



Province of Newfoundland

FORTY-FIRST GENERAL ASSEMBLY
OF
NEWFOUNDLAND

Volume XLI

Second Session

Number 84

PRELIMINARY REPORT
(Hansard)

Speaker: Honourable Thomas Lush

Monday

26 November 1990

The House met at 2:00 p.m.

Mr. Speaker (Lush): Order, please!

The hon. the Member for Humber East.

Ms Verge: Thank you, Mr. Speaker.

I rise on a point of privilege respecting an article in today's edition of the Evening Telegram, in which the Minister of Fisheries is quoted as making certain erroneous comments in a speech to the Carbonear Liberal Association on the weekend. The article quotes the Minister of Fisheries as saying: do not forget that Ms Verge was the Justice Minister of this Province when the Mount Cashel situation developed, and when the cover-up occurred. Mr. Speaker, as you would know in 1975 when the events at Mount Cashel and the cover-up on the part of the child welfare and police occurred - events that triggered the establishment of the Hughes Enquiry - I was a private citizen living in Corner Brook with no thought in my head of running for public office. I had never met a Justice Minister. The Minister of Fisheries on the other hand held that same position in another administration, the Moores administration, and was sitting at the same table as the Minister of Justice. Mr. Speaker, it is unfortunate that the Minister of Fisheries is not in his seat today. They say the memory plays strange tricks and perhaps that is the explanation for his comments on the weekend.

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

Mr. Baker: Mr. Speaker, I think it is obvious to everybody that this is not a point of privilege,

simply a member taking advantage of the rules of the House to try to make a point. According to Beauchesne Paragraph 31, Subsection (3) "Statements made outside the House by a Member may not be used as the basis for a question of privilege," so I would suggest, Your Honour, that quite obviously, for that and a number of other reasons that I do not intend to go into, this is simply not a question of privilege.

Mr. Speaker: To the point of privilege.

First of all, as all hon. members know, in order for there to be a breach of a point of privilege the matter must interfere with the member's ability to perform their parliamentary work. I see nothing in this particular example that would interfere with the work of a parliamentarian. As all hon. members know a statement can be inflammatory, it can be offensive, but it is not a point of privilege, and in this particular case if somebody says something that is inaccurate it does not amount to a parliamentary privilege. On these grounds I say the the member has not established a prima facie case.

The hon. the Opposition House Leader.

Mr. Simms: Thank you, Mr. Speaker.

I want to pursue just briefly a point of order of which I gave notice, both privately to you, and in the House late last week, dealing with this whole question and issue of tabling, members being permitted to table items. I raise it because I had a chat with clerks at the table and looked at some of the background to the reason for Beauchesne introducing,

in 1971, the amendment that has been quoted now on a couple of occasions in the past, about members not having the right and so on. On the other hand my argument would be that our practice and precedence in this legislature, and there are numerous to cite, certainly support the point of view that we put forward in the past, that if a member wishes to table a letter or document then there is certainly not much harm done in being able to table it, because if the purpose is to get it out to the press, then that is done simply by sending it up to the press. So, it would be advantageous from a parliamentary point of view, I think, for members of the House at least to have seen it, and the only way that could officially or formally be done would be by tabling it.

I might also say that I have done some research in Sir Erskine May and there is nothing in Sir Erskine May that prohibits the tabling of items. I would like to give Your Honour two references in the hope that Your Honour would like to take it under advisement and maybe do even more comprehensive research on it because I think the clerks at the table were going to try to get access to the journals in the House of Commons around 1969-70 to research the debates that lead up to the item in Beauchesne. There are two references I would like to give Your Honour; one is a ruling in our legislature on March 4, 1981 by a very perceptive Speaker at the time, who ruled in reference to an item being tabled by -

An Hon. Member: Who was that.

Mr. Simms: A ruling at the time

by Mr. Speaker Simms, I might say. But it was in regard to the tabling of documents and exhibits by the former Member for LaPoile, Mr. Neary, whom we all remember. It is on page 204 of Hansard of that day, March 4, 1981. Clearly in it the Speaker ruled that exhibits could not be tabled. However, in the case of documents that are characteristic of reading material, which was described at the time, that he in fact, the Speaker of the day, ruled that those kinds of documents could be tabled.

Now, I would not expect Your Honour simply to use that one ruling, but I have reason to suspect that ruling was made because there were previous rulings perhaps made by previous Speakers. But you may find it useful in your research because I think it is an important item to deal with.

The second quote I would give Your Honour is from the House of Commons journals, April 6, 1961. Since we have used the Beauchesne reference from time to time lately in ruling written documents out of order, I just want to refer to the House of Commons journals 1971 when the Speaker of the day - it was not me by the way - said, and I will just quote in part. I will give this to Your Honour. I will not table it until you rule if I can table it. This is made during a debate on a point of order: 'The point is made that a document having been referred to in debate should be tabled. The rule in this respect is, again, well known. A minister of the crown is not at liberty to read or quote from a dispatch or other state paper, not before the House, unless he is prepared to lay it on the Table. I suggest to hon.

members that the rule is clear, that this applies to an official document quoted in debate. This rule has never been otherwise interpreted by Speakers and has never been deemed by the House to be applicable to a reference in debate by an hon. member to a document, official or otherwise.' So, that would leave me to think that when we quote the Beauchesne citation we are really talking about official documents or ministers quoting from official documents and all the rest of it.

Anyway, I want to make the argument because I think it is an important matter. I do not think that members should be prevented from being able to table a letter or something they may have received from a constituent or whatever if they want to table it. I think it would be beneficial, in fact, for members of the House to have access to it so they can see what exactly is being talked about. Perhaps I could give this to the clerk.

Mr. Speaker: To the point of order, I thank the hon. Member for raising that today - as he suggested he had given notice. I will study it a little further. At this point I just want to make a couple of preliminary remarks for hon. members. There is no question that our House has a precedent of tabling documents if they have been quoted from and cited, and I can assure hon. members that we have gone through many hours of debate on the tabling of documents. But invariably in my own research and to my own knowledge when a member has quoted and cited from a document that is different from referring to it, but when it has been quoted and cited, invariably the member has been asked to

table. I know of no incidents where he or she has not tabled. I will take it and study it further. I will say this: I have made a couple of rulings on it because of a different structure in the House this year where we have committees. And clearly when we have committees we get into tabling minority reports and the Chair wanted to have some consistency with respect to the tabling of documents. And since we do have a Rules Committee it might be an appropriate time to ask the Rules Committee to be clear on it so that there is no question.

I have also checked with other jurisdictions and found out that there is no degree of uniformity across Canada. There are some Houses that allow tabling of documents by private Members; there are some where they do not. And so I have done a great degree of research but I will further research our own precedent on it and give a ruling in a couple of days time. But it might be an appropriate time as I said, as a suggestion, for our committee on rules to take a look at it and to clarify the situation so that there is no doubt about the matter.

Statements by Ministers

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

Dr. Kitchen: Thank you, Mr. Speaker.

It is my pleasure to announce that the Province has successfully completed negotiations for a public offering of debentures in the United States capital market.

The issue is for an amount of \$150 million US., bearing interest at the rate of 10 per cent and priced at 99.743 per cent of the principal amount to yield 10.027 per cent to the investors. The debentures will be dated November 29, 1990 and will mature after thirty years on December 1 2020. The proceeds of this borrowing will be used for general Provincial purposes.

The issue is managed by Merrill Lynch & Co., Salomon Brothers Inc., RBC Dominion Securities Corporation and ScotiaMcLeod (USA) Inc.. This is the Province's second capital market borrowing in the United States market during the 1990-1991 fiscal year and I am pleased to state, Mr. Speaker, that the issue was very well received by the investment community. In connection with this latest issue, the American credit rating agencies have confirmed that the Province's ratings will remain unchanged, that is Standard and Poor's "A-" and Moody's "Baal". The official signing of the new issue will take place in New York on November 29 1990.

With this issue the Province has met the borrowing requirement as outlined in my 1990 budget. However, due to the projected change in the current account position, it is expected that a further capital market borrowing will be completed prior to March 31 1991.

Thank you, Mr. Speaker.

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

Mr. Windsor: Thank you, Mr. Speaker. The bond issue itself of course is not extremely

spectacular. However I do want to congratulate the Debt Management Division of the Department of Finance who once again have no doubt done an excellent job together with our fiscal agents.

Two things noteworthy, Mr. Speaker, in this particular statement: First of all that the credit rating has been confirmed. I think we are all pleased to hear that. And I have to say as I have said in this House many times, I had grave doubts, in view of the economic performance of this Government, that the credit rating agencies would continue to maintain the credit rating for this Province. It remains to be seen where it will be this time next year. And if we are looking at a \$200 million plus deficit next year I suspect we may not be as fortunate.

