, to answer the Member directly were, I believe, if my recollection is correct, Richard Pardy, who was with Research Associates and a number

of other companies which have survived and done extremely well under the previous Administration, when they were in power; also, Mr. Speaker, the second principal is a lady by the name of Jeanette Pelley, who was a senior person with SAGA Communications and who worked for five or six years brilliantly for SAGA Communications, who were awarded that contract by the previous Government; and the third principal for this company is a fellow by the name of Mr. Gary Anstey who worked, yes, for a few years in Ottawa. I stated that. We have no secrets on this side with respect to that, I stated it clearly in an interview a number of weeks and months ago. I said at that time that Mr. Anstey was an Executive Assistant in Ottawa for the Liberal Party, Mr. Rompkey I believe, during his tenure as Minister of National Revenue. I believe he was only working with him for maybe a year and a half.

So, Mr. Speaker, when you look at the company in terms of the Company itself, yes, it is a new company. But when you look at the principals and you weigh in their experience, this is a very experienced company that was given the contract on the basis of experience, on the basis of performance, and Mr. Speaker, for the first time ever -

An Hon. Member: (Inaudible).

Some Hon. Members: Start again.

Mr. Furey: Do you want me to start again?

For the first time ever, Mr. Speaker, this Minister and this Government took a position to try to make it as objective as possible.

Some Hon. Members: Hear, hear!

Mr. Furey: Previously, Mr. Speaker -

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

I realize the nature of the question was a detailed one. The Minister has taken considerable time. I would ask him, please, to clue up in less than fifteen seconds.

Mr. Furey: Mr. Speaker, previously the contract was done by two bureaucrats. Looking at it, this Minister expanded it to five. Those five bureaucrats put forward a recommendation, which was APPA Communications. I brought it to Cabinet. Cabinet approved it. This company is a good company, Mr. Speaker, and by innuendo it should not be smeared.

Mr. Speaker: The hon. the Member for Port au Port.

Mr. Hodder: Mr. Speaker, the Minister did not answer the question first or last. He has told us it is a good company, he told us who the principals were of three or four other companies, but he did not answer the question I asked him, which was what persuaded him to take that company? Now I have another question.

An Hon. Member: (Inaudible) what he says.

Mr. Hodder: Well, obviously, Mr. Speaker, it had to be the people. It was not the performance of the company, because the company itself has said it would not really be able to take its place in the marketplace for two years.

My question to the Minister is, since the contract was excluded from the Public Tender Act, will the Minister table in the House (1) proposals of the four companies or the five companies in the final competition? (2) Would he table, as well, the analysis of each proposal? (3) Would he table the opinions of his officials? Because, Mr. Speaker, the people have a right to know.

Mr. Tobin: If there are no secrets (inaudible).

Mr. Speaker: Order, please!

The hon. the Minister of Development.

Mr. Furey: The hon. Member asks me to do that which his Government never did.

Some Hon. Members: Exactly. That is right.

Mr. Furey: I will tell you what I will do. Mr. Speaker, I cannot, nor would it be expected of me, or any former Minister or current Minister, to pass out Cabinet documents so I won't do that. What I will do is I'll ask the five officials to sit down with the hon. Member and march him through the process - march him through the process and allow him to ask questions and allow him to have as much detail as is necessary so that any questions he may have - I can say to him -

Mr. Tobin: What is the big secret?

Mr. Speaker: Order, please!

Mr. Furey: Mr. Speaker, what I said was that I am very prepared, unlike previous Governments and rightly so, that you cannot table Cabinet documents. That's an

acceptable practice. This was a -

Some Hon. Members: Oh, oh!

Mr. Furey: Mr. Speaker, I said we cannot table Cabinet documents; it is not expected of anybody who sits in a portfolio. But what I can do, and if the hon. Member has any brights at all about him he'll understand that this will be very satisfactory, is to sit down with the five senior people - five, five - unlike in previous times, five senior people in the Department of Development and Tourism. What amazes me is how the hon. Member can stand there and ask a question when he knows in his own heart of hearts, as does the Leader of the Opposition, just how political this contract was for the past eighteen years in this Province - eighteen years! So how can he stand and ask that with a straight face when he, himself, as a Liberal stood over there and criticized the Tories for doing just that with that contract? So, Mr. Speaker -

Some Hon. Members: Oh, oh!

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

The Question Period is now degenerating into debate, name calling and just sallying back and forth and it need not be that way. I am going to accept the Minister's answer now and ask the Member for Port au Port if he has another question. I think the Minister answered the question.

The hon. the Member for Port au Port.

Mr. Hodder: Mr. Speaker, the only questions asked were public information. Nobody is asking the Minister for Cabinet documents.

All I am asking for are the proposals of the four companies and the analysis that was carried out by his Department, by his officials, and especially for those that were in the final competition. That's all I am asking the Minister.

I mean, it is obvious, Mr. Speaker, that here is a case of the Government, by the Minister's own reaction to this question, giving their political friends a pretty sweet deal. I would ask the Minister if this is what he considers fairness and balance? I will also tell the Minister that we will be going after these items under The Freedom Of Information Act, if he won't give them to us.

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

Mr. Furey: Mr. Speaker, if the hon. Member wasn't such a good friend of mine, I would have to think that he was stunned. But I won't say he is stunned. I won't say, Mr. Speaker, he is stunned, but I will say this, though, that -

Mr. Simms: A point of order, please.

Mr. Simms: Using your own words, Your Honour, a moment ago about degeneration and everything, I think the words used by the hon. Minister then to describe an hon. Member of the House are unparliamentary and he should be asked to withdraw those kinds of remarks.

Mr. Speaker: Order, please!

I have pointed out to hon. Members in the past that if we have a point of order, we should leave it until the end of Question Period. We don't have to, but it has been

the custom. But I will let the hon. Member speak to the point of order.

Mr. Furey: Mr. Speaker, I didn't say the hon. Member was stunned. I said that if he weren't such a good friend of mine, I would think he was stunned. Mr. Speaker, may I proceed with the answer?

Mr. Speaker: Order, please!

I say to hon. Members, as well, that they cannot try to say indirectly what they cannot say directly. I ask hon. Members to please try to avoid playing with words.

The hon. the Minister of Development.

Mr. Furey: Mr. Speaker, if it will make hon. Members happy, I will withdraw that comment. Let me say it simply to the hon. Member. Anything that is not privileged and Cabinet material, in the hon. Member's own words, that which is public information, I have absolutely no problem giving to the hon. Member. Not only will I give it to him, I will set up a meeting for him with the five senior officials who independently went through these proposals in a clear and professional manner. Mr. Speaker, I talked about us, this particular Government, making the process as fair as possible. He talks about fairness and balance. Well, Mr. Speaker, for the first time ever, a Government had five senior officials look at the proposal. For the first time ever, a Government had every single company come in and have oral presentations for three hours each with a Minister present and with the five senior officials present.

So, Mr. Speaker, let me say this. Had I stood here today and said we awarded it to Marbury, the Minister would have been condemned; had I stood here and said it was awarded to Total Communications, the Minister would have been condemned. I stand here and tell you that we awarded it to APPA fairly, and we are condemned. So, Mr. Speaker, no matter what you do or how you do it, or no matter how fair it is or how perceived the fairness is, you cannot win with people who want to twist it into slimy little political games. You cannot win!

Some Hon. Members: Hear, hear!

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

I just heard the hon. the Member for Burin - Placentia West make what I would call a reflection on the Speaker and I would ask the hon. Member to withdraw it immediately.

Mr. Tobin: Mr. Speaker, I would never make a reflection on the Speaker. If you think I did, Sir, I deeply apologize.

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

Mr. Warren: Thank you, very much, Mr. Speaker.

My question is to the Minister of Energy. Yesterday in the House the Minister, in answer to a question asked by my colleague for Ferryland concerning the Upper Churchill, said that included in that is the potential development of Gull Island, the potential development of Muskrat and the potential upgrading of the Upper Churchill. I would like to ask

the Minister would he agree, as it pertains to the Gull Island project and the Muskrat project, that he probably could be putting the cart before the horse, knowing that there is no environmental assessment review called at the present time?

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

Dr. Gibbons: Thank you, Mr. Speaker. Mr. Speaker, relative to environmental assessment on Gull Island and Muskrat, there has been an environmental assessment completed on that. I believe it was completed as of 1979 by the former Government, and presently we are preparing the basic work we need to prepare in order to be ready to proceed with a full-fledged update to that earlier work when and if we do get an agreement. We are not going to jump on this and do anything unless we do have an agreement, but we are preparing ourselves in case we do have an agreement or a letter of intent by this fall. We will be doing an upgrade to the previous environmental assessment program that was done. We do not have to go back to scratch, because we do have a lot of the base line work that was done previously. We feel that what needs to be done can be done in about a two year period.

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

Mr. Warren: Thank you very much, Mr. Speaker. The Minister partially answered my second question. I would say to the Minister, I think a two year period is probably a little bit premature. I would suggest to the Minister that it could probably take up to five or six years for a

proper assessment to be done on the Lower Churchill and the Muskrat Falls. Would the Minister agree that it could possibly take up to five or six years?

An Hon. Member: There is nothing happening anyway.

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

Dr. Gibbons: Mr. Speaker, if we did have to go back to the first thing and start right over from scratch, yes, it would not be unusual to see a five or six year period required to do an environmental assessment. However, based on what we already know about this particular project, we do not believe that it would take that. We now feel it would be about two years, but in a full-fledged one with nothing, yes, it could easily take five to six.

Mr. Speaker: Question Period has expired.

#### Answers to Questions for which Notice has been Given

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

Mr. Baker: Thank you, Mr. Speaker.

Yesterday, there was a question asked about the payroll tax and I said I would see if I could dig out the information to give Members opposite.

The first question had to do with the school boards and the payroll tax. The Government will reimburse any of the school boards who have to pay the payroll tax, exactly the way we will reimburse

Government Departments. The funding for these reimbursements is to be done through Supplementary Supply or Warrant, depending on the circumstances but, hopefully, Supplementary Supply. We have all the figures prepared and we know how much they will be.

With regard to the School Tax Authority, the second question, I believe: the School Tax Authority will have to pay an estimated \$5,000 in payroll tax. That is a fairly small amount in terms of the amount of money they are dealing with. There is no plan to reimburse the Tax Authority directly. So, the revenue to the two St. John's school boards will be reduced by a total of about \$5,000 under the present circumstances.

#### Orders of the Day

Mr. Baker: Motion 4, Mr. Speaker.

Motion, the hon. the Minister of Justice to introduce a Bill entitled, "An Act To Amend The Corporations Act," carried. (Bill No. 53)

On motion, Bill No. 53, read a first time, ordered read a second time on tomorrow.

Mr. Baker: Order 18.

Motion, second reading of a Bill, "An Act To Amend The Education (Teachers' Pensions) Act." (Bill No. 5).

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

Mr. Hearn: Thank you very much, Mr. Speaker.

Yesterday, when the Minister introduced the Bill, I had the opportunity to speak for half an hour or so on it. I know that some Members were not here so maybe I should go over my speech again. I have an hour so rather than try to think up another half hour of new material, I can just start of and rewind my computer and go over the half hour I went over yesterday, as some of you were not here.

Mr. Speaker, the Bill is one we fully support simply because it is one that the former Administration prepared. The agreements contained herein were agreements struck by the former Administration, ones which made very positive strides in the educational field in the Province. A couple of the minor things, it took care of some of the aggravations that were there which had a tremendous affect on individuals who were involved, but the main concept of the Bill to improve the teacher pension plan was an extremely positive and popular move.