The other thing that is very noteworthy here, Mr. Speaker, is that the Minister is now borrowing in the United States at 10 per cent. Last week he told us he could not borrow from Newfoundlanders, from the Newfoundland Stock Savings Plan, because the borrowing interest rate was so much higher than the 5 per cent and the 5.5 per cent he could get in Japan. Yet he sees no problem with borrowing in the US market. Why can the Minister not borrow in Newfoundland and Labrador and give Newfoundlanders and Labradorians an opportunity to invest in our future?

An Hon. Member: Hear, hear!

Oral Questions

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

Mr. Rideout: Thank you, Mr. Speaker. Mr. Speaker, I have a question for the Minister of Municipal and Provincial Affairs. I wonder if the Minister could confirm that the policy of the Department of Municipal and Provincial Affairs as it relates to overtime for the St. John's Fire Department is not to pay overtime for any individual station under that Department unless the number of firefighters on duty at that station drops below thirty-six people?

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

Mr. Gullage: The number thirty-six, Mr. Speaker, is not a fixed and firm number, and I think the question pertains more to the number of firefighters who are on duty at any particular shift in the city.

The policy of the Fire Department is to make sure that a number of men, the needed allocation for a given shift, is available at any given time. If we have a situation where two or three or whatever number of men are off on sick leave or not available for work in a given station, then as long as the allocation throughout the city is there, the numbers are there to cover off the shift, it is not necessary to bring in extra men on overtime.

However, if it does happen that the allocation is not available, then overtime would have to be paid. So it is not a policy that overtime will never be paid, but it will not be paid in a case where a given station can be covered off by the necessary allocation of firemen throughout the city, where the response times

are adequate and that particular station, which happens to have men off on sick leave, can be covered.

Mr. Rideout: A supplementary, Mr. Speaker?

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

Mr. Rideout: Thank you, Mr. Speaker. Maybe I could approach the question this way then. Would the Minister confirm that the minimum number of people to staff the stations fully is forty-four people?

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

Mr. Gullage: No, Mr. Speaker. I have asked that question myself. There is no fixed and firm number of men who have to be on duty at any given time, but somewhere between thirty-six and forty-four may very well be an acceptable number. But there is no fixed and firm amount of men who have to be on any particular shift.

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

Mr. Rideout: Mr. Speaker, is the Minister suggesting to the House that there is no minimum number required and that really the minimum number is a flexible number? Is that really what the Minister is trying to ask the House to believe?

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

Mr. Gullage: No. I am saying that we have not fixed a number. We have not said that thirty-six

is the number we have to have on every shift for the Fire Department. We have not done that. I am not suggesting that we will not do it in the future, but it has not been done to this point.

Mr. Rideout: A supplementary, Mr. Speaker.

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

Mr. Rideout: Well, Mr. Speaker, maybe the Minister could answer this question then. Can the Minister confirm that when the number of men on duty drops below forty-three - okay? forty-three - equipment at the St. John's East station is taken out of service, and that when the number of men drops below forty-one the St. John's East station is taken out of service completely and that as a result that station has been closed on at least six occasions, the last occasion on which it was closed completely being this weekend? Can the Minister confirm that, Mr. Speaker?

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

Mr. Gullage: I will check out those two numbers, forty-three and forty-one, and the allocation of equipment and men if we drop below those numbers. But I can say that the response times from the Central station in particular are adequate to cover off the St. John's East station. If we do have a situation where x number of men are off on sick leave from the St. John's East station, we can cover off that station from the Central location. So there is no worry about covering off the territory which is allocated to

the St. John's East station.

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

Mr. Rideout: Thank you, Mr. Speaker. In view of the fact that the Minister says there is no worry in covering off the St. John's East Fire Station responsibilities by other stations, including Central, can the Minister confirm that the pumper that is stationed with the St. John's East Fire Station is a pumper that was designed and acquired to be able to navigate the narrow streets in the East End of the city, particularly the Battery and Quidi Vidi and so on? And how does the Minister propose to offer protection to those areas when that station is closed down completely, and when, in fact, it has certain equipment that is exclusively for use in that part of the city?

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

Mr. Gullage: Mr. Speaker, I will have to check out that particular question on the pumper and the fact that it has a speciality role in the East End of the city, particularly the Battery. I will check out that particular piece of equipment and answer the question later.

Mr. Rideout: A further supplementary, Mr. Speaker.

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

Mr. Rideout: Mr. Speaker, the Minister no doubt will know that one of the responsibilities of the St. John's East Station and others, but in particular the St.

John's East Station, is to provide mutual aid to volunteer fire departments and other regions and other areas of the metropolitan region. Is the Minister not concerned that when this particular station is closed down that a mutual aid requirement for volunteer fire departments in other areas of the metropolitan area cannot be met adequately?

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

Mr. Gullage: No, Mr. Speaker, I am not concerned because we have adequate men and equipment in place in the Northeast Avalon to cover off the responsibility of the municipalities which are cost-sharing in the St. John's Fire Department. It is really a metro fire department per se, wrongly named in my view, because it covers off some seven or eight municipalities.

The numbers of men and equipment in place are both adequate to cover responsibilities for the rural communities. In fact, from time to time they do call upon the equipment and men that are available from the St. John's Fire Department, and pay for that service on a needs basis. We do have the necessary men and equipment in place to cover off that responsibility.

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

Mr. Rideout: Mr. Speaker, in view of the Minister's answers, would the Minister be so kind as to tell the House and the people in this region of the Province, who are dependent on that station for fire protection, from whom does the

Minister take advice in this particular regard, that there are enough men on duty, that the closedown of the station does not have an impact on mutual assistance to other municipalities in the region? Whose advice is the Minister depending on? Is it the experts in the fire department, or is it external experts in the Department of Municipal and Provincial Affairs?

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

Mr. Gullage: Well, there are three people in particular from whom I take advice, Mr. Speaker: the Fire Commissioner certainly plays a vital role, along with the Operations Chief and the Fire Chief. Those three people in particular -

Mr. Rideout: Are they all satisfied?

Mr. Gullage: Are all satisfied? I have not heard anything to the contrary. They are all satisfied. We have adequate equipment and men in place to cover off our responsibilities in the Northeast Avalon.

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

Mr. Simms: Mr. Speaker, I wonder if the Minister of Social Services could give us a report on a serious health and safety issue that exists at the Youth Correctional Centre at the moment?

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

Mr. Efford: Thank you, Mr. Speaker. I am not sure if I understand the question. If he is

referring to the problem at the St. John's Youth Centre, where they encountered some problems, I think Friday evening and again yesterday, in that they had water problems; one of the main valves going into a particular building was the problem. They called in Public Works, and also a plumber, I think. As far as I know, as of 10:00 o'clock last night, the problem was corrected. Other than that, I have no knowledge of any health hazard problems at the St. John's Youth Centre.

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

Mr. Simms: A supplementary, Mr. Speaker. Well, the Minister knows the issue I am talking about; the water supply is indeed the issue. Is he aware that because the water supply at building 43 has been off since Saturday, I am informed - perhaps it was Friday - is he aware that as a result the fire alarm and sprinkler system does not work because of no water pressure, the residents are being bused out to other facilities to take showers, and that water is being brought in by bucket loads for toilet and other sanitary purposes? Is he aware of that?

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

Mr. Efford: Mr. Speaker, I am aware of the problem that was encountered at the St. John's Youth Centre. They did encounter a problem, as I said earlier, with one of the valves. Unfortunately, I, as Minister of Social Services, do not have the ability to go down there and correct that; the Department of Public Works was called in. And yes, he is quite correct in that it does present a problem with fire safety down

there. The reason why the residents were taken out to the St. John's rec centre and the Remand Centre at Pleasantville, was because of shower accommodations. They were transported out, as they should be, so they could get a shower on Saturday evening and again yesterday evening, and they were brought back as they normally would be if they were brought out for recreation purposes.

The particular facility, Mr. Speaker, is being looked after by the Department of Public Works and the people in charge. I can check later on this afternoon to see if the work has been completed, as it is certainly a concern of mine as Minister.

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

Mr. Simms: Thank you, Mr. Speaker. I want to ask the Minister if he is aware that his own officials, the officials in charge of that centre, last night wanted to have that facility closed down because they, themselves, were very concerned about the health and safety of the residents? And, I would like to ask the Minister, if that is accurate, how can he justify leaving those young people in that facility under those very serious circumstances?

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

Mr. Efford: Let me tell the hon. Member for Grand Falls that that is not accurate. In fact last evening, when I was sitting home in the house at 10:00 o'clock, I was on the phone to my Deputy Minister who was then on the phone to the administrator of the

particular home in St. John's, Mr. Michael Berry, and no request came to me at all for the closure of the group home. In fact, I called in before I retired for the evening to see how everything was and I was informed then that Public Works had come in and that the water problem was corrected. They were not sure if it was going to be maintained overnight, because one of the valves had to be replaced. But there was certainly no request made to me as Minister, or to the Deputy Minister of my Department, to close the home. If it was made, it was certainly not made at this level.

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

Mr. Simms: A supplementary, Mr. Speaker. Could I ask the Minister if he would be prepared to check once again, specifically with respect to the Assistant Administrator at that correctional facility, who was in charge, on whether in fact they did not call the fire department and ask them to close the facility down? Would he check that once more?

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

Mr. Efford: Mr. Speaker, let me tell the hon. member once again that I am in close contact with all aspects of the Department of Social Services, and neither the Assistant Administrator nor the Assistant to the Assistant, nor the Administrator of the home made any request to the executive of my Department or myself either Saturday -

Mr. Simms: They called the fire department.

Mr. Efford: Well, why would they not call the Minister? I will check with the fire department and see? I was on the phone this morning talking to the Administrator of the home, and I was also talking to the Deputy Minister this morning about the problems at the St. John's Youth Centre. I suspect the information that is being given to the hon. member is like information given to some of the other members, and they do not check out the source or the accuracy of the information before they ask questions. But I will check it out.

An Hon. Member: (Inaudible) flashlight.

Some Hon. Members: Oh, oh!

Mr. Efford: I could provide a flashlight if he wanted one.

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

The hon. the Opposition House Leader.

Mr. Simms: Mr. Speaker, I can assure him the information is accurate. And I suggest he check it out himself before he opens his mouth and puts his foot into it.

Anyway, my final supplementary, Mr. Speaker.

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

Mr. Simms: My final supplementary is to the Minister of Provincial and Municipal Affairs. Since the St. John's East End Fire Department was closed over this past weekend when this serious fire hazard existed, and since the St. John's East Fire Department is

the cover-off and backup service for that youth centre, by the way, where this weekend it has been described as a potential death trap, for no fire alarms or sprinkler systems were working -

An Hon. Member: (Inaudible) so silly.

Mr. Simms: Well, there were no sprinkler systems or fire alarm systems working. That's silly? I say to the hon. Member, he is silly.

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

Mr. Simms: Since that was the case and the St. John's East Fire Department was closed down, doesn't the Minister now think that perhaps he should rethink his policy with respect to the closing of the St. John's East Fire Department?

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

Mr. Gullage: No, Mr. Speaker, we do not need to rethink our policy. As long as we have adequate protection and coverage for the Northeast Avalon, with the positioning of the stations, the fact that they are able to cover with adequate response times, from the stations that I mentioned earlier, particularly the Central station, I feel secure that we can carry on with our existing policy.

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

Mr. Woodford: My question, Mr. Speaker, is to the Minister responsible for the Department of Municipal Affairs. In October, a

directive from his Department was sent to the Newfoundland Public Libraries Board informing them that the 1991-1992 budget for public libraries would remain the same as the 1990-1991 level. Will the Minister confirm that the total salaries for public libraries boards' employees are projected to increase by \$261,000 for 1991-1992 season, and that library boards have been told to reduce their 1991-1992 budget by that amount?

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

Mr. Gullage: Mr. Speaker, we, as all other Departments of Government, are reviewing our budget and talking to the various heads of departments and divisions about the programmes they have in place, deciding whether or not a programme should stay in place, and if it is in place, what dollars would be spent on a given programme. So no decisions have been made as far as the upcoming budget is concerned, but as with all other divisions of my Ministry, no doubt we are talking to libraries as we are everybody else.

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

Mr. Woodford: A supplementary, Mr. Speaker. Will the Minister confirm, then, that budget options suggested by his Department to achieve the required reductions include the following?

The elimination of all library services to 3,000 users in central and northern Labrador; closure of libraries in other areas of the Province; and reductions in the hours of libraries open to the

public.

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

Mr. Gullage: Mr. Speaker, I am not aware of the libraries boards being told to reduce services in any one of those three areas. Certainly I will discuss it with my officials and see what discussions have taken place. But I repeat, Mr. Speaker, we have not made any decisions on budget, and anything that may have been discussed is really just at the discussion stage at this point and no firm decisions have been made. But I will check out those three questions.

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

Mr. Woodford: A final supplementary, Mr. Speaker. Given the critical role that libraries play in promoting literacy and the importance of improving literacy levels in our Province, will the Minister exempt public libraries from the Budget freeze for 1991-1992?

An Hon. Member: A good question.

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

Mr. Gullage: Mr. Speaker, we have not targeted libraries or any other department of my ministry for Budget cuts. But I can't say that a given department is being exempted from the review process with the Budget. I mean we are reviewing every department of Government, and libraries are part of that process. But certainly we are not targeting any cuts in the libraries area. And anything that

the member would say concerning libraries would be just pure speculation at this point.

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

Mr. Rideout: Mr. Speaker, I have a supplementary for the President of Treasury Board. In view of the fact that his colleague the Minister of Municipal and Provincial Affairs have confirmed that the Provincial Library Boards have issued various options for consideration to the public libraries across the Province, can the President of Treasury Board confirm for the House that when this particular question of cutbacks in the library service was raised with him at an NTA meeting in Conception Bay South about two weeks ago, that the President of Treasury Board confirmed that there would not be any cutbacks in the provincial libraries service, and that, in fact, the President of Treasury Board was prepared to put that in writing to the questioner?

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

Mr. Baker: No, Mr. Speaker, I cannot confirm that because I did not say it.

Some Hon. Members: Oh, oh!

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

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

Maybe the President of Treasury Board can tell us whether or not he wrote it if he did not commit it?

My question is to the Minister of Municipal and Provincial Affairs. During the election campaign the Liberal Party promised an immediate study to determine the feasibility of the establishment of a Crown corporation to take over and operate all water and sewer facilities in the Province and to expand services to all unserved areas in the Province. Can the Minister tell me if that study has been done? What were the results? And is he prepared to table it in the House?

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

Mr. Gullage: Mr. Speaker, I think we have adequately addressed, and certainly more than adequately addressed compared to the record of the previous Government, water and sewer and roads, capital works projects in this Province. I think we have doubled over the last two years our capital works budget.

Some Hon. Members: Hear, hear!

Mr. Gullage: As far as looking at new ways of delivering municipal services of all kinds, we are constantly doing that. When I have something to report to the House, I will do so.

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

Mr. Tobin: It is obvious, Mr. Speaker, the study was never done. And from what he told the Federation of Municipalities this past week when he had a meeting with them, we know the program that you have in place. Let me ask him, Mr. Speaker, is the Government still committed to provincially operated water and

sewer systems at the same basic rate for all domestic and commercial users?

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

Mr. Gullage: Mr. Speaker, if we find that such a corporation is workable, and has a place in our planning as far as municipalities are concerned, such a corporation will come into being. But I can say, contrary to the comment of the member that we have not researched, we indeed have researched systems that are in place for financing municipal works throughout North America. But to say that we are ready to implement a given system at this time would be wrong, because we are not. We are continuing to research the problem. Obviously if we can come up with better ways of financing municipal capital works, we will do so, but I repeat, Mr. Speaker, I think it is fair to say that we have spent more on capital works in the municipalities area in the last two years than the previous Government did in the previous ten.

An Hon. Member: Yes, that is true.

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

Mr. Tobin: Mr. Speaker, seeing the Minister is so boastful about what he has done in the past year or two on capital works, will he confirm to this House today, that the expenditures for capital works for water and sewer and roads in his Department this coming year, will not be less than it has been in the past year?

Some Hon. Members: Hear, hear!

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

Mr. Gullage: Mr. Speaker, obviously, when the time comes to announce capital works, I will do so. We are in the process now of receiving,-

An Hon. Member: In due course.

Mr. Gullage: - we have received as a matter of fact reports from the regional office of municipal requests, the various phases of water and sewer and roads in the municipalities throughout the Island portion of the Province and in Labrador, and as soon as those municipal capital works are prioritized and ready for announcement with a given allocation of dollars, I will announce that in the House, but obviously we are not ready to do that yet. It is under review and the numbers of dollars which will be spent in the upcoming Budget year, will have to be decided by Government. That figure has not been decided as yet.

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

Mr. Tobin: Mr. Speaker, is the Minister prepared to brief the House today or sometime in the next few days, the same briefing which he gave the Federation of Municipalities last week, as it relates to the new grant structure and the new operation grant structure for Municipal Affairs throughout the Province?