Perhaps when the Minister gets up to close debate on the Bill in the next few days or weeks, he can inform us whether or not he in his negotiations to date is planning to improve upon the plan. Because, as I mentioned, when the 'thirty and out' was conceived there were a lot of doubts whether or not how practical it would be, whether or not the contributions would be able to maintain such a plan et cetera, and those who had faith in it decided to go ahead and test it and it has proved that, yes, it is a success. I hope that the Minister in his present negotiations with the NTA behind the scenes, is telling them that he is solidly committed to

improving the plan and knocking another year or two off of this round of negotiations.

One of the other concerns that I raised yesterday that I also asked the Minister if he would comment on, will be in respect to the substitute teachers, because there are concerns that the substitute teacher lot will be tampered with again in relation to the amount of money that is in the Budget this year. It seems as through there will have to be some cutbacks. There will not be as many teaching days or Boards will have to pick up the cost, or substitute teachers are going to be asked to take a cut in salary. Maybe the Minister will clarify that?

Why I suggest that there may be some tampering, if we remember sometime ago, I raised the concern about school busing where there is not enough money in the Budget this year to fulfill the contracts that are out there, and Boards have raised this as a concern. The Minister stated that there would not be a problem certainly, if there was a shortfall somebody would look after it. But then his colleague the Minister of Finance made it quite clear that Boards have to be very responsible and if there is a shortfall they are going to have to pay it. So the boards really do not know where they are in relation to all of this.

I notice with interest the President of Treasury Board over discussing the topics with the Minister of Education. Undoubtedly some of the things we are raising here affect negotiations, and they might put the President of Treasury Board in a tenuous position. However, the teachers who are out there are



extremely concerned about what is happening, and they feel that the present Administration is out to take away some of the benefits that were given by the former one, despite the fact that two of their presidents are in the caucus and they thought that they would be lobbying heavily for them, but they understand now they do not carry much weight apparently and are not making much progress. So they are leaving it up to the Minister of Education to carry the ball to make sure that their pension plan is not eroded and that they continue to receive some of the benefits that were in the works by the previous Administration.

So I know there are a number of Members on our side who want to comment on the bill. As I say, Mr. Speaker, we support it. It does cover a number of contentious issues, and in summary I will just go over them again for clarification. Clause 1 is just basically housekeeping, correcting an anomaly that exists. No. 2, to amend Section 4 to permit for the early retirement is the big one. That is extremely important. Clause 3 - the increase in contribution, of course, is we receive benefits, on one hand, we are expected to pay for them. Teachers have never hesitated to pay for benefits they have received as long as it is done fairly and in co-ordination and co-operation with Government which they did. And Clause 4 - repealing a section which if a teacher loses his or her teaching licence then the pension is not automatically lost. We think that is positive because some people and their families were left in an extremely hard financial shape originally when licences were taken away and pension rights were

also removed at the same time.

And Clause 5 and 6, allowing the substitute to use a time, once a certain amount of time is built up on a consistent basis, to use that time for pension purposes. We also think that is a very positive move, because in light of the situation in the teaching profession now where there are a lot of substitutes, very few people leaving the profession because we are not having an increase or we are not seeing an increase these days because of the declining enrollments. Then we have more and more people who are substituting, but yet getting a lot of time which up to now has not qualified for pension benefits. This bill will enable them to use that time for pension benefits. So we think that is also very popular.

But the benefits gained to date, the benefits here that will be legalized when this Act is passed are benefits that basically have been negotiated in the past, negotiated in the last collective agreement with The Newfoundland Teachers' Association by the former Administration. And our concern now in light of the negotiations that are underway and the rumours, is that the present Administration will not bring in an act on one hand, and try to take credit for it when they had absolutely nothing to do with any of the negotiations that led to these clauses, and on the other hand try to take away some of the benefits that have been achieved over the last few years.

And I ask the Minister, when he does get a chance to stand up, that he put at ease out there the teachers who are concerned that this Administration might be out

to tamper with the gains that they have received in the past years.

Thank you, Mr. Speaker.

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

Mr. Tobin: Mr. Speaker, I want the opportunity to say a few words on this bill as well, and particularly as it relates to the act that has been amended for the pensions of the teachers of this Province. And when I go back, Mr. Speaker, and look at the tremendous work that my colleague, the former Minister of Education did for the teachers of this Province, and when I reflect back on the last election campaign, and even the one before that, and hear what the teachers who were seeking office for the Liberal Party, and other parties in this Province, to hear the propaganda that was being spread by all of the people who ran as former teachers for the Liberal Party in the last election, Mr. Speaker.

In my own District, I believe tomorrow evening, there is a meeting called by the local school NTA branch to explain to the teachers the tragedy that this Government is trying to implement in terms of dealing with their pensions.

Mr. Speaker, there have been people in this Chamber who have used teachers, used the NTA, two in particular, Mr. Speaker, namely the Member for Exploits, and the Minister of Employment, they used the NTA, Mr. Speaker, to get into this legislature like nobody else have ever used anything before. The acts that were carried out by these two individuals to try to make the teachers believe - I mean the present Minister of Employment

- we all know what she did in terms of the 'thirty and out'.

An Hon. Member: (Inaudible).

Mr. Tobin: Well, that is not my problem. But I will tell you something, if we missed the House as often as she misses the House, it would never be opened. So, it will soon be time for her to come here and be responsible for her Department and her actions. She was not here last week, she is not here again this week. She has been here one day in the past month. That is not our problem. We cannot avoid discussing issues as pertinent as this because that Minister refuses, for some reason, to come to the House.

Mr. Speaker, the Member for Exploits is over there. Now he is speaking. Yes, we know the gimmick that you pulled with the NTA, Sir, to get into the House of Assembly. We know that too, but you are not as smart now to stand up when this Government is trying to strip everything the NTA and the teachers worked for over the years. You are not as smart now. Can you stand in this House and say that this Government does not want to put the teachers pensions on the table to negotiate? Will you stand in this House and say that? Do you defend that? Did you want to do it when you were with the NTA? Absolutely. Oh yes, Mr. Speaker. Do you want to take away 'thirty and out' for the teachers? Do you want to continue to give them that or don't you?

We know what is taking place in this House and we know what every single person who ran for the Liberal party in the last election, who were teachers or former teachers, we know what they said too, and it is wrong. I

cannot say the word that can best describe them because it is unparliamentary. And I can assure you if I even whisper a word that is unparliamentary in this legislature I would be brought to order. I will not whisper it and I will not say it, Mr. Speaker. I will not whisper it and I will not say it. I cannot even whisper it, and I should be brought to order. I should be brought to order. I do not have the knack that other people have to be able to say things in this legislature.

Mr. Speaker, let me say that I am concerned. I am concerned about what has taken place here. I am extremely concerned about the way this Government is committed to stripping the contract that the present teachers have. The Minister of Education, if he is as sincere, Mr. Speaker, as he would like people to believe he is, if the Minister of Education is as sincere as he wants people to think he is. I have no reason to believe that he is not. I have no reason to believe that he is not, but I can tell him that the teachers in this Province today are extremely concerned about what is taking place particularly as it relates to the pension plan that the NTA, Mr. Speaker, no taking it away and I would be the last to do it, I will never take away, Mr. Speaker, what the NTA have done for their teachers. Never!

And I give credit to the Member for Exploits when he was President of the NTA as well as the Minister of Employment, I give him full credit, Mr. Speaker, as well as to other past Presidents of the NTA. There is no doubt in my mind that they were all committed to improving the role of teachers in this Province, and so they should. And there is no doubt,

Mr. Speaker, that in the past seventeen years the teachers role in this Province has improved significantly. But I can tell you one thing, I want to caution any Government that tries to deny the teachers the right to 'thirty and out' in this Province.

I will tell you something right now, I would suspect that the actions of the teachers and the NTA, if that happens, will be one of sincerity rather than some of the cosmetic gimmicks we have seen before by at least one of the former Presidents of the NTA, who now occupies a seat in this Legislature. The teachers in this Province and the people in this House who were teachers know an awful lot more about it than I do because I was never a teacher, and I know I was never cut out to be a teacher either. But I know the commitments and the sacrifices that they make. I know that their day, Mr. Speaker, that today's work of a teacher is not 9:00 a.m. to 3:00 p.m. as some people think. I know that there are an awful lot of extracurricular activities that teachers are involved in. As a matter of fact, Mr. Speaker, in the last election campaign a teacher ran against me. He was a good friend of mine, there is no doubt about that.

An Hon. Member: Do you have any friends?

Mr. Tobin: Yes, I do, but I can tell you one thing, the friends I have would never be able to be friends with you, Sir. The fellow who ran against me the last time is a good friend of mine, a teacher in this Province who has worked hard and who is involved in a lot of extracurricular activities. The only thing he did was he picked the wrong party to

run for in the District of Burin - Placentia West, because the people down there were not ready to elect a Liberal.

Mr. Efford: They are now.

Mr. Tobin: Yes, Mr. Speaker, indeed they are. If you keep cutting back on the social programs you are responsible for in the Department, like you have been doing in the last year, yes, I can tell you. I only wish that time had permitted me to get on Question Period today.

An Hon. Member: Is it a Tory District.

Mr. Tobin: Yes, it is a Tory district, and that is probably what I was getting on Question Period about today.

The teachers that sit in this Legislature, and I will not say on the other side of the House, the teachers who sit in this Legislature, who were elected and went out in this Province and tried to use the educational facilities, the personnel, the way they did. Another one there, Mr. Speaker, is the President of Treasury Board. Will the President of Treasury Board assure the House today that the teacher's pensions will not be put on the table? Will he ensure the House that the Teachers will continue to get 'thirty and out'?

An Hon. Member: (Inaudible) once you get a contract.

An. Hon. Member: The teachers don't want you bargaining for them.

Mr. Tobin: Mr. Speaker, let the record show that the Member for St. John's South, out in the corridor, and the Member for

LaPoile said that the teachers do not want thirty years and out.

An Hon. Member: (Inaudible) they don't.

Mr. Tobin: Let the record show that the Member for St. John's South said it and the Member for LaPoile has just repeated it. And if they did not say it I challenge them to stand in this House and say they did not say it. Not only will I challenge them, Mr. Speaker, but I will beg the Member for St. John's South to change his mind. Stand up and change your mind and I will sit down and let you do it.

Mr. Speaker: Order, please!

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

Mr. Murphy: Mr. Speaker, I rise on a point of order, that I did not say anything about the teachers and their thirty year program, and I do not want the hon. Member rising in his place and recording something that I did not say. I adamantly take him to choice, and I might add in the point of order, I doubt very much if the teachers of this Province want the Member for Burin - Placentia West negotiating their contract for them.

Mr. Speaker: There is no point of order.

The hon. the Member for Burin - Placentia West.

Mr. Tobin: Mr. Speaker, I know there is no point of order but I can say that the Member for St. John's South stood in that hallway, looked at me and said, they do not want it, mainly referring to 'thirty and out',

Mr. Speaker. The Member for LaPoile repeated it twice and Hansard will show that it is there.

Mr. Walsh: You can say anything you want as long as you are telling the truth. Stop telling lies.

Mr. Tobin: Mr. Speaker, is that parliamentary?

Mr. Speaker: Order, please!

Mr. Tobin: Mr. Speaker, I ask you to ask the Member to withdraw that comment.

Mr. Speaker: Order, please!

I ask the hon. Member for Mount Scio - Bell Island if he would withdraw that statement?

Mr. Walsh: Mr. Speaker, I will withdraw the statement as long as there is some truth coming from that particular chair, but to say that a Member said something who did not say it is not right.