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

Mr. Gullage: Mr. Speaker, I am constantly consulting and speaking

with the Federation of Municipalities Executive, particularly the Executive which is comprised of some twelve to fourteen people representing every part of the Province. That is necessary, obviously, to have an ongoing dialogue; we do not just talk about municipal capital works or the grants programme. We talk about everything concerning municipalities.

An Hon. Member: Why won't your Department brief the (inaudible).

Mr. Gullage: Will I brief the House of Assembly and all those details of municipalities and the meetings I have with them on a constant basis, every month. I am not sure the municipalities would want that, Mr. Speaker. Indeed, the dialogue that we have is a dialogue between the municipalities and their executive and my Department. I think that kind of dialogue should continue, I am not sure it is the place of this House to have that dialogue take place in here.

An Hon. Member: Exactly, what an answer, what a Minister.

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

Ms Verge: Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Ms Verge: Mr. Speaker, I have a question for the Minister of Municipal and Provincial Affairs. In this year's Budget, the Government gave the Newfoundland and Labrador Arts Council less money in real terms than the Government provided in the previous year, and on November 11th., when the Minister addressed the Provincial Artist Coalition,

he said: provincial Government support of the Arts is pathetic.

The Minister planned to fill the position of Director of Cultural Affairs last winter, yet now he is saying it will not be filled until at least this Christmas. My question is: will the Minister act immediately in this Budget year, to increase the budget of the Newfoundland and Labrador Arts Council by at least as much as the unused portion of the Director of Cultural Affairs salary for this year. In other words, will the Minister increase the budget of the Provincial Arts Council for the portion of the director's salary, nine months or more of the year when the job will be vacant?

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

Mr. Gullage: Mr. Speaker, we are hoping to fill the position of Director of Cultural Affairs very shortly and we have prioritized the applicants down to a reasonable number and the interviewing process is ongoing. Hopefully we will have a suitable applicant; I do not know and I cannot say at this stage. If we do have a suitable applicant I would hope that that person would be appointed relatively soon, and we may even make it by Christmas, which is what I said I would hope to see take place.

As far as the Arts Council and the Artist Coalition is concerned, yes, I met with both of them, and I do believe that their funding is inadequate. However, I said to both those groups in discussions that took place over three or four hours that we are reviewing every department of my ministry and looking at the programs that are

in place, not just in the arts area, but in all areas of the ministry. and they will be considered as all others for extra funding. Now, whether or not we can free up extra funding in the difficult times that we are in is a question that I cannot answer today, but certainly you are quite right; my statement was correct, that they need extra funding, they have needed it for some time. But whether or not it will happen in the upcoming Budget is something that I cannot say at this time.

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

Ms. Verge: Thank you, Mr. Speaker. The minister did not answer my precise question. I will restate it. Will the minister act now in this budget year to increase the budget of the provincial arts council by at least the unused portion of the salary for the Director of Cultural Affairs for this year. That position will be vacant for at least nine of the twelve months of this budget year. Will the minister take the unused portion of the salary and transfer it to the Newfoundland and Labrador Arts Council, which he failed to give even an inflationary increase to in the March Budget?

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

Mr. Gullage: Mr. Speaker, we have freed up every dollar that is available in the arts area and faced off those dollars. Every extra dollar that we have had in my budget has been faced off against the Arts community. So, to say that we can re-allocate at this stage in the year, extra dollars on top of that again, Mr.

Speaker, is just not possible. But certainly I appreciate the question. If possible, if there are extra dollars available, the arts community, the Arts Council, the Arts Coalition and all affected with Arts and Culture and that broad department will be considered as all other departments, and if extra funds are available, certainly. I appreciate that there is a problem and the arts community will be considered as all others throughout the balance of this fiscal year.

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

Ms. Verge: Thank you, Mr. Speaker. A final supplementary to the Minister of Municipal and Provincial Affairs. What is the minister going to do with the salary for the Director of Cultural Affairs for the period of April 1, 1990 until Christmas 1990 or whatever date the minister fills that vacant position?

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

Mr. Gullage: Mr. Speaker, because of budget restraints, like all other ministries in this Government, we have had to watch every dollar that we spend. We have had some twelve to fifteen positions that could have been filled in this present Budget that have not been filled. We have saved dollars and we have -

Mr. Speaker: Order, please!

There is noise coming from both sides of the House, but particularly from this corner down to my left. I will ask hon. members to please govern

themselves accordingly.

The hon. the Minister of Municipal and Provincial Affairs.

Mr. Gullage: Mr. Speaker, we have saved dollars in various areas, not just in that one position that has been identified by the member, the position of Director of Cultural Affairs. We have saved dollars elsewhere as well, where positions have gone unfilled for periods of time, but those dollars have been used, Mr. Speaker. We do not have any extra spare dollars within the Department that we can re-allocate to any particular division. We are at the limits of our budget and I think we are spending our dollars very wisely.

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

Mr. R. Aylward: Thank you, very much. I have a question for the Premier, Mr. Speaker. The Premier will remember that on Thursday of last week I asked him some questions about the abolishment of the Ombudsman's office and in his answer he gave me some confusing information. First of all he said that he would not put this legislation to the review committees because it would be an unnecessary cost, Mr. Speaker. Would the Premier agree to put this legislation before the Legislative Review Committee, Mr. Speaker, if I can convince the Committee members not to charge their per diems or their chairman's and vice-chairman's costs, and we will use a facility such as this House of Assembly when it is not in operation, so there will be no costs to Government?

Mr. Speaker: The hon. the Premier.

Premier Wells: Mr. Speaker, let me correct the wrong statement of the hon. member. I did not say that I would not put the matter to the Legislative Review Committees, what I said was I would not ask the Legislative Review Committees to take it on tour around the Province. Like all legislation, pretty nearly all legislation, it will go to the Legislative Review Committee, but the fact is it will be a simple piece of legislation, I assume, to repeal the Parliamentary Commissioner's Act, so I do not see any need to have a Legislative Review Committee waste many hours on it. The question is a question of the principle involved - do we agree, or do we not agree with the abolition? It is this Government's policy, and this Government has brought the proposal to the House, and this Government will ask the members on this side of the House to vote in favor of using those funds to meet the needs of the people of this Province in a proper way. We will ask them to do that. Now, it is a complete waste of money to take it away and to carry on this charade that the member wants to carry on, so the answer is, no, Mr. Speaker, we will not.

Mr. Speaker: Question Period has expired.

Before moving to the routine business of the day, on behalf of hon. members I would like to welcome to the galleries today thirty-six students from St. Joseph's High School in Bay de Verde, and they are accompanied by their teachers Mr. Gerald Riggs and Mr. Clifford Morgan, and their bus driver, Mr. Walsh.

Some Hon. Members: Hear, hear!

Notices of Motion

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

Mr. Dicks: Thank you, Mr. Speaker.

I have for tabling, the Annual Report of the Board of Commissioners of Public Utilities on the operations carried out under the Automobile Insurance Act as amended for the calendar year 1989, and I also have for filing, Mr. Speaker, the Annual Reports of the Criminal Injuries Compensation Board for the fiscal years ending March 31, 1989 and March 31, 1990.

Thank you.

Answers to Questions for which Notice has been Given

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

Mr. Efford: Thank you, Mr. Speaker.

I have the answer to a question asked by the hon. Member for Grand Falls a few minutes ago in reference to the problem at Torbay. First of all, I say to the hon. member that when I was in Opposition I asked questions but I always knew the answers before I asked them, and you should take that lesson. This is a report from the Fire Commissioner's office, Mr. Speaker, the fire alarm system was in operation.

Mr. Simms: All weekend?

Mr. Efford: Wait for the answer. You should be patient. The sprinkler system had some reduced pressure on Friday morning at 9:00

and again on Sunday at 8:00 o'clock. The Fire Commissioner was consulted and the building could still be used. That, Mr. Speaker, is from the Fire Commissioner's office.

Some Hon. Members: Hear, hear!

Some Hon. Members: Shame! Shame!

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

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

Mr. Simms: That was not the question. I wonder, is the Minister going to answer my question?

Mr. Speaker: There is no point of order.

An Hon. Member: (Inaudible).

Mr. Rideout: (Inaudible) totally deceitful.

Orders of the Day

Mr. Baker: Order 28, Mr. Speaker.

Motion, second reading of a bill, "An Act Respecting The Creation Of Regional Service Boards Throughout The Province". (Bill No. 38).

Mr. Speaker: This Bill has been introduced, and it seems the hon. the Member for Humber East will be speaking to the Bill.

The hon. the Member for Humber East.

Some Hon. Members: Oh, oh!

Mr. Speaker: Order, please!

Ms. Verge: Thank you, Mr. Speaker. I adjourned debate on second reading of this Bill a few days ago. I would like to conclude my remarks now. I will begin today by recapping what I said when I first spoke.