Mr. Speaker: Order, please!

I ask the hon. Member if he would withdraw the remark.

Mr. Walsh: Out of respect for the Chair I withdraw the remark.

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

Mr. Tobin: Thank you, very much, Mr. Speaker.

It is about time that someone brought that hon. Member to task for his conduct in this House. He has been chipping away up there all the time, Mr. Speaker. It is about time that Member was brought to justice.

An Hon. Member: The boys (inaudible) agree with you.

Mr. Tobin: No, Mr. Speaker, the boys over here are not like that. No, the Member for St. John's South got carried away when he said that, I know he didn't mean it. But one thing about the group of Members there, they are not nasty like the Member for Mount Scio - Bell Island. Mr. Speaker, the Member for Mount Scio - Bell Island should not blame me because he did not get elected as a delegate for Paul Martin! The Member for St. John's should not blame me, because it was the Liberals who rejected you and not anyone on this side, so, get your feet back on the ground, accept reality boy! Now, Mr. Speaker, I got carried away by that Member there. We are dealing with something extremely important here, this Bill. Why is this Bill before the House today?

Mr. Speaker, this Bill is before the House today because this Minister of Education, the former Minister of Education, my colleague for St. Mary's - The Capes, and the NTA and the President of Treasury Board, I guess you can say this Government, gave the teachers a benefit of 'thirty years service and out.'

An Hon. Member: (Inaudible).

Mr. Tobin: That is right, Mr. Speaker, and now this has been brought before the House to be enacted. I sincerely hope - and the President of Treasury Board says he doesn't want to get involved in negotiations - but I sincerely hope that as a gesture of the negotiations, not only is 'thirty and out' maintained but probably the President of Treasury Board could even make it better.

I am sure the teachers of this Province would be extremely grateful to the Minister if he made it twenty-five years service and out, or provide the opportunity for younger teachers who are graduating from university to have the opportunity to get involved in the educational system.

An. Hon. Member: I was a teacher.

Mr. Tobin: You were a teacher? Mr. Speaker, I thought he was a full-time mayor, I didn't know he was a teacher! I thought he was a full-time mayor, every time you turned around he was in here. The substitutes must have loved him when he was a teacher! There is a substitute, FPI substitute there, a safety substitute - a safety substitute for the Member for Placentia, that's what the Member for St. John's South is! Mr. Speaker, the Member for St. John's South thinks he knows everything about safety. The Member for Placentia has forgotten more about safety than you will ever know. Mr. Speaker, if I can get back to this Bill here -

An Hon. Member: (Inaudible).

Mr. Tobin: What are you saying, that teachers should not be concerned about safety in this Province? That is something coming from the Member, the former President of the NTA. Mr. Speaker, we all know now why he was President of the NTA. But this Bill is before the House today because this Government was committed to making life better for the teachers of this Province, and because the teachers of this Province and their NTA negotiating committee, were interested in having something done for the teachers as well. I want to pay tribute today to the negotiating

team of the NTA who played a major role in having this put in place. I think they deserve a lot of credit. The former Government deserves credit and the officials in the Department of Education and Treasury Board deserve an awful lot of credit as well.

I am not a teacher, Mr. Speaker, and probably I can be accused of being in some sort of a conflict situation because my wife happens to be a teacher. If the brains are in this Government, if there are brains in this Government with a commitment to the teachers of this Province and to other people, such as the lab and x-ray workers, if the President of Treasury Board is the fellow who believes he has the brains, why doesn't he do something instead of insulting the President of NAPE? Why doesn't he do something instead of insulting the President of NAPE and I ask, Mr. Speaker, when we start discussing these types of Bills, is the President of Treasury Board going to treat all the union leaders with the same type of contempt he showed yesterday for the President of Treasury Board? Is that what we can expect?

An Hon. Member: NAPE.

Mr. Tobin: NAPE. Is that what we can expect from the President of Treasury Board, that type of contempt towards union leaders?

Mr. Speaker, why does the President of Treasury Board have such an attitude towards labour leaders in this Province?

An Hon. Member: Ego. He is on an ego trip.

Mr. Tobin: It has to be something like that. Because we all know, Mr. Speaker, that the NDP, who is

well affiliated with the labour movement in this Province, we know that the President of Treasury Board is a defeated candidate for the NDP in this Province. We know that, Mr. Speaker. We know he was rejected by the NDP people.

Mr. Simms: He thought seriously about running for the Tories once, too. He thought seriously about it.

Mr. Tobin: I was not going to mention that, because I saw the letter.

An Hon. Member: He didn't think he would win it.

An Hon. Member: He was going to run for the Tories?

Mr. Tobin: Yes, Trinity North or Trinity South. Trinity North.

Anyway, Mr. Speaker, hopefully the Bakers have found their home in the Liberal Party, and both the NDP and the Conservative Party will be better off for it. But the President of Treasury Board, who was a rejected candidate for the NDP in this Province, who was affiliated with labour, he should not be treating them with such contempt. Mr. Speaker, that is all you would expect from a right-wing Government or a right-wing leader, such as the Premier of the Province.

An Hon. Member: They are fine people.

Mr. Tobin: Who?

An Hon. Member: NAPE.

Mr. Tobin: Yes, they are. I was proud to be a member of them for ten years. I was on strike a couple of times against this

Government, as a matter of fact. Mr. Speaker, I was there. I was in NAPE and on strike and walked the picket lines with NAPE, as a member of NAPE, and I will tell you one thing, that the present Leader of NAPE does not deserve to be treated with the type of contempt he was exposed to yesterday by the President of Treasury Board.

Mr. Speaker, I am going to clue up. I think some of my other colleagues want to speak on this bill. I am going to say to the Minister of Education with every bit of sincerity I can muster, that when you sit around the Cabinet table, because I would suspect the final decision for the collective bargaining process that will take place will end up in Cabinet, that it is very, very important that the teachers be regarded and respected for the profession they are. I have nothing but respect for teachers, Mr. Speaker, and I sincerely hope, Sir, that you will not let the Premier of this Province destroy that profession when it comes to the right-wing mentality of the Premier in dealing with people who negotiate contracts. I ask the Minister of Education to ensure that the teachers contract is not stripped in any way.

I spoke to someone this weekend, someone who is in the know regarding what is taking place in the collective agreement, and I am sure all Members realize that this week the branch locals are meeting with all their teachers explaining the proposals that were made to them, and I tell the Minister of Education that what this Government wants to do, will never be accepted. The proposal they have given right now will never be accepted by the teachers, and I

ask the Minister of Education to ensure that the teachers are treated, as I said, with the respect they deserve. They are a professional group of people who deserve better from this Government.

Some Hon. Members: Hear, hear!

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

Mr. Winsor: Thank you, Mr. Speaker.

I, too, want to have a few words on this bill. When this bill was first introduced, An Act To Amend The Education (Teachers' Pensions) Act, I was delighted that the bill was finally going to be legislated, taking it out of the collective agreement that was negotiated a couple of years ago and now giving it some teeth in legislation. I told all the teachers out in the District, you do not have to worry about your pensions, pensions are going to be legislated, until the reports started to come out of the last meeting the NTA held in St. John's, when the negotiating team told them that the President of Treasury was playing hardball with them on their pensions, really tough!

As a matter of fact, the document at the basis of the negotiations, I think, is the new one, the report on the Commission of Enquiry into pensions. Now what this effectively will do is gut the Teacher's Pension Plan completely. What this Bill is going to now legislate, the intent of the next round of collective bargaining is to gut it completely. Because teachers in this Province have been a kind of unique group in that they had a

stacked pension plan, their Canada pension plan, upon reaching age 60, would be stacked on top of their regular pension plan, which was 66 2/3 per cent. It is the recommendation of this Report that this is unique in the pension jurisdiction of the country, and this Administration intends to try to combine the Teacher Pension Act and the Canada Pension, which will render the amounts the Government has to pay to be much less than previously. In addition to that, there is a move afoot to lower benefits from 66 2/3 per cent, as it now stands, to 60 per cent to further cut into the earnings of teachers.

With respect to the Bill specifically, Clause 1 is just a routine housekeeping chore, Clause 2 amends the section of the Act to permit early retirement for teachers. I can tell the Minister that two years ago, when 'thirty and out' became an operative word in teaching, teachers rejoiced in this Province. I am sure the Chairman, the Member for Carbonear, the Member for the St. George's area and so on, they were delighted that 'thirty and out' had become operative. Because everyone was believing that upon thirty years of service, you were now going to have 66 2/3 per cent of your salary, severance pay would hold you over for a couple of years and then, at the age of sixty, Canada Pension Plan was going to kick in and you would be secure for the remainder of your life, and at sixty-five old age security, if you were lucky to get that far.

But now what we see happening in the Province is that the early retirement for teachers is suddenly not something they are so excited about, because they see



the erosion of the benefits that are now in this round of negotiations. If the Minister wanted to do something to really, really help the teachers of this Province, he could have assured the teachers that the recommendations of this Report will not be implemented, because what he is doing in this Bill, is being taken away in this Report. This Report that is in the works has gone to Treasury Board, or to the Minister of Finance. I heard the Minister of Finance, in speaking specifically of his own pension, say that he did not care about the MHAs' pensions. I suspect he doesn't care about the teachers' pensions in this Province or the public service pensions in this Province. I hope the President of Treasury Board will have some influence with the Minister of Finance, who controls the purse strings, and that he will not let him strip and gut this pension plan, which is one of the best in the country, a good pension plan. This Government owes it to the teachers of this Province, and it should get a lot of support from within.

The teachers, I think, two or three years ago were ready to strike over this pension plan. In fact they might have. I cannot remember. In 1985, when we had our strike, I do not know if pensions was an issue then or not. Was it? One of the words, though, that was an issue, let me tell you, was that the Government wanted to change the Act so that any changes to the pension could not occur without the 'consent' of the NTA and they wanted that to be changed to 'consult'. The NTA was adamant that there was to be no changes in the Teachers' Pension Plan. And they are still saying the same thing today.

We do not know, and what the teachers are asking me now is do you think the President of Treasury Board is really, really serious, that he wants to strip our pension plan? Or is it a plan to have no salary increase and make us trade it off on salary for pension? They are starting to ask these questions. Is that the intent, that we will let you have your pension for another term but you will have no salary increase? Because teachers in this Province, in the last round of negotiations I think, went from 3 and 4 to 4 and 6. Teachers now pay 6 per cent if you are married rate - 6 per cent. That, by the way, is another recommendation of this Report, that there would be no difference in married and single rates in this Province; dependents or no dependents, everyone would pay the same rate, and it is another one that could erode a little more from the pockets of the teachers now, because those who are unmarried only pay 5 per cent, if you have no dependents. The recommendations in this Report say there should be no such thing, and it will take another 1 per cent out of their pockets.

Mr. Baker: And it makes sense.

Mr. Winsor: The President of Treasury Board says it makes sense. I hope he is not going to implement everything that is in this Report, though, because there are some serious implications for it.

Section 4 is a Section I wholeheartedly endorse. The pension being kept intact for teachers who, for whatever reason, lose their teaching licence. It was a regressive piece of legislation that allowed that thing to occur. A person has

already been penalized once, and to place them in a kind of double jeopardy for something was wrong. I welcome that particular change in the Act.

Clauses 5 and 6, the provision of pension -

Mr. Efford: Are you getting a teacher's pension?

Mr. Winsor: Am I getting teacher's pension? No.

An Hon. Member: How foolish.

Mr. Winsor: I will some day, maybe.

An Hon. Member: (Inaudible).

Mr. Winsor: Yes.

Mr. Efford: (Inaudible).

Mr. Winsor: Mr. Minister of Social Services, the Chairman is also going to some day. I do not know if he can make a ruling, being in the position of some day collecting a teacher's pension, too.

Mr. Rideout: Not necessarily. You are going to be a MHA for quite some time, so you will just flip it over.

Mr. Winsor: Oh, yes. You roll them over to combine, yes.

But Sections 5 and 6, allowing substitutes to cash in on the pensions, that indeed is good legislation. They are covered now under the Newfoundland Teachers' Association Agreement, so it was only right and fitting that they would now be allowed to collect pension.

Again, after teachers in this

Province thought they had a secure pension, I think the mood following the last round of negotiations, when my colleague from St. Mary's - The Capes, the Minister of Education, negotiated the round, I think there was never as much euphoria among teachers. Following that round of negotiations, teachers were quite delighted.

The Member for Exploits might be able to take some credit, because he had a couple of years mending fences in the NTA. There were some serious negotiations, difficulties following the last strike, and to give the Member for Exploits a little credit, he did a good job of mending fences and teachers were starting to, after some bitter antagonism in the mid-eighties, come together.

I sense out there now the same hostilities that were prevalent in the mid-eighties. They are starting to happen again, because they feel the Minister of Education is not going to protect their interests as it relates to pensions in this round of negotiations. He gives all the impressions that he is sincere, but they are not too sure - they are not too sure that the Minister of Education is going to be like my colleague for St. Mary's - The Capes and put his foot down and say no, the teachers' pension plan is sacred, you cannot touch it. This thing that has been negotiated, I think since 1927, when the first Act was put in place, and I think there was an amendment later on in the fifties. And teachers have always been rightfully proud of the pension plan that was put in place and they are very, very concerned. The Member for Exploits knows that teachers are

quite concerned. They have already gone to conciliation, I think, the last round of negotiations. Before school closed that year, I think there was a collective agreement in place.

This time we are seeing that June is now just about gone, we are going to start in in September with no contract or the existing contract being expired, and I can assure you that one of the things that is going to be an issue of contention is pensions. Teachers in this Province will not submit to the Government's request to lower their benefits. They willingly, in the last round of negotiations, agreed to increased premiums to protect a good pension plan, but they are not willing to have this Government subject on them unfair legislation that will take away any benefits.

The reduction of benefits, from 66 2/3 to a possible 60, and the elimination of the stacked pension plan, are two issues the Minister of Education is going to have to give some serious thoughts to over the summer, as negotiations pick up, because I can tell the Minister, the Member for Exploits, and the President of the Council, that teachers in this Province are not going to tolerate any tampering with their pension plan.

In conclusion, I want to caution the Minister, and tell him that we are very supportive of this Bill. It is a good piece of legislation. It protects the rights of teachers in this Province. But I want to ask the Minister to tomorrow, the next day and the next day, as negotiations continue, to see that this Bill remains the law and benefits for teachers in this Province are not

reduced by anything that happens in the next round of collective bargaining.

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

If the Minister speaks now he closes debate.

Dr. Warren: Thank you, Mr. Speaker.

I want to thank the hon. Members opposite for their support of this Bill. I think they were unanimous in their support of not only the Bill generally but each clause in the Bill, and I thank them for that.

I am sure they will forgive me if I do not comment on the whole collective bargaining process. I am sure they may think I am naive politically in some ways, but I am sure they understand and will forgive me if I do not go into the whole process of collective bargaining at this point in time. I do want to guarantee, seeing my hon. friend use that word, I do want to guarantee my hon. friend and Members opposite that teachers will be treated fairly and with respect by this Government. This Government believes that education is a priority. It is a priority in the development of the Province, and this Government believes that teachers are the key in the arch of education - they are the key.

In my visits around the Province in the past seven or eight months, and I pay tribute to some of the former Ministers of Education, I do pay tribute for some of the things they have done, but one thing they did not do was get out and see throughout this Province, school by school, what is

happening in education. In the last eight months, I have been told by people that I visited more schools than perhaps former Ministers did in their whole term, to see what was happening in the schools of the Province classroom by classroom. Just last week what a tremendous day I had, on Friday, in schools in West St. Modeste, L'Anse au Clair, L'Anse au Loup, and Forteau. It is tremendous to see what is happening in education. The week before that in other schools, next week in schools here in St. John's, Belleoram, English Harbour West, and on and on, and I must say I am really impressed by what teachers are doing, and I want to pay tribute to teachers.

Some Hon. Members: Hear, hear!

Dr. Warren: I want to pay tribute to teachers who are doing outstanding work, often under difficult circumstances. My hon. friends across the way talk about all they did, and they did a substantial amount. They were there for seventeen years, was it not? They did some good things in education, but I can tell you there is much more left to be done and this Government is going to do that. I do pay tribute to teachers, and I guarantee teachers that they will be treated fairly by this Government, and with respect.

There were a couple more specific points made by the hon. Member for St. Mary's - The Capes, and by others. The hon. Member asked me something about pupil-teacher ratio. Our pupil-teacher ratio is down substantially. Over the last twenty years, student enrollment in Newfoundland and Labrador has dropped by 30,000 students and the number of teachers has increased

by 2000. That has automatically meant a decline in the student-teacher ratio, and that is very important.

Other things that need to be done and were not done, I might suggest, by the former Government, was to improve the situation with respect to instructional materials, support for teachers, books and computers. These are some of the things we are now doing to ensure that teachers can perform their task as they want to do.

On the 'thirty and out' provision the only comment I will make is that the Government is reviewing that provision, as is provided for in the collective agreement. The collective agreement provides that at the end of two years that provision will be reviewed, and the Government is assessing that at the present time.

One of my hon. friends asked about substitute teachers, and I want to come clean. My friend from Torngat always tells me to come clean. Well, I want to come clean with respect to this question of substitute teachers. We are reviewing the use of substitute teachers; we are reviewing it as a Government. I have already indicated that to the public. I have talked to the superintendents about it on a number of occasions. The question of substitute teachers, the amount of money involved has gone up very dramatically and we are told by teachers - in fact, last year a former Minister of Education asked me, in a hearing on the Estimates, what about the numbers of substitute teachers out there and what negative impact is that having on education? Well, I took it to heart, the hon. Member for

Humber East, I took it to heart and I started to ask the question she asked me. What about substitutes? How many are being used and why are they being used? And she asked me something about the wide variation, district by district. Well, I want to tell her now, as a result of that question and other questions, I have gone to investigate and assess the use of substitute teachers. Substitutes play a very important role, but I want to find how they are being used in the Province, what they are being used for, how districts vary in their use, and what about ministerial approval of substitutes. There is ministerial leave, and I am looking at that. So we are assessing some of these questions and I want to tell hon. Members opposite, that their speculation is correct.

I have already told the people of the Province that I am doing that, and I am talking with the superintendents and school boards about the use of substitutes in the future.

Mr. Tobin: I hope you do the same for the Eastern Community College (inaudible).

Dr. Warren: I am talking to groups throughout the Province on all kinds of issues. I must say the one other thing this Minister is doing is he is answering phone calls, answering letters, open to the public. The public call me daily, and I am told they are surprised when they get a call back, person to person from the Minister, every call he can get back to people in Corner Brook right now, on the Northern Peninsula. Accessibility, and I must take a little pride in this, accessibility is the thing.

Ms Verge: A point of order, Mr. Speaker.

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

The hon. the Member for Humber East.

Ms Verge: Thank you, Mr. Speaker. The Minister of Education, in bragging about how accessible he is, referred to people in Corner Brook. I would like him to say why he hasn't yet gone to Corner Brook and met with the parents there, particularly the S.D.Cook parents, who have been asking him to go and meet them for months.

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

There is no point of order.

The hon. the Minister of Education.

Dr. Warren: Mr. Speaker, a brief response to that. The Minister has talked to any number of people in that area; we have had conversations with them, I have responded to their letters and, in fact, I get a lot of understanding.

Ms Verge: Why don't you go over there and meet them face to face?

Dr. Warren: Mr. Speaker, I have met people in Corner Brook face to face on a lot of issues, and I am anxious to respond to all the phone calls. I find now that you can talk to people without seeing them face to face about many issues, and I do that daily. Mr. Speaker, I am pleased to move second reading of this Bill.

On motion, a Bill, "An Act To Amend The Education (Teachers' Pensions) Act", read a second

time, ordered referred to a Committee of the Whole House, on tomorrow. (Bill No. 5.)

Mr. Baker: Order 34, Mr. Speaker.

Motion, second reading of a Bill, "An Act Respecting Enduring Powers Of Attorney". (Bill No. 40.)

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

Mr. Baker: Thank you, Mr. Speaker. In the place of the Minister of Justice, I would like to give a very brief introduction to the Bill. The Enduring Powers of Attorney: This Bill relates to the powers of attorney that one person assigns to another. Under present legislation, if there is mental incapacity of the person giving the power of attorney, then the power of attorney automatically expires. I believe this is the situation currently. This particular piece of legislation ensures that under certain conditions and under very controlled conditions, that the power of attorney can endure in spite of a mental incapacity.

Mr. Speaker, this reflects the recommendations contained in the Newfoundland Law Reform Commission Report. There has been wide consultation with Members of the Law Society in Newfoundland, the Canadian Bar Association and other interest groups and members of community groups and, also, individuals in the health care profession. I understand this Bill has received an examination in the Committee. I don't know what went on during that particular time, but my understanding is that it met with general acceptance because the understanding is that this is something that needed to be done.

Mr. Speaker, when I clue up, I will answer any questions or make any detailed comments Members opposite might want made.

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

Ms. Verge: Thank you, Mr. Speaker. I am rising on behalf of the Official Opposition to indicate our support for this Bill.

As the Government House Leader just said, this Bill gives effect to recommendations of the Law Reform Commission. The Law Reform Commission, in response to a request from a senior member of the Bar, undertook a review of this body of the law and gave me a report with their findings and recommendations. That was during the winter of 1989. I didn't hesitate to agree with the contents of their report, and the Government, of which I was a Member, intended to bring in this legislative measure last spring. So, as I see it, this measure is really a year late in coming before the House of Assembly.

As the Government House Leader said, this Bill addresses a practical problem in the law; it makes a technical change in the law, but a change that has significance for a growing number of people. The current law provides that a power of attorney, which is a legal document empowering one person to act as agent for another, lapses if the donor, or the person giving the power, becomes mentally incapacitated. Today people are living longer, and more and more people are suffering from mental incapacity, suffering from Alzheimer's disease and other mentally degenerative diseases. Also, physicians are diagnosing

these diseases with greater accuracy. People in the beginning stages of degenerative diseases, such as Alzheimer's, may want to create a power of attorney authorizing another person to act in their place, and word the power in such a way that it will operate beyond their mental incapacity.

Currently, the only way of providing legally for an agent or a person to act for an individual who is mentally incapacitated, is to apply to the Supreme Court for an order of guardianship. That procedure is rather cumbersome, time-consuming and expensive. The power of attorney option is much neater and less expensive.

The bill provides checks and balances against abuse of enduring powers of attorney. As the Government House Leader mentioned, this bill was scrutinized by the Social Legislative Review Committee, which is responsible for Justice Bills. In our Committee deliberations, we heard a presentation from the Executive Director of the Law Reform Commission, Mr. Chris Curran, and we questioned him about the bill. We actually made suggestions for refinement and improvement of the bill, which were concurred in by Mr. Curran, and which were agreed to and implemented by the Department of Justice and the Office of the Legislative Counsel.