Mr. Simms: I hate to interrupt you. Mr. Speaker, on a point of order.

Mr. Speaker: A point of order, the Opposition House Leader.

Mr. Simms: I do not know how we can do it. May we revert quickly? Under Notices of Motion it is traditional that we give notice of the motion we are going to deal with on Private Member's Day. We just forgot, and went right over it. So I would like to give the notice?

Mr. Baker: There is no problem at all.

Mr. Simms: Okay.

Mr. Speaker: Order, please!

The agreement of the House is that we revert back temporarily to Notices of Motion.

Mr. Speaker: The hon. Opposition House Leader.

Mr. Simms: Yes, Mr. Speaker. I wish to move the notice on behalf of my colleague, the Member for St. Mary's - The Capes, whose resolution it will be. It is a short one.

WHEREAS the Provincial Government has informed Memorial University of Newfoundland that it will not receive any increase in the level of operating funding next year effectively reducing operating revenues by \$10 million to \$13

million;

AND WHEREAS the University has indicated that the freeze on funding may force restrictions on enrollment in 1991-1992 even though the participation rate in Newfoundland and Labrador is 8.3 percentage points below the Canadian average;

BE IT RESOLVED that this House support improvements in funding to Memorial University to enable the University to continue its open admission policy.

A very straightforward resolution, Mr. Speaker. And I will indicate at the same time, this is the one we will call on Wednesday.

Mr. Speaker: We just reverted back to that momentarily. We now go back to Orders of the Day, second reading of the bill the Member for Humber East was about to speak to, Bill No. 38.

The hon. Member for Humber East.

Ms. Verge: Thank you, Mr. Speaker. I object to the principle of this bill, the Regional Service Boards bill, essentially because I believe it gives too much power to the Minister of Municipal and Provincial Affairs and the Provincial Cabinet, at the expense of existing municipalities and individual citizens.

Mr. Speaker, I am not voicing opposition to the concept of regional government, although I would advocate that the establishment of regional councils be approached very cautiously. The existing Municipalities Act, in part 3, already provides for the establishment of regional councils, but the current

legislation requires feasibility studies, involving public hearings, preceding the setting up of a regional council.

One of the startling differences between the present legislation and this proposed new legislation is that the bill before us does away completely with the requirement for feasibility studies. This Regional Service Boards Bill empowers the Cabinet to decree unilaterally the setting up of regional governments. The legislation would do away completely with any requirement for the conduct of public hearings or, for that matter, of any kind of consultation with either existing municipalities or with individual citizens. This legislation would allow the minister and the Cabinet, meeting any Thursday morning in secret, with a stroke of the pen to decree the setting up of a regional service district, the appointment of a regional service board, and the assignment to the board of any or all of the powers now exercised by municipalities in the Province, powers including levying user fees, a tax by another name, even including policing a function not now discharged by municipal government.

Mr. Speaker, we have to ask why is the Government not satisfied with the legislation now on the books? What is wrong with Part 3 of The Municipalities Act? If there is any deficiency with that present legislation, surely any deficiency could be corrected by a minor technical amendment. No deficiency has been pointed out to me, so I can only conclude that the Government's main rationale for advancing this regional service boards legislation is to do away with the requirement of

feasibility studies, to do away with the requirement for public hearings to discuss a proposal for regional government, and to do away with the necessity of consulting the people. The Government must want to set itself up as a type of dictatorship with the ability to decree, as I say, any Thursday morning at all in the secrecy of the Cabinet room, that there shall be regional governments here, there or everywhere.

I mentioned that while I have nothing against the concept of regional government, I would urge caution in approaching area government or regional government. Mr. Speaker, this is because of the danger in establishing regional government, of proliferating governments and bureaucracies at the expense of the taxpayers, the danger of compromising efficiency, the danger of compounding expenses unnecessarily. Most of the Province is already covered by municipal government, although there are some gaps. And, of course, we have a fifty-two member Legislature and a Cabinet, and then there is the Federal Government. Some people would argue that they are governed to death.

The Cabinet through this legislation would be empowered essentially to run circles around present municipal government, to run circles around existing councils. There is no obligation imposed by this legislation on the part of the Government to seek the views of existing councils. Instead, the Government, as I say, would be able to, through an edict, impose a regional government, even against the wishes of present councils.

Now councils already exist: most of them have some staff, even if it is only a half-time clerk, just about all of them have volunteer fire departments, many have other volunteer services groups. Regional government could be imposed on councils in a way that will lead to unnecessary duplication and aggravate the cost of delivering government services to people.

It seems to me one of the beauties of our smaller municipalities, and an advantage that this government fails to recognize sufficiently is the degree of volunteer service. The vast majority of our municipalities have small populations. In most cases, the council members serve without any pay or remuneration whatsoever. As I mentioned, most have working hand in hand with them volunteer fire departments. Now, not only are most of these councils and fire departments giving to their neighbors an excellent level of public service, comparable to the service provided by paid groups in larger municipalities, but obviously they are keeping down the cost of municipal Government and allowing the smaller municipalities to charge lower rates of tax to their people. But to do a thorough and total evaluation it is necessary, not only to look at the balance sheets or financial statements of the municipalities, but it is necessary to factor in the monetary value of the volunteer service.

Now, I would like to illustrate my point by referring to the town of Massey Drive just outside of Corner Brook. The Government has targeted Massey Drive in its amalgamation plan, proposing that Massey Drive and Corner Brook come

together. Now that proposal has been strenuously objected to by everyone, certainly everyone in Massey Drive, every man, woman and child in Massey Drive, as well as the town council, the fire department, and other volunteer groups. It has also been objected to by the City of Corner Brook, who point out that the merger would involve higher costs in total. If the City of Corner Brook was required to incorporate Massey Drive into the city boundaries, according to the Corner Brook City Council and their staff, the overall cost of providing services would go up to the point that all residents of the enlarged municipality, the people in Corner Brook now, some of whom are the Premier's constituents, some of whom are the constituents of the Minister of Justice and others of whom are my constituents, would have to pay an even higher mil rate, and the people in Corner Brook for years have been paying the highest mil rate in the Province.

So, Mr. Speaker, Massey Drive does have a lower mil rate than the City of Corner Brook, although it is at least as high as the majority of smaller municipalities in the Province. But you have to recognize in evaluating the financial situation of Massey Drive that fire protection, education, training and fire fighting are all being delivered on a purely voluntary basis. The recreation program is being delivered without any pay being provided to the leaders. As well, there are service groups who hold fund raising events at the town hall and contribute the proceeds to the fire department, to the recreation programs and for other public purposes in that town.

Now, in the case of economies of scale, usually a prime rationale for a merger or an amalgamation, there is already a commendable degree of sharing between the two municipalities, between Massey Drive and Corner Brook. Massey Drive uses the Corner Brook land fill site, or dump as most of us call it, and Massey Drive pays a fee to the City of Corner Brook. Massey Drive uses the City of Corner Brook water and sewer systems, again providing remuneration according to the terms of a formal, legal contract. So it is hard to imagine where any further economies of scale could be realized. So in that particular area of the Province, municipal Government is working well, it is working well in the city of Corner Brook, it is working well in the much smaller town of Massey Drive. None of the citizens or councillors concerned see any benefit in imposing in that area a regional Government. To do so would lead to duplication, extra cost, would compromise accountability to the public, would blur lines of authority, and would lead to confusion.

There is an old saying: 'If it ain't broke, don't fix it', and I would suggest to the Minister that he bear that in mind before he rushes headlong into using his new powers under this bill, should it indeed become law.

Now, Mr. Speaker, there may be there may be a couple of places in the Province where regional Government is needed. When the Legislation Review Committee dealing with this bill held hearings in Corner Brook, I made a presentation and I listened to the other presentations.

In the exchange that took place between the presenters, the Committee and a couple of officials of the Minister's Department, it was pointed out that the Government has a couple of areas in mind for regional Government. Well perhaps regional Government would be good in those particular areas. But, Mr. Speaker, this is a small Province.

We have only got about 580,000 people in all, and I would suggest to the Minister and the Government that instead of bringing in this bill, which would give the Cabinet and the Minister blanket powers that could be used at whim any time at all to decree regional Government whether it makes sense or not, whether the municipalities affected want it or not, whether the citizens have been consulted or not, bring in legislation targeted specifically at areas where regional Government is deemed to be advantageous; have a particular piece of legislation for area xyz or for area abc.

This, on the other hand, is overkill, overkill at the expense of existing municipalities, overkill at the expense of individual citizens. And I underline expense, because I believe that misuse of this legislation will indeed lead to higher taxes overall and misuse of this legislation, the same as implementation of some of the Minister's amalgamation plans will kill the incentive for volunteer service given so cheerfully and so extensively in smaller communities around the Province now.