The main change we made through the Committee process was a clarification to Clause 10, which has to do with the procedure for a person having an interest in the estate of the donor or the person who gave the power of attorney, going to court for an order requiring the attorney to submit accounts, in other words, to account in a formal way for his or

her handling of the affairs of the donor under the power of attorney.

Subclause 2 was added to clarify how that accounting should be carried out. I mention that, Mr. Speaker, to illustrate the benefit and usefulness of the Legislative Review Committee process. I see my colleague, the Member for Carbonear, who chairs the Social Legislative Review Committee, nodding.

In summary, Mr. Speaker, we agree with the principle of this bill. It is a measure that the previous Government, of which I and some of the others on this side were Members, supported in response to a report of the Provincial Law Reform Commission.

Before I sit down, I would like to pay tribute to the Law Reform Commission. It is made up of lawyers and judges who participate without remuneration. The Law Reform Commission has a small staff; it operates on a shoestring. When I was Minister, we increased the Budget, although it is still a bare bones operation. I would urge the new Government to recognize the value of the Law Reform Commission and in their Budget allocations, ensure that the Law Reform Commission has the resources they need to continue their good work.

The Law Reform Commission submitted a report on Limitations of Actions to the Government before their report on enduring powers of attorney. The Report on Limitations of Actions is a major complex document. It is a document that has been praised by lawyers and others involved in law reform throughout the world, particularly within the British Commonwealth. Action by the

Government in implementing the recommendations of that report, the Report on Limitations of Actions, has been slow in coming. I do not know if the Government House Leader is in a position to tell the House where that matter stands, but I would like to know. If he does not have that information, I would ask that he have his colleague, the Minister of Justice, give the House an update on bringing in legislation to respond to the recommendations in the Limitation of Actions Report at the first opportunity. Again, I support wholeheartedly the contents of this bill called "An Act Respecting Enduring Powers of Attorney".

Mr. Speaker: The hon. the President of Treasury Board. If he speaks now, he closes debate.

Mr. Baker: Thank you, Mr. Speaker.

I would like to thank the Member for Humber East for her analysis of the bill. Being a lawyer, being a former Minister of Justice, she obviously understands the bill far better than I do. I have some briefing notes, but I tend to get lost sometimes in the legalities of these briefing notes from lawyers. So I thank her for her comments and assure her that I will -

An Hon. Member: We cannot hear you.

Mr. Baker: She raised an interesting point, and I assure her that I will ask the Minister of Justice what the status of that report is and what is going to come out of it. I will check into that.

So, Mr. Speaker, I would like to move second reading of this bill.

On motion, a bill, "An Act Respecting Enduring Powers Of Attorney," read a second time, ordered referred to a Committee of the Whole House, on tomorrow. (Bill No. 40).

Mr. Baker: Order 26, Mr. Speaker.

Motion, second reading of a bill, "An Act To Amend The Judicature Act, 1986," (Bill No. 8).

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

Mr. Baker: Thank you, Mr. Speaker.

Bill No. 8, there is a very brief explanatory note, and it is a very brief bill containing two clauses. The amendments provide for the Lieutenant-Governor in Council to fix the scale of fees being taken by the Registrar, the high sheriff, sub-sheriffs, deputy sheriffs, bailiffs and process servers. These fees are payable to the Newfoundland Exchequer, a former part of the Consolidated Revenue Fund.

Previous to the amendment the Rules Committee of the Supreme Court fixed the scale of fees. It was felt more appropriate that the Lieutenant-Governor in Council should determine the amount of fees to be taken, since these fees form a part of Government revenue and Government then had control over that aspect of its revenue. It was considered inappropriate to require third parties to establish the amount of fees that would be paid to Government.

The amendment retains the right for the Rules Committee to fix the scale of fees to be taken by barristers and others for proceedings in the court.



This is consistent, Mr. Speaker, with the practice in other jurisdictions and other circumstances within Government. Where Government collects a fee, the Lieutenant-Governor in Council prescribes it. And this is similar to another amendment that we will be dealing with a little later.

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

Ms Verge: Thank you, Mr. Speaker.

I support the principle of this bill which, as the Government House Leader just said, is to allow the Cabinet to set fees collected by court officials and the sheriff and the sheriff's staff which are paid into the Province's Consolidated Revenue Fund. Now those fees are set by a committee of judges and lawyers whose function is not to return revenue to the Province.

Having said that I would urge the Government not to abuse this new power. I would call on them, in setting fees, to be fair and to be respectful of citizens ability to pay, because these fees ultimately will come out of the pockets of ordinary citizens, out of the pockets of parties to legal actions. Even if lawyers acting on their behalf, receive the bills initially, the lawyers obviously have to recoup the disbursements from their clients, you and me, ordinary citizens.

Mr. Speaker, since this Government came into office a bit more than a year ago, we have seen them introduce budgetary measures which amount to indirect taxation. They have jacked up all kinds of fees to return more and more revenue to their coffers. And some of these

fee increases have been done rather sneakily, and I would caution those listening to me, to watch how the Government handles this new responsibility.

Finally, I would like to make a brief commentary about how the courts operate. The courts look to precedent in interpreting the law. They also are inclined to look to precedent when it comes to administering their affairs. Consequently court operations have been slow to modernize. And if the President of Treasury Board and his O&M Division were to scrutinize the offices of the courts in our Province they might be quite amazed to discover all kinds of archaic practices. When I was Minister of Justice I initiated a Treasury Board review of these operations.

One of the striking anachronisms is that staff of the courts, the sheriff and the sheriff's staff not only receives remuneration according to the Treasury Board classification of their jobs, but in some cases they receive and pocket themselves personally fees paid by lawyers and clients and members of the public, based on the amount of work they do. I often said it would be as if the registrar of motor vehicles, on top of collecting his salary, pocketed so much money for every motor vehicle application he or his office processed.

Mr. Baker: (Inaudible).

Ms Verge: The President of Treasury Board is asking where that came from. Yes, it did come from England, the same as just about all of our laws and our traditions in the law.

At any rate, perhaps because

Governments were not inclined to look too carefully at the hallowed halls of justice -

An Hon. Member: What?

Ms Verge: - court offices and sheriff's offices escaped the administrative reforms imposed by Treasury Board on just about all other offices of the Government.

So, as I initiated when I was Minister, I would urge the new Government to continue to modernize the operations of the courts and the sheriff's offices around the Province. And I believe this measure is in keeping with an overall modernization effort, and I do support it.

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

Mr. Baker: Thank you, Mr. Speaker. The Member for Humber East is exactly right. This is part of a number of things that have been happening to try to modernize the system. There are an awful lot of things that go with that, of course, and I think a lot of the bailiffs and sub-sheriffs or whoever they are, I do not really know who they are, because they had access to fees that were being collected, their salaries were kept really low and they did not really mind because they were getting extra money and all this kind of thing. So, in changing that system we have had to sort of reclassify a lot of those things and put their salaries at a much higher level than they were before, to make up for the fact that part of their remuneration was, in fact, fees that were being collected through the carrying out of their duties.

So, that process is under way, and

I really found it interesting to discover what was going on in the courts, because you are right. Nobody really knew about it. It was a really archaic practice and the courts are not known for their - how shall I put it - not known for their administrative competence in terms of -

An Hon. Member: (Inaudible).

Mr. Baker: Yes. I first got an indication of that from the Auditor General with the Public Accounts Committee, and the Auditor General, of course is always quite concerned about the kinds of things that were happening because they were not following what, in the minds of an accountant, would be proper accounting practices and proper safeguards. But it is part of the system, and there is really nothing wrong except that they system was old and needed some change.

So, the Member is quite right in recognizing that this is part of a change that we are hoping to bring about. We cannot do it overnight because, as she recognizes, there are other things tied in like salary levels and so on, but we are in the process of doing it.

In any case, Mr. Speaker, I would like to move second reading of the Judicature Act, 1986.

On motion, a bill, "An Act To Amend the Judicature Act, 1986," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 8).

Mr. Baker: Order 35, Mr. Speaker.

Motion, second reading of a Bill, "An Act To Amend The Small Claims

Act" (Bill No. 41).

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

Mr. Baker: Thank you, Mr. Speaker.

The Department of Justice established a committee to review the necessary changes and the monetary jurisdiction and the small claims procedure within the Province. The committee was composed of representatives from Provincial and Supreme Courts of Newfoundland, the Law Society, the Canadian Bar Association, and the Department of Justice.

The committee will be continuing its work providing a further report with respect to other changes which may be required in the procedures under The Small Claims Act, these are some changes that we feel are required.

The first amendment deals with increasing the monetary jurisdiction from \$1,000 to \$3,000. I am sure that the Member for Humber East, the former Justice Minister, can explain exactly what that means.

The second amendment provides for the Lieutenant-Governor in Council to make regulations, and this is very similar to what we just went through, fixing the scale of fees to be taken by the clerks of the court for filing documents that are required under the Act. These fees, the same reasoning, form part of the consolidated revenue and have always done so. The Rules Committee was responsible for it and now we feel that the Lieutenant - Governor in Council should be responsible for it.

There are two things happening here, Mr. Speaker, the second

clause is exactly the same as the principle that we just discussed in The Judicature Act to allow the Lieutenant-Governor in Council to fix fees, rather than the Rules Committee.

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

Ms Verge: Thank you, Mr. Speaker.

I am glad to support this Bill as well. The committee to review the Small Claims Court and legislation governing it, referred to by the Government House Leader, was set up when I was Minister of Justice. This is another measure flowing from the initiation of the previous Administration.

This Bill provides for two changes as the Government House Leader pointed out, the more significant change is increasing the limit of the jurisdiction of the Small Claims Court from \$1,000 to \$3,000. The \$1,000 limit has been in effect for several years now, I think, it is about ten or fifteen years. The significance of the limit is that anyone having a private claim for an amount exceeding \$1,000 had to make the claim in Supreme Court Trial Division since merger. When we had a District court the litigant had the choice of going either to the District court or the Supreme Court. Going to one of the higher courts is more expensive than going to the Provincial Court and using the small claims procedure. The small claims procedure was designed for ordinary people having relatively small claims. It was intended to make pursuit through the courts of small claims, worth the effort. After all, what is the point of having a legal remedy for a claim if pursuing the remedy costs more

than the amount of the claim. When people who are feeling aggrieved and who are trying to settle private disputes involving amounts slightly more than \$1,000, it is debatable whether it is worth the effort to go to Supreme Court.

Usually, people decide to go to court because of principle, not because it is a sensible option. The cost often outweighs the benefit. Even if a plaintiff in a Supreme Court action involving a claim of \$1,500 or \$2,000 is successful the individual may end up winning the battle but losing the war. The individual may end up losing more in time and money than the individual wins as a result of a favourable court decision. So, I certainly, concur with the principle of the Bill.

Now to give effect to this increase in jurisdiction, it is necessary for the Department of Justice to improve the capability of Provincial Courts throughout the Province. It is necessary for the Department of Justice to provide more staff and greater resources to the court offices. I believe we have sufficient judges now but we do not have enough support personnel to process the work load that would likely result from an increase in jurisdiction up to \$3000.

The Legislative Review Committee dealt with this Bill and in doing so we met with, and questioned, officials of the Department of Justice. They told us that they recognized the need to increase support staff for the provincial court before this Bill is made law, and that is the reason for Clause 3, which says that the Act, or a section of it, will not come into force until the Cabinet

proclaims it in force.

So, Chairperson, in summary I support the principle of the Bill, both the increase in jurisdiction to \$3000 for the small claims courts, and the empowering of the Cabinet to set fees parallel with the Bill we did a few minutes ago. I call on the Government, especially the President of Treasury Board, to give the Department of Justice, and the provincial court offices enough staff, and enough resources, to handle efficiently the extra work load that will result when the increased jurisdiction comes into force.

Thank you.

Mr. Speaker: The hon. the President of Treasury Board speaking now closes debate.

The hon. President of Treasury Board.

Mr. Baker: Thank you, Mr. Speaker.

I would like to, once again, thank the Member for Humber East for her explanation of Section 1. Obviously it is a welcome change and will make it easier for ordinary people in the Province, but it will also increase business to the courts, as I think, she has indicated. I would like to thank her for her support of the principle of this Bill and for her explanation. I would like to point out that a couple of the other comments she made, indeed there will be need for two things, perhaps more staff, but more efficient streamlining of what happens in the courts. The second thing, perhaps as well, especially in areas like St. John's where we have a real problem with the courts themselves, the buildings,

and that kind of thing, perhaps we need over the next few years to do something with that as well. I am sure she is very well aware of that.

An Hon. Member: And, Corner Brook.

Mr. Baker: And, Corner Brook. Okay.

An Hon. Member: (Inaudible).

Mr. Baker: Well, Gander it taken care of, but in St. John's there is a particular problem as well, which she recognizes.

Mr. Speaker, I move second reading of An Act To Amend The Small Claims Act.

On, motion, A Bill, "An Act To Amend The Small Claims Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 41)

Mr. Baker: Order 9.

Motion, second reading of a bill, "An Act Respecting A Pension Plan For Certain Employees In The Province." (Bill No. 14)

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

Mr. Baker: Thank you, Mr. Speaker.

As one of my colleagues commented to me about the Justice Bills that we dealt with a few moments ago, that it does not seem like much on the service but these were fairly important Bills, I would like to say this is also an important Bill and it is perhaps more obvious because of its thickness. This is in fact legislative approval, we are asking for legislative approval for the Money Purchase Pension Plan. Now, this Money

Purchase Pension Plan, Mr. Speaker, is for part-time employees and for certain employers other than participating employers in the Province's regular pension plan. There is a schedule attached which has quite a list of agencies participating. This Money Purchase Pension Plan was an initiative of a couple of years ago, I believe. I am not sure of the exact year.

The previous Government in the negotiating process, and I believe that is where the suggestion came from - although this particular thing was not negotiated, I understand it was a Government initiative. Is that correct?

An Hon. Member: You don't know much about it but we (inaudible).

Mr. Baker: I know quite a bit about the Money Purchase Pension Plan.

Mr. Speaker, it is something that was very welcome I think, not only by the employees, but also by Government. Because there was a real problem: How do you deal with part-time employees? How do you manage to deal with part-time employees in terms of the pension plan? The solution was this money purchase plan. It didn't add to any unfunded liability of the Province, and part of the problem in trying to work them into the regular pension plan was that it would, perhaps, create some kind of unfunded liability.

This plan has nothing to do with the unfunded liability of the Province's pension plans. It stands on its own, and the benefits that come out of it depend upon the wise investment of funds that will occur in the interim. Mr. Speaker, the Money

Purchase Pension Plan is an excellent pension plan, absolutely necessary so that people outside the regular public service pension plan could develop some kind of protection for later on, when they could no longer work.

I will listen with anticipation and eagerness to the comments that come from Members opposite and, in my summation, will try to answer as many questions as they may have during the process, Mr. Speaker.

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

Mr. Windsor: Thank you, Mr. Speaker.

If the hon. the President of Treasury Board has any questions, he can direct them to us and we will deal with them as best we can.

Mr. Speaker, as my colleague has said, this piece of legislation is one that was initiated a couple of years ago, and we support the Administration for coming forward with it and bringing it through relatively unchanged, I believe. I don't think there are any changes.

It is a good piece of legislation, as the Minister has pointed out. There are a large number of persons who are employed either seasonally or part-time by the public service or by public service agencies, Government-funded organizations who, for various reasons, could not be part of a permanent pension plan. Part-time nurses are such an example. There has not been a pension plan available to part-time nurses or part-time teachers. I believe provisions similar to this have now been made in the teachers' pension plan, I

may be wrong, or they now may be able to participate in this one, I am not sure.

Mr. Baker: (Inaudible).

Mr. Windsor: They are already in now?

Mr. Baker: Yes, I believe they are now.

MR. Windsor: I believe they are, but I am not sure. At any rate, certainly the intent is to allow them to participate.

The advantage of this plan is you simply contribute. It is almost like an RRSP, in that you contribute funds whenever you are working. When you are not working, obviously you don't contribute funds, you can leave them there or you can withdraw them, if that is your choice.

An Hon. Member: (Inaudible).

Mr. Windsor: Up to five years. If you have been involved for over five years, then the money is vested permanently, as with many other pension plans, and a pension is payable on retirement and, of course, there are death benefits, as well.

The real advantage is for those employees who are seasonal and part-time, and for those who move from one Government agency to another. It is totally portable. You have the opportunity to take it with you whenever you are moving to another agency. I would assume it is also portable to the Federal Government agencies and municipalities and so forth. So it has that added benefit. It gives the maximum amount of flexibility, together with the maximum amount of benefit. If the

person is only contributing to the plan for two or three years, it may be to their advantage to take that money out and invest it elsewhere, in savings, in investments, in RRSPs or whatever, so they have the option of taking it out. But what it does is that whenever that person becomes eligible for retirement or chooses to retire, that money is available, providing the criteria of age and service is met. That money is available, and it is then you decide the type of benefit you will receive. It is an annuity that is purchased with whatever funds are built up and interest accruing thereon over the life of your period of employment, be it periodic employment, part-time employment, as the case may be. So it provides the opportunity to decide, when you need it, what is in your best interest at that point in time.

It is, I think, a very, very worthwhile plan. It covers, as is said in the -

An Hon. Member: (Inaudible).

Mr. Windsor: It is contributory, yes. The Government contributes an equal amount, the employee, 5 per cent of gross income, and Government 5 per cent of gross income.

There is also a provision that an employee can contribute on a voluntary basis, additional. It would not be matched by Government, but if an employee says, Well, I want to put in 10 per cent of my income, he or she may do that. Government will then still contribute the 5 per cent, but the fund is building up, and that has no impact on anybody else. In a regular pension plan, if somebody wants to purchase two

years service, they are probably getting a very good deal for the \$3,000 or \$4,000 or \$5,000 they may pay to purchase two or three years service. They may, over the life of their retirement, recover \$50,000 or \$60,000 or \$100,000 in additional benefits. Well, somebody has to pay for that, and obviously the other employees contributing to that plan pay for it. With this type of plan you can contribute what you want and the amount of pension is totally dependent only on the amount you have contributed or earned from those contributions at the time of retirement. So if you retire in twenty years time and you have worked one year or twenty years, whatever you have built up in your fund at that point in time - and interest is being accrued all the way through - whatever you built up at that point in time, you can then purchase an annuity, and it is a guaranteed annuity for life.

So that has a tremendous amount of flexibility, an opportunity for persons who are employed on a seasonal basis, who may not know if they are going to come back next year. They are not permanent employees, so, therefore, they are not eligible to participate in the public service pension plan. Or for those who habitually move from one agency to another, maybe working with Social Services this year, Finance next year, and maybe a Crown corporation next year, and maybe a municipality the following year, they can contribute. It is a contributory thing.

I think it is a tremendous plan. And, I might add, for the benefit of the President of Treasury Board, that one other group that is very interested in this is the politically appointees, the hon. Minister's Executive Assistants,

who are neither management nor Government employees, and they are not in a public service pension plan. They are not now, I would suggest, in a pension plan, at least, they were not. They are another group who rightfully can contribute to this type of a plan, and it is probably because they do not have any long-term security, none of us do. They do not have long-term security. If they had a pension plan previously, when they became the Minister's Executive Assistant, obviously they resigned from their present position. If they were able to withdraw their contributions up to that point in time from any fund they may have been in, they can contribute immediately into this fund. So they may start off with \$10,000 or \$20,000 in the fund. Then, if they work as an executive assistant for eighteen months, which is the maximum life expectancy of this Government, then after eighteen months -

Mr. Efford: What?

Mr. Windsor: Oh, yes. Well, we are being generous now. Meech Lake is not over yet. The week is not over. The day is not over; Government may resign before the day is out. But whatever the length of term of that political appointee's employment with a Minister or with Government, he or she can contribute to that fund and it just continues to build up. Then, at a point in time when the people of Newfoundland and Labrador see the light again, that person can carry on and can withdraw those contributions. Or, if they have been here in the unlikely event more than five years, then it is vested and there is a permanent pension plan available to them at the time of retirement.

So it provides maximum flexibility to a wide range of employees; it provides employees an opportunity to be portable, to move from agency to agency and to take their pension benefits with them. It provides them an opportunity to have a disruption in service. It provides, for example, women an opportunity to take a year or two off work, if they choose, for family responsibilities as the case may be, and they do not lose any benefits. They are not accumulating anything, obviously, while they are gone, but they do not lose anything. So it provides that.

And there is a whole range of agencies here that can buy into it, particularly those agencies which have a small number of employees, where it would be very difficult to establish a meaningful pension plan because there is only a handful of employees. But with this mechanism there is no difficulty in Government accepting any agency or any sort of pari-government agency, quasi-government agency into this, because it is no direct cost to Government or to other Members of the plan. It is simply a contributory plan, and whichever agency is employing that individual will pay the 5 per cent and the employee pays 5 per cent, and it is simply invested on their behalf and managed on their behalf. I believe, in fact, there is probably a small administrative fee charged to the plan for administration.

So, Mr. Speaker, with those few comments, I do not know that there is a great deal more I can say. I think it is an excellent plan. It is a tremendous step forward. And, strangely enough, I congratulate the Government for



having the good sense to follow on in the footsteps we left.

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

Mr. Rideout: Thank you very much, Mr. Speaker. Mr. Speaker, I will not take a great deal of time on this Bill either, but I do want to say that I am pleased the Government have brought this piece of legislation forward. As said by my colleague, and I think as said by the President of Treasury Board in introducing the Bill, this is really a tremendous step forward in pension reform in Newfoundland and Labrador. It was a bold step, I think, as well, for Government to agree to, and it was the previous Administration, as Members know, that agreed to bring in this particular pension plan for people who are not already part of full-time pension plans.

At a time when people are worried that regular pension plans have been underinvested and things of that nature, this was a bold step forward, I think, in employee relations for part-time employees. And I think it will be very, very beneficial, very, very useful to people who are working on a part-time basis, or on a basis other than full-time, that they are part of permanent Government pension plans. It can apply to political staff, it can apply to a whole range of people in hospitals, in nursing homes, people with school boards and hospitals and all that kind of thing. It is a very, very useful piece of legislation, and we are very pleased that the Government have brought it in, Mr. Speaker. We are pleased that we were part of the process that agreed to this particular initiative, and we want to compliment the Government for

bringing it in.

I did have a couple of detailed questions, but I seem to have missed them. I think what I will do is leave it until we do Committee of the Whole. By that time I hope I will have refocused myself and found where it was I wanted to ask the couple of detailed questions, and ask them at that time, when we are putting the Bill through clause by clause, Mr. Speaker.

Mr. Speaker: If the hon. Minister speaks now, he closes debate.