When I was Minister of Justice, I was responsible for the Office of the Fire Commissioner.

Mr. Efford: We know all about

that. We know all about that one.

Ms. Verge: In that role I enjoyed a very good working relationship with the Provincial Association of Fire Chiefs and Firefighters, which embraces the volunteer departments in the Province, and I came to appreciate just what a tremendous service the Volunteer Fire Departments are providing to the Province.

Most of the Province is given fire protection and a high standard of fire protection, without any charge at all to the taxpayers, that is any charge for operations, because the fire departments are made up of volunteers, people who serve because they want to not because they have to, people who serve without any pay or any expectation of pay. And, on top of that, many of the fire departments raise money, not only to support their own efforts in training, education and fire fighting, but to contribute to other charitable causes, and too extensive Government through amalgamation by the front door or amalgamation by the backdoor, with regional service boards set up ringing around existing municipalities, will stifle the incentive for that kind of admirable volunteer service.

So, to recap, I object to this bill. Given that we have part 3 of The Municipalities Act on the books, it serves no purpose other than to give the Minister and the Cabinet dangerous anti-democratic powers, powers that very easily can be abused. And I would urge the Minister and his colleagues to reconsider, take this off the agenda of the House, and to bring back any modifications to part 3 of The Municipalities Act that may be required for efficient

administration of that legislation, retaining the requirement for feasibility studies, or to bring back legislation for the setting up of particular regional service boards.

Mr. Speaker: Order, please!

The hon. Member's time has elapsed.

Ms Verge: Thank you, Mr. Speaker.

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

Mr. Rideout: Thank you, Mr. Speaker. I do have a few comments that I want to make on this particular bill.

Mr. Baker: (Inaudible) five minutes?

Mr. Rideout: Probably will not be any more than five minutes, Mr. Speaker, I say to the Government House Leader. But he should not be too anxious. It might be the full hour that I am entitled to, I do not know. That really depends on how rambunctious the Minister's colleagues get while I am trying to plot and plod my way, in my own style, through the remarks I have to make.

I do hope that the Minister is going to be listening to some of the remarks I have to make, because I took the opportunity of taking Hansard for the day - I think it was November 1 - the Minister introduced this particular bill and going through the Minister's remarks, because I was quite interested in what the Minister had to say in introducing this particular bill.

And I want to make mention of a number of the items raised by the Minister, Mr. Speaker, in

introducing the bill, and to hopefully make some sense out of rebutting or pointing out at least some of the weaknesses and inadequacies in the statement made to the House by the Minister when he introduced the bill.

One of the first things the Minister did, Mr. Speaker, when he brought this bill before the House was to convey a sense of urgency. The Minister indicated to the House that it was really urgent for the Government and for the Province that this bill be dealt with quickly, that it certainly be dealt with in this session of the House. There was a real sense of urgency in the Minister's opening remarks on this particular bill. He said, for example, we have situations where boards are imminently necessary. In fact, we would have liked to have had them created long ago. This was one of the statements made by the Minister in introducing this piece of legislation to convey a sense of urgency, that this particular piece of legislation was really needed and needed now.

Now, Mr. Speaker, what I have to say to the Minister on the urgency of this piece of legislation is rather simple. If in fact the Minister is being honest and sincere with the House, why doesn't the Minister use the existing authority of part 3 of The Municipalities Act? Practically every single piece of authority that the Minister -

An Hon. Member: Yes?

Mr. Rideout: Yes! Every single piece, without exception, of authority that the Minister is seeking under this Regional Services Bill is currently available to the Minister; it is

currently available to the Minister under part 3 of the present Municipalities Act. So I think it is ludicrous and deceptive, really, for the Minister to come before this House and try to portray a sense of false urgency. Yes, that is what it is, a sense of false urgency.

The Minister does not need this particular piece of legislation in any way, Mr. Speaker, to be able to carry out any of the things he wishes to carry out as a result of having this legislation pass. Part 3 of the present Municipalities Act, Mr. Speaker, provides for the creation of regional councils. The Minister is asking for authority here to set up regional service boards. Part 3 of the present Municipalities Act gives him the authority to set up regional councils today if he wishes. And it gives him the authority to set up those councils, Mr. Speaker, with virtually the same powers that are specified in this particular bill. So I have to say in all honesty to the Minister, come off the ride. What is the urgency for this piece of legislation now? There must be another agenda. It cannot be that it is absolutely necessary, because, Minister, you have the authority now, you have it under section 3 of The Municipalities Act.

Now there is a substantial difference, Mr. Speaker. There is one substantial difference under the present authority the minister has under Part 3 of The Municipalities Act than the authority he is requesting under The Regional Service Boards Bill. There is one substantial difference, and I think in that difference, Mr. Speaker, you will

find why this minister and this Government want to proceed to have this bill passed come what may, and the difference is this, the Cabinet and the minister under Part 3 of the present Municipalities Act cannot act unilaterally. That is the difference, Mr. Speaker. The minister can have today without any further legislation, he can have today all the authority he is requesting under Bill 38, The Regional Service Boards Bill, but he cannot have it unilaterally. That is the difference.

Under Part 3 of The Municipalities Act the Cabinet and the minister have to do feasibility studies, they have to hold public hearings, and they have to consult with municipalities. Now, Mr. Speaker, note that - note that. Under Part 3 of the present Municipalities Act the minister has all the authority he is requesting under The Regional Services Board Bill, every single one of them he has them, the Government has them, the minister has them, every single one of them without exception, but there is one major difference, the minister and the Government cannot act unilaterally under Part 3 of the present Municipalities Act, they have to do feasibility studies, they have to have public hearings, and they have to consult with the municipalities involved.

Now, Mr. Speaker, that is the difference between Part 3 of the present Municipalities Act and the bill that we are debating here today. There is no onus on the minister or the Government at all under this particular piece of legislation to have feasibility studies, to carry out public hearings, or to consult with municipalities. Now that, Mr. Speaker, must be the agenda of the

Government, because there is no other difference whatsoever between the authority that the minister presently has and what he is seeking under this particular bill, other than the statutory requirement, other than the legislative requirement that he have public hearings, consult and that their be feasibility studies. That is the only difference.

Now, Mr. Speaker, the minister is going to have to answer the why? Why is it that this minister and this Government want this authority unilaterally? Why is it that they want to be able to exercise that authority unilaterally when they can do it now, when in fact they have it now, but there are some minor strings attached to the use of it? And those minor strings are, as I have said, public hearings, feasibility studies and consultation with the municipalities involved.

Now before that bill voluntarily passes this House, before that bill voluntarily has the acquiescence of the Official Opposition in this House, the minister must answer why. Why does he want that authority unilaterally when he has it now with a few strings attached? Why does he want it?

Now, Mr. Speaker, the minister has to answer that question and answer it to the satisfaction of those of us on this side of the House, and answer it to the satisfaction of municipalities in Newfoundland and Labrador. He made no reference to it whatsoever in making his plea to have this bill approved. No reference to it whatsoever did he make in making his plea for urgency, Mr. Speaker. No

reference was made to it at all. So the minister has to answer that question, as to the why he wants to do this unilaterally?

An Hon. Member: (Inaudible).

Mr. Rideout: I will be getting down to that.

That is the first point I want to make, Mr. Speaker, and that is a major point in the principle of this bill. In second reading we are debating the principle, and a major point in the principle of this bill is that the Minister has the authority now, Mr. Speaker. There is no need of him bringing this bill before the House to get the added authority because he has it now. The only restraint that is statutorily and legislatively placed upon the Minister is that he cannot use it unilaterally. That is the only restraint, and I say, Mr. Speaker, that is a good restraint to have placed upon this Minister and this Government.

Mr. Hogan: May I have a question by leave?

Mr. Rideout: Sure.

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

Mr. Hogan: I was wondering how the Leader and the Opposition would feel if that particular section on feasibility studies and hearings were discretionary, whereby either the Minister or the region could ask for it, and then it would be mandatory? There have been cases where the feasibility study and/or the hearings have been obstructionist to the mutual cause of both parties.

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

Mr. Rideout: The hon. member, knowingly, or unknowingly, I suggest perhaps unknowingly, pointed out why the Government wants this particular piece of legislation, when he used the word, obstructionist. Now, I say, Mr. Speaker, participatory democracy is not obstruction, and if people have objections to amalgamation, or to sharing regional services, through a process of public hearings, I have to say to the member in all honesty, if people object to that, I do not think you can classify that as obstruction.

Mr. Hogan: I said if they agreed, if both parties agreed to the -

Mr. Rideout: Oh, if both parties agree?