Mr. Furey: Mr. Speaker, we thank the hon. Leader for his comments with respect to Bill 14. I was pleased to hear the Member for Mount Pearl discuss the issue with respect to political pensions, as well, for people who work as political staff for various Government Ministers. And I think that is a giant step forward. I know when I worked as an Executive Assistant there was very little protection and very little opportunity to put money away for the inevitable day when Governments do change, or when you decide independently, yourself, to move on to some other work.

So, that is a good move forward, and certainly we will entertain any questions the Leader of the Opposition has during Committee stage. I move second reading, Mr. Speaker.

On motion, a Bill, "An Act Respecting A Pension Plan For Certain Employees In The Province," read a second time, ordered referred to a Committee of the Whole House, on tomorrow. (Bill No. 14).

Mr. Baker: Order 6, Mr. Speaker.

Mr. Speaker: Committee of the Whole on a Bill "An Act To Amend The Retail Sales Tax Act, 1978 With Respect To Offshore Petroleum Development." (Bill No. 34)

On motion, that the House resolve itself into Committee of the Whole on said Bill, Mr. Speaker left the Chair.

#### Committee of the Whole

MR. CHAIRMAN: Order, please!

A Bill, "An Act To Amend The Retail Sales Tax Act, 1978 With Respect To Offshore Petroleum Development." (Bill No. 34).

On motion, Clauses 1 through 3, carried.

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

Mr. Baker: Order 7.

A Bill, "An Act Respecting A Reduction In The Newfoundland Offshore Area Corporate Income Tax". (Bill No. 33)

On motion, Clauses 1 through 24, carried.

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

Mr. Baker: Order 5.

A Bill, "An Act To Amend The Mineral Holdings Impost Act." (Bill No. 27).

On motion, Clauses 1 through 3, carried.

Motion, that the Committee report

having passed the Bill without amendment, carried.

Mr. Baker: Mr. Chairman, I move that the Committee rise and report progress.

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. L. Snow: Mr. Speaker, The Committee of the Whole have considered the matters to them referred, and have directed me to report Bills Nos. 27, 33 and 34 carried without amendment and ask leave to sit again.

On motion, report received and adopted, Bills ordered read a third time on tomorrow.

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

Mr. Baker: Order 17, Mr. Speaker.

Motion, second reading of a Bill, "An Act Respecting The Department Of Education". (Bill No. 3).

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

Dr. Warren: Thank you, Mr. Speaker. I am pleased to introduce this Bill. I guess the purpose of this Bill is to consolidate the two separate Departments. We had, as the hon. Members of the House know, two separate Departments before May of 1989, the Department of Education and the Department of Career Development and Advanced Studies, and the purpose of this Bill is to consolidate these former two separate Departments under a

single Act, to be known as the Department of Education Act, 1990. There are a number of general changes in the Act, mostly changes in terminology, minor language changes designed to avoid any misunderstanding in terminology which have been raised in the past, certain types of words, certain words and phrases. These changes, I would suggest are mostly cosmetic changes, Mr. Speaker, and are intended to bring about greater clarity in the language in the Act. This we did to just clarify a number of sections. The Act, I might add, also has been submitted to the Denominational Education Councils, they were consulted in the process as required by law and they are in agreement with this Bill.

More specifically, I will just comment on two or three specific changes in the Act, and then if there are questions later on, I will try to answer these questions. Clauses two and five of the Department of Education Act, 1984: there are some changes there, specific titles and the numbers of Assistant Deputy Ministers and other officials we feel are not necessary in a Department Act as long as there is general authority for the Cabinet to appoint such personnel, so we are moving references to specific Assistant Deputy Ministers and specific numbers of Assistant Deputy Ministers. This is covered in a more general wording in this Bill under Clauses 5.(3) and 5.(4)

There are also some changes to section three of this Bill, Mr. Speaker, this section has been slightly reworded to include the rights of the Pentecostal Assemblies of Newfoundland, as they were acquired I think,

perhaps my hon. friend will recall the date, I think was 1987. The former Minister might recall, but I think it was 1987. The resolution granting these rights was passed by the House of Assembly, of course, followed by the House of Commons and the Senate, and Royal Assent was granted, I believe in 1987, and the constitutional amendment was proclaimed in December of 1987 in the same year.

So, Section 3 of this Bill is a rewording to include the rights of the Pentecostal Assemblies of Newfoundland and Labrador, as they were acquired in 1987. Section 7 of the 1984 Department of Education Act has been removed from this Bill. It deals with certain legal references and the substitution of names, especially in relation to the Commission of Government. It goes way back, and it is proposed that an amendment be made to the Interpretation Act which would provide for the inclusion of this general provision, and the justice has so confirmed.

Section 7 of this Bill contains a consolidation of the powers, the functions, and the duties of the Minister, from the Acts of the two previous Departments. What is done here in Section 7, Page 6 of the Bill, is to consolidate the powers, duties, and functions of the Minister from the two previous Acts. There are no substantive changes in this, as far as the functions of the Minister are concerned. The Minister has enough to do, and there are no new things added to this list.

There are also some minor changes for the purpose of greater clarity. For example, Section 7 Subsection (a), Sub-subsection

(ix), and sub-sub-subsection (b), makes reference to learning resource materials rather than the narrow term of audiovisual aids. These are just again cosmetic changes in this Bill.

Mr. Speaker, Page 16, Section 24, Subsection 1, Sub-subsection (i) also is changed. What we have done here is to include, as a member of the General Advisory Committee, a representative of the Newfoundland and Labrador Superintendents Association. All of these things, and I am sure my hon. friend for St. Mary's - The Capes is going to confirm what I am saying now, is that many of these things were done in the previous Administration, and we have updated the legislation to include this. He might even say, as my friend says, I am doing a reasonably good job in introducing this Bill and other things as well. I do not know if he will be that generous, but, Mr. Speaker, we have added The Superintendents Association as a member.

And, I might say something about the GAC. The GAC has been a very interesting body. Over the years I have served as a member of it, and now as the Chairperson of most of its meetings. It has worked well on some occasions in the past, and there are other cases where it has not worked well. We, this year, have had a number of meetings and it is my belief that we are back on the road to making the General Advisory Committee to the Minister, a very important institution in advising the Minister of Education about changes that should be made in education. At times in the past it has worked well, I will not say under which Ministers, and at times it has been, I am told by officials, dormant, but now it is

revitalized, I am sure, and with the new Government and new Administration, we can expect great things from the General Advisory Committee to the Minister.

An. Hon. Member: They say the Minister will not listen.

Dr. Warren: The Minister tries to listen, even to the hon. Member for Fogo when he should be quiet.

Mr. Speaker, I emphasize again that a lot of these changes result from the combination of the two former Departments, and this Bill has been submitted to the Denominational Education Councils and they have approved these changes.

I am pleased to introduce this Bill, Mr. Speaker.

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

Mr. Hearn: If some of the Members have questions I will readily answer. Certainly not any that were not acted upon despite what the Minister says.

Mr. Speaker, it is certainly a pleasure to respond to the bills introduced by the Minister. The Minister suggested earlier that I might say he did a good job in introducing the bill, I will certainly say that. He has done a good job in introducing the bill. My main concern is that he has not done a good job in fulfilling what the bill really suggests, and that is that both Departments be amalgamated and continue to fulfill their duties.

When the new Administration took office, of course, the old Department of Education, as it was known then, and the Department of

Career Development and Advanced Studies, were amalgamated into one Department. And a lot of people at the time had concerns, even though there has always been an argument from the days when the Departments were separate, to the combining of Departments, to the split up of Departments etc. People would argue the pros and cons, that education was education, and there should be a continuous input, and tie-in and dialogue and what have you. By having two separate Departments sometimes you found out that as you got tied up in your own little Department, you did not relate perhaps to the other as well as you would like to, theoretically.

However, when the Departments were combined we find out now if you talk to people in the field, that they would suggest to you that things worked a lot better when the Departments were separate. Maybe not so from the standpoint of those in the post-secondary division, the former Department of Career Development and Advanced Studies, but certainly by all of those in the primary, elementary and secondary division, because it seems in combining the Departments which, as I said, this bill basically does, then we saw the smaller or the junior Department, it was always called, but referred to that strictly because of the age of the students, the Department dealing with the primary, elementary and secondary divisions has now been swallowed up by the post-secondary Department. Now how could that happen under a Minister who was basically so involved in dealing with the plight of students around the Province, particularly in rural Newfoundland, because the Minister has been involved in a number of studies. In fact, I had

the privilege of having the Minister work on at least a couple of committees or task forces, because we had a lot of confidence in the Minister -

An Hon. Member: Oh, dear!

Mr. Hearn: - to look into serious problems because of his experience and expertise in the area. And I must say that the Minister did deliver upon the commitments and the duties that were laid upon his shoulders. The reports that he presented were quite good ones. He obviously did relatively good work.

The problem occurred perhaps because of two different things that happened in the past. One, the Minister despite the fact that his heart and soul were out in the bowels of Newfoundland, out with the children and teachers out around the schools, his concerns were there and he taught many of them at the Department. But he spent too much time hoarded away at the university. And consequentially his thinking became post-secondary oriented rather than really where his attention had always been directed in the past.

The second mistake that the Minister made, the big one, the unforgivable one was when he became Minister, I was going to say he did, but he did not do, he let others dictate the make-up of his Department. And in Section 5 that he mentioned, on page 5, dealing with one deputy minister instead of two, it says - Section 5 (2) 'The Deputy Minister shall be the deputy head of the Department and shall hold office during pleasure.' And it was very unfortunate that it was not the Minister's pleasure to hold onto

the deputy minister that he had in the primary, elementary, and second division. Now I am not saying that the deputy minister at the post-secondary level was a person that he should have gotten rid of at all.

Many Departments operate with two deputy ministers, one minister, two deputy ministers because of two distinct divisions, and perhaps two different trains of thought entirely. But the Minister was told by the Premier that he had to get rid of one of the deputy ministers and the one he kept was the deputy minister responsible for the post-secondary. Unfortunately what has happened is that the main decision makers in the Minister's Department are all from the post-secondary train of thought, and when they go in with decisions made, the Minister then is in no position to say no and has to go along with them. And what is happening around the Province is that the post-secondary section of education is receiving a lot of attention, did receive in the past Budget a lot of money for advancements and improvements, but at the primary, elementary and secondary section, everything is starting to fall apart.

We see the school trustees are extremely concerned with what is happening. We see the superintendents publicly lambasting the Minister in the papers for statements he is making, statements which are coming from a Minister who originally seemed to know so much about the primary, elementary and secondary system. And now some of the statements he is making seem to illustrate that the Minister understands very little. But, of course, the Minister is trying to

clarify statements made by some of his staff who had no connection at all with the primary, elementary and secondary section, and who are making statements based upon pure economics and so on that do not jive at all with reality, and the poor Minister is caught trying to defend statements made by his staff, and it is extremely embarrassing for people in the field and extremely embarrassing for the Minister.

So, consequently, I suggest if the Minister had originally held on to the two deputy ministers and let them operate the different divisions then he would have avoided the hassle that he is into right now.

The Budget, once again, when both Departments were combined, showed that all of the attention was being focused on the post-secondary. The positions that were being filled, mainly at the post-secondary level, if you look at the primary, elementary and secondary level, you would see most divisions have fewer dollars for the individuals who are there. Fewer dollars for the scholars also, because the people in the field received the same amount of money exactly as they did last year. The only people who benefitted were the teachers, and of course, that is a negotiated right and it came automatically. And only for that, undoubtedly, they would have gotten less also.

But that section of the Department has really been crucified by this Minister, and I am sure not that he wants it so, but because he has been directed by people who are running the Department who have very little affiliation with the lower levels. The unfortunate

thing about it is that the Minister has not only lost control over the primary, elementary and secondary division, the Minister is also losing some good members from his staff, who are completely frustrated and are leaving the Department. That is extremely serious because he had, and I am sure he will admit when he took over, an extremely competent staff in the Department and he cannot afford to lose some of the people who are now looking for positions outside.

So I would suggest to the Minister that perhaps he should re-look or take another look at the structure of the Department and if he wants to continue to support one unit where you have the post-secondary and the primary, elementary and secondary divisions together, that he find some mechanism to make sure that the primary, elementary and secondary division of the Department is not completely overlooked and forgotten so that he will spend his time putting out little fires and running around trying to justify statements made by his officials who, as I said, had no real history in dealing with the problems that you face out in the field.

The Minister mentioned the inclusion in the new bill of the Penticostal Assemblies. Up until a couple of years ago, of course, the Penticostal Assemblies did not have the same protection under the constitution as the other major denominations in the Province. Actually it was my pleasant duty at the time, supported by everyone in the House, both sides of the House, to pilot through that change and it was well accepted. One of the concerns perhaps there, is not dealing with the section dealing with the Penticostals, but

perhaps in the overall stand taken by the Minister on the question of denominational education generally the Minister at best, probably has come down sitting on the fence. There are a number of concerns out there whether or not the rights that have been achieved over the years, and the enshrinement in the Constitution, are perhaps not being jeopardized somewhat by the stand and the suggestions that the Minister makes.

One of the big problems that the Minister has, and he is an exceptionally qualified, capable, fine person, is when he is put in a position by his officials he sometimes, in trying to defend them, gets himself in hot water by taking stands, which try to defuse the situation, and which perhaps are not positive stands on the issue.

Mr. Speaker: Order, please!

I wonder if the hon. gentleman would mind a brief interruption. I have been trying to get an appropriate spot, but he seems to be carrying on in such an eloquent style that I could not get an appropriate spot.

I would like to welcome to the Speaker's gallery today, on behalf of hon. Members, the Rt. Hon. John Wakeham, Secretary of State for Energy of the United Kingdom, with a number of his officials visiting our Province to attend the Offshore Oil Show and to discuss energy issues.

Some Hon. Members: Hear, hear!

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

Mr. Hearn: Thank you very much,  
Mr. Speaker.

It is certainly a privilege to have such distinguished gentlemen in the House. Especially, when they are here in a Province which has so much energy, our water and power resource, of course, are abundant and the offshore possibilities are tremendous. We only wish that some of this energy would transcend into the hearts and minds of the gentlemen opposite, so that some of the problems that we are talking about would be solved.

An Hon. Member: (Inaudible).

Mr. Hearn: No. Certainly, it is relevant, very relevant. We see the will is perhaps there to do certain things, as we have been talking about in relation to the Minister of Education, in the past, has shown the great expertise for education in the Province, but once put in the position, it seems as if the energy is not there to do what has to be done. Now, I am not really blaming the Minister because, as I have said before, the Minister is too fine a fellow to sit back and let these things happen. Sitting in a Cabinet with some of the scoundrels that are around I can see the position that the Minister finds himself in when he is looking for funds.

Education certainly is not a priority in the minds of many of the gentlemen opposite. And they have to remember that the former Cabinet realized fully only too well that education was a priority. And as the Minister himself says, you need a sound base upon which to build, and if we do not have good solid well educated citizens we might question which type of education, but the good sound basic well rounded education gives us a good

base upon which to build. And as these children move out from the schools into post-secondary and into the world then they can change and vary and take on anything at all, all the challenges that are thrown at them.

But if the Minister in combining - or the Government in combining both Departments, I am sure it was not the Minister's choice, prevents funding and attention and direction from going on down into the schools, into the outports, so that these children will receive a well rounded solid education, then the energy of the future is not going to be there. The potential that we have will not be developed by our own people. We will not only have people coming to see what we have and want to get involved and invest and help us develop, we will have to be bringing people in to do the work for us.

So, the Minister is going to have to tighten the screws on his counterparts in Cabinet, and just sit them down and instruct them into the ways of the world, how important it is to back him up when it comes to looking for funding so that next year his Department will not be in the same position it was in last year, with no increase at all in relation to funding. Promises made are not promises kept.

The trustees, as I say, out there and the superintendents, are stating quite clearly that they have had their fill of the Minister, pardon the pun. And unless he gets off the fence and starts delivering on some of his commitments, and he has made a lot of commitments to the field, that don't worry be happy, I will take care of it. And the will is



certainly there, but the Minister means -

An Hon. Member: (Inaudible).

Mr. Hearn: No, I am not talking about just certain people. I am talking about all of the school trustees. They are elected people all around the Province. Not by paid executive directors at all, I am talking about the elected school trustees, school board members all around the Province. I am talking about superintendents, I am talking about teachers, and I am not talking about individuals with a political bias. I am talking about some people who have been very solid Liberal supporters in the past, big 'L' Liberal, but I am talking about people who have an extreme concern for what is happening in relation to the primary, secondary and elementary section of the educational system in our Province.

The former President of the Newfoundland Teachers' Association, the present Parliamentary Secretary, if you listen to him - and he should be in Cabinet; the unfortunate thing about the hon. gentleman is that he has to get his message across by sending memos to the Premier. And, of course, in past months, the Premier has not been accepting memos unless they deal with Meech Lake, and the only person in the back-bench whose memo has been accepted by the Premier, is the Member for Pleasantville, who, I presume, is in Ottawa or Hull, right now. I understand he was hanging around with the Premier in Ottawa and the Premier told him to go to Hull, and that is where the gentleman ended up. He is the constitutional advisor.

But they say the only memos that came from back-benchers that were accepted and that got through to the Premier, were those from the Member for Pleasantville. But it is about time somebody listened to the Parliamentary Secretary. Now, maybe, if the Premier were here and if he reads Hansard, he might take my suggestion that the Member for Exploits should be put in Cabinet, because his knowledge of the educational system is needed around the Cabinet table. The Minister is a knowledgeable fellow, you might argue, but the Minister spent too many years hoarded away in the university, and you lose sight of the real world when you are hoarded away in university; as a typical example, I place on exhibit, or I would if he were here, the Minister of Finance. We all saw what happened to him when he got hoarded away in the university for years. He lost complete touch with reality and doesn't know what is going on around him at all. And, of course, that is how you get taken to Ottawa. I am not sure whether you have to be competent or incompetent to get trips.

The Minister of Employment and Labour Relations, who isn't here either, didn't really have experience enough. She rose quickly to the presidency of the Newfoundland Teachers' Association but really didn't have the experience that the Member for Exploits has. He grew up in rural Newfoundland. He played baseball in the sandlots up there and was scouted by talent scouts and what have you, almost had a future in professional sport, until he got interested in politics and didn't want to ruin his chances of getting elected to the Legislature in Newfoundland.

I only wish that certain things had turned out differently at certain times, and the Member might have been on a different side of the Legislature, that's the only thing. Because he certainly isn't overly enthused with what is happening in relation to his own party. When he sees what is happening to his fellow educators, and when he sees what is happening to education in the Province generally, of course, being consolidated in this Bill, then the Member must lie awake at nights, so I would suggest to hon. gentlemen that they lobby the Premier to take him in so that his experience can be passed along directly, and hopefully we will see some change in next year's Budget.

I mentioned earlier the plight of the former Deputy Minister. One of the big disappointments in the Government was the way they axed certain Deputy Ministers in the past, very competent, efficient people who for years gave of their all to Government, people whose mark is on the various fields in which they were involved. And, here in relation to this Bill, the dropping of the former Deputy Minister of Education, who, if a poll were taken in the Province, asking who is the most capable and competent person in relation to the problems of teachers and people in the educational field, including students in the Province, they would list the name of the former Deputy Minister, a person who came up through the ranks, who was extremely knowledgeable, very acceptable, and perhaps where the gentleman served most was at times of negotiations.

I have had a number of Ministers of Labour, and I would not doubt

but the present one would say the say thing, who said - in fact on one occasion we had a bit of a tussle as to where the Deputy Minister of Education should go, the former Deputy Minister. Many Ministers of Labour would have loved to have that gentleman as Deputy Minister, and the Member for Exploits nods his head, because he, first hand has had the experience of dealing with the former Deputy Minister of Education in relation to labour matters as it pertained to the contract. I would not doubt right now that the President of Treasury Board would love to be able to pick up the phone and call the former Deputy Minister of Education and ask him to come in and assist them in his negotiation with the teachers.

The Past President of Treasury Board and the President before him, the former Minister of Finance and others, when negotiations took place, always relied upon the sound sensible advice from the former Deputy Minister of Education. As I say, the former Presidents of the Newfoundland Teachers Association who are in the House, will say that is correct, when there were many trying and touching moments, crucial issues at stake, the Deputy Minister always had a way around them. Consequently, problems were settled that now we see causing all kinds of aggravation in the field because of the way they are being handled.

The problem with the Premier, of course, he came in talking about fairness and balance but the first thing he did was axe some of the most competent people in the system and has continued to do so. Because whether it be in education or anything else, I have

to be relevant, Mr. Speaker, as you know we are talking about an Education Bill. We have seen nothing but a complete setup of supporters of the Premier, positions being vacated to make room for people who are solidly involved supporting the Party. We have seen Boards being stripped and members being reappointed. There has never been such a blatant attack on the residents of the Province for partisan reasons as we have seen during the last few months by this Administration. That you can accept. You might say it is the political process, and so be it. But when you come in with a holier-than-thou attitude talking about fairness and balance and a real change, then that is not what you expect to see.

I get the sign that it is time to let the House clue up, Mr. Speaker, so we will pick up on this again at a later time.

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

Mr. Baker: Thank you, Mr. Speaker.

Two things: On Thursday we will be going into Committee on Bills 58, 40, 41, and 22. These are some of the Bills that today went through the second reading and will be taken through Committee stage.

Mr. Speaker the second thing is, tomorrow being Private Member's Day, I was informed by the Opposition House Leader that the Bill for debate would be the one put forward by the Member for Harbour Main.

Some Hon. Members: Hear, hear!

Mr. Baker: He is going to let

loose on the collective bargaining process, I believe, and the labour climate and so on in the Province. So, Mr. Speaker, that is on the agenda for tomorrow.

I wonder if the Leader of the Opposition has a few words to say about that.

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

Mr. Rideout: Yes, Mr. Speaker, I thank the Government House leader for notice of tomorrow's business or Thursday's business and, of course, Motion 14 on last week's Order Paper is the motion we will debate tomorrow.

Could the Minister indicate what we might be doing after we do Committee on those Bills, because obviously that will not take very long? I just wanted to know what we might be doing after those Bills are done on Thursday, because obviously that will not take all afternoon on Thursday to do Committee of the Whole on those Bills.

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

Mr. Baker: Mr. Speaker, there are some pieces of legislation that I have talked to the Opposition House Leader about, it may or may not be ready by Thursday. What I will do is, I will make sure that tomorrow morning sometime, I will get together with either the Leader of the Opposition or the Opposition House Leader, and then I will be ready to discuss the rest of it.

One other announcement, Mr. Speaker, the Minister of Development is hosting a reception at Hotel Newfoundland tonight at

7:00 o'clock, all Members are encouraged to attend.

Mr. Speaker, I move that the House at its rising to adjourn until 2:00 p.m. tomorrow and the House do now adjourn.

On motion, the House at its rising adjourned until tomorrow Wednesday, June 6, at 2:00 p.m.