Mr. Hogan: That is what I mean by discretionary.

Mr. Rideout: Well, let us amend Part 3, if that is necessary, of the present Municipalities Act. You can do that now, I would assume.

Mr. Hogan: There is no discretionary there.

Mr. Rideout: If the Minister were before us today asking for an amendment to Part 3 of the present Municipalities Act saying that where there is no objection from either party to the discussions, that the requirement for public hearings, feasibility studies, and so on be bypassed and go on to do whatever it is that the municipalities involved and the Government want to do. Why would you object if there is agreement?

Mr. Hogan: I spoke to that recommendation in the House myself and that is what I recommended,

have it discretionary. I think it is necessary.

Mr. Rideout: I have no problem with that. Of course, one of the reasons for the hearing process is so that not only the councils involved, not only the elected councils, but the general public would have an opportunity to make their voices heard. Councils are responsible to their electorate as we are, and every four years or so the electorate will render their verdict, as they will render their verdict on us, but there should be a process for public participation and public consultation, and that is what the feasibility study and the hearing process is all about. That is the first point I want to make, Mr. Speaker. The Minister has to come before this House and justify in some way, which he has not done yet, why he wants this new bill to give him unilateral authority, because he has the same authority now in Part 3 of the present act but he cannot use it unilaterally. That is the major difference and the Minister has yet to speak to that. He must speak to it, and he must speak to it convincingly, if he is going to have the acquiescence of this side of the House in passing this bill through in any kind of speedy manner.

The next comment that the Minister made, Mr. Speaker, was this: the Minister said that the intent is to have the Regional Services Boards operate under the auspices of municipal councils. The intent, the Minister goes on to say, is not to have it driven by the Province - under the auspices of the Province. These are the Minister's comments in introducing the bill to this House on November 1. Now, Mr. Speaker, I have to say to the Minister in all

honesty, if the Minister believes that, if the Minister believes his own words, if the Minister is sincere about his own words, then why does he not put the appropriate language in the bill? Why does the Minister not back up what he says to this House with appropriate language in the bill? Why does he not do that, Mr. Speaker, if he believes it? Why does he not put language in the bill that will ensure that regional boards will operate under the auspices of the municipality? The facts are, Mr. Speaker, that the regional services board, established under this bill, and let it not be forgotten, Mr. Speaker, and let no municipality forget it, the fact of the matter is that regional services boards established under this bill will be creatures of the Province, they will not be creatures of the municipalities that are involved. Mr. Speaker, why do I say that? I say that from the evidence that is before us in this bill. What is that evidence? The evidence is abundantly clear, Mr. Speaker, if you take the time to read the bill. There have been occasions when I was reviewing the Minister's comments, to be quite honest with you, Mr. Speaker, I am not sure if the Minister knew what particular bill he was introducing to the House or not, but why would I say that? I say it for those reasons, because the Cabinet on its own authority can designate any portion of the Province as a region. The Cabinet on its own authority can designate any portion of the Province as a region. How can you therefore argue, as the Minister attempted to argue in introducing this bill to the House, that the regional services boards would not be creatures of the Province. Of course they will be creatures of

the Province, Mr. Speaker. Because it is the Cabinet, the Lieutenant-Governor in Council, who will decide what region or any portion of the Province that is to form a region.

There is, Mr. Speaker, as I have said before and I will say again, as one of the arguments backing up why those boards will be creatures of the Province, there is absolutely no requirement written in the act for consultation with the municipalities or anybody else. There are no requirements for feasibility studies or public hearings. So, Mr. Speaker, the Province, the Cabinet will have the authority to act unilaterally to set up these creatures of the Province to carry out whatever it is the Province's agenda is.

Mr. Speaker, it is the Cabinet alone that will establish those regional services boards. And it is the Minister who will determine the number of boards. Again, Mr. Speaker, the establishment of the boards and the determination of the number of boards will be done exclusively by the Cabinet and by the Minister. No legislative requirement for consultation or for independent advice. The authority that the Minister will have as a result of this bill, Mr. Speaker, will be purely unilateral between the Minister and his colleagues around the Cabinet table.

Mr. Speaker, on top of that it will be the Cabinet that will select and appoint the Chairpersons of those boards. There is no provision in the bill whatsoever for consultation by the Minister on the selection and appointment of the Chairperson. None. That is left exclusively to the Minister and his colleagues

around the Cabinet table. No requirement for consultation with the region, with the municipalities involved in the region.

Mr. Speaker, the Minister appoints the board members, as a result of the requirements of this bill, from councillors nominated by municipal councils. He has to take the list of nominees by elected municipal councils and appoint his regional services board from those nominated. That, Mr. Speaker, is the only role that is given to municipal councils in this whole process. The only role in this whole process is for councils to nominate - councils within the regional services board area - some people from among their ranks for appointment to the board. The privilege, Mr. Speaker, to nominate candidates for appointment by the Minister, that is what they have.

Mr. Speaker, the Minister could ask for any number of nominations from which he could select six or eight members from the list nominated by the councils involved. There is no requirement. The Minister could ask for any number of nominations. If there are, for example, ten municipalities within a region that the Minister wishes to declare as the regional services board - what is the average number of councillors on a municipal council? Seven? Say seven. So ten would be seventy elected councillors. The Minister could ask for twenty nominees and appoint five or six or seven out of that, from those elected councils, Mr. Speaker.

So the point I am making is that this Provincial creature is totally controlled in the

appointment process. The only privilege that the councils will have is the privilege of nomination, the appointments will be done by the Minister and the Cabinet.

Now, Mr. Speaker, something else must be noted here as well. How about if the Minister finds himself in a situation where he has convinced his Cabinet colleagues to designate a portion of the Province as a region, to set up a regional service board. Let us assume that the Minister has been able to convince his Cabinet colleagues to designate the Baie Verte Peninsula for example, the area I know best as a region.

Let us take the thought process a little further and make the assumption that no council on the Baie Verte Peninsula agrees with Baie Verte Peninsula being designated as an area where a regional services board will be set up, and by the way, in the case of the Baie Verte Peninsula, because of geography and so on, that might not be a bad example. But let us for the sake of debate, make the assumption that no council agrees that the geographic unit known as the Baie Verte Peninsula should be serviced by a regional services board.

An Hon. Member: (Inaudible).

Mr. Rideout: You have that lost now anyway, not to be regained. Not to be regained very soon, let me say to the Minister.

An Hon. Member: Not according to our poll.

Mr. Rideout: You can poll all you like.

Mr. Simms: Your polls are like other polls.

Mr. Rideout: Mr. Speaker, the point I am trying to make here, is simply this: if councils fail to nominate people, councillors, elected councillors to serve on the regional services board, Mr. Speaker, the Minister is free to make any appointments he wishes. There is nothing in the piece of legislation -

Mr. Simms: Of course, of course.

Mr. Rideout: - right -

Mr. Simms: Amalgamation.

Mr. Rideout: There is nothing in this piece of legislation to bar the Minister from proceeding to set up the board, even though the elected councils in the area may refuse to nominate councillors to serve on the board. The Minister is then free to appoint whom he wishes -

An Hon. Member: Shame.

Mr. Rideout: - with the concurrence of his Cabinet colleagues. I would assume, having looked at legislation that they do not even have to be elected councillors; the Minister can go out and find them anywhere. He can find 'yes' men or women anywhere -

Mr. Simms: Liberals.

Mr. Rideout: - to serve on this particular board. Now, Mr. Speaker -

Mr. Simms: John Murphy.

Mr. Rideout: - the Minister cannot tell me that that is not an implicit weakness-

An Hon. Member: (Inaudible).

Mr. Rideout: - in this piece of legislation. Obviously any Minister, Mr. Speaker, would have to concur that that is an implicit weakness in this legislation because that will allow the Minister, through the heavy hand of legislation, without the process of public hearings, without the process of feasibility studies, without the process of consultation, that will allow the Minister to do through the back door, an amalgamation, for example, what he cannot do through the front door -

Mr. Simms: Hear, hear! Right on!

Mr. Rideout: - and the Minister has to answer that question again to the satisfaction of those on this side of the House, before there will be any acquiescence in this particular piece of legislation passing quickly.

Those boards, Mr. Speaker, are creatures of the Province. They are creatures of the Province, not of the municipality and in this particular incident, if the Minister and the Department runs afoul of municipalities, there is room in the legislation for the Minister to continue to move unilaterally to put in place those boards, even over the non-participation and non-acquiescence of municipal councils in the particular region. A very, very inherent weakness, Mr. Speaker, a dictatorial approach to the whole process by the Minister.

Mr. Simms: Typical of those examples set by his Premier, of course.

Mr. Rideout: Now, Mr. Speaker,

why am I saying that those boards are creatures of the Province?

An Hon. Member: A good question.

Mr. Rideout: For all of those reasons, but more, Mr. Speaker. The powers of the board are prescribed by the Minister. The powers of those boards are prescribed by the Minister. There is no provision for consultation with the municipalities in determining the powers of those boards.

The powers of the board can include any function of municipalities, except notice, Mr. Speaker. The powers of the boards can include any function presently assigned to municipalities except the power to levy property and poll taxes. Any other function that is presently within the purview of municipal authorities can be exercised by those boards except the power to levy taxes, property and poll taxes.

The Minister, Mr. Speaker, if he so wished, the Minister could use this bill to strip municipalities of responsibility for the management of any municipal services or facility if he so wished, I am not suggesting that he would, but there is nothing to prevent a Minister - this Minister or some other Minister, Mr. Speaker, - from stripping all authority to manage and to have the responsibility for municipal services and facilities except for taxation.

And therefore, Mr. Speaker, what would happen would be that they would function as tax collectors for the regional services boards. Elected municipalities within the regional services board could end up - because those boards are

creatures of the Province - functioning as nothing more or nothing less than tax collectors for the regional services boards, Mr. Speaker. Now that is possible under this legislation that the Minister is asking this House to approve.

Mr. Speaker, the Minister went on to say, in introducing the bill, that the bill as written, to quote the Minister: gives total authority to municipal councils involved. This was the Minister's quote, that Bill 38 gives total authority to the municipal councils involved. Now, Mr. Speaker, obviously that is completely inaccurate and erroneous. It is not a fact. He could not have meant it, Mr. Speaker, because the only role municipalities have under this bill is to nominate. That is the only role they have, to nominate candidates to be appointed by the Minister to the regional services board. Every other action that is contemplated under this bill, Mr. Speaker, other than the role of the municipalities to nominate candidates for appointment to the board, is subject to the unilateral decision of the Minister and of Cabinet.

The regional services boards, Mr. Speaker, in carrying out the powers assigned to the Minister, are responsible only to the Minister, Mr. Speaker. They are not even required to send a copy of their budgets to the councils that they represent, Mr. Speaker. Are Members of the House aware of that? That those regional services boards are responsible only to the Minister? They are not even required under this legislation to send a copy of their budgets to the councils that they represent. Now, Mr. Speaker,

if that does not make those boards unilaterally a creature of the Province, I do not know what it makes them, Mr. Speaker.

Mr. Speaker, the Minister went on in introducing the bill to make the following comment. He said: municipal councils can initiate the setting up of that board, and then appoint to the board. I wonder is the Minister aware of what he said, Mr. Speaker? The Minister said in introducing the bill on November 1, a direct quote from Hansard, he said the following: municipal councils can initiate the setting up of that board and then to appoint to that board. Now, Mr. Speaker, the Minister is dead wrong on both counts. Municipalities under this particular legislation have no right to initiate the setting up of the board and they certainly have no right to appoint to the board. They only have a right to nominate, Mr. Speaker. It is up to the Minister and the Cabinet whether they appoint all or any of those nominees. The bill does not give municipalities any say in designating a region or setting up the board.

I hope, Mr. Speaker, the Minister is going to go back and look at his comments vis-à-vis the bill. And the Minister will have to agree that this bill does not in any way give any say whatsoever to municipalities in designating a region or setting up the board. There is no provision for any consultation of any kind with municipalities in setting up the region or defining the geographic region. It is the Cabinet and the Minister, Mr. Speaker, who have the unqualified powers to designate regions and to establish boards. Nobody else. Not municipal councils. Nobody else

has the authority, only the Cabinet and the Minister.

The municipalities can recommend a list of nominees to the board, as I have said, but it is the Minister and the Cabinet, Mr. Speaker, that appoints. And, Mr. Speaker, those people who are appointed to those boards by the Minister hold office from the Minister and they are accountable to the Minister. And that is a fact, Mr. Speaker. There are no other provisions under this Act to lead one to jump to any other conclusion. Because the fact of the matter is that those appointees hold office because of the fact they were appointed by the Minister and they are accountable to nobody only the Minister, and not to the municipalities that appointed them.

Mr. Speaker, the Minister of Municipal and Provincial Affairs went on again, when he was introducing this bill, to make the following comment. The minister said that he could not envision a situation where Cabinet would appoint a chairman without consultation with the council. Mr. Speaker, I do not know if members heard that or not, but the minister said in public debate in this House, and it is in Hansard, that he could not envision a situation where Cabinet would appoint a Chairman without consultation with councils.

Now, Mr. Speaker, I have to say to the minister if the minister can not envision a situation where he and the Cabinet would not appoint a chairman without consultation with the councils involved, why doesn't the Minister write that into the bill? If the minister, Mr. Speaker, has no intention, or if the minister cannot envision

never appointing or not appointing a chairperson of those councils without consultation with the councils involved, why would the minister not write that into the bill? Why would it not be a statutory requirement of this piece of legislation that the minister could not appoint the chairperson without consultation with the councils involved in that region?

Better still, Mr. Speaker, why does the minister not let the members of the board select the chairperson? Why would the minister object to allowing the members of the board, once the board is appointed, to select their own chairperson? Because, Mr. Speaker, the board is now entitled to select the vice-chairperson. Why would the minister not allow the board to select its own chairperson as well? I say to the minister, Mr. Speaker, that the minister's argument rings very hollow. The minister's argument does not strike any degree of satisfaction on this side of the House, Mr. Speaker. How can we accept the minister's word that he cannot envision a situation where he would not appoint a chairperson of those boards without consultation with the councils involved when he is not prepared to write it into the Act?

When, on the other hand, he is prepared to allow the vice-chairperson to be selected by the members themselves, why wouldn't he, if he had no intention of using the dictatorial power of the legislation, allow the chairperson to be selected in the same manner as the vice-chairperson, that is, by the members of the board themselves? Mr. Speaker, the minister is going

to have to come up with much sounder arguments than that before he can convince people that he really means what he says here.

Mr. Speaker, again in introducing the bill the minister went on to say the following: He said, we want those boards to be council-driven. These are the words of the minister, 'He wanted those regional service boards to be council-driven so that any budget approved would have to be approved by the council involved and not by the minister.' Mr. Speaker, that is what the minister said on November 1 in introducing this bill. I really do not know where the minister was that day vis-à-vis what is in the Act. But I will read for the Minister again what he said. He said, 'We want those boards to be council-driven so that any budget approved would have to be approved by the council involved and not by the minister.'

Now, Mr. Speaker, I have to say to the minister, where does the minister see that in Bill 38? Shake your head, but when you get up, sir, to close debate, show me! Show me and Members of this House where you find that provision in Bill 38! Mr. Speaker, I said before today and I will say again, that despite the minister's statement that those boards ought to be council-driven so that any budget approved by them would have the approval of the council involved, I say to the Minister, the councils do not even have to get a copy of the budget! They are not even entitled under this legislation to have a copy of the boards' budget! So how in the name of goodness can the minister stand over there with a straight face and introduce this bill and say they ought to be council-driven, that their budgets

ought to be approved by the councils that are participating in these regional service boards?

Mr. Speaker, it is either gross incompetence on the minister's part - he does not know what is in the bill - or there is an effort here to try to deceive areas around this Province that they are going to have some meaningful participation. The minister knows that nowhere in this particular Act is it mandatory under the legislation for the council to get a copy of the budget. The minister gets a copy of the boards' budget, but councils do not get a copy, Mr. Speaker, at least they do not get it as a requirement of law. Mr. Speaker, it is written into the Act now. The minister should go back and check. It is written into the Act that the minister gets a copy of the boards' budget, but boards are not required to send a copy of their budget to the municipal councils.

Now, Mr. Speaker, if boards are not required to send a copy to municipal councils by statute, as a result of this legislation, how can the minister get up before the House and say that the boards will be council-driven and that the budget of the board must be approved by the councils involved and not by the minister? The Act states the opposite, Mr. Speaker. The Act states that the budgets have to go to the minister for approval but there is no requirement to go to the councils involved. The bill clearly states that if a board incurs a deficit, the minister may appoint an official of his department to assist in the preparation of the budget and that it will be subject to ministerial approval. It is specifically written into this

legislation that if a board incurs a deficit, the minister has the authority to appoint an official of his department to help those boards draw up their budget and send them to the minister for ministerial approval. Send them to the councils they represent for approval? Not on your life, Mr. Speaker. But send them to the minister. That is what the Act requires.

Now, Mr. Speaker, there is no similar reference even in that circumstance, where the board might incur a deficit and the minister sends in some honcho from his department to assist them in drawing up a budget, even in those circumstances there is no reference to consultation with the municipality or is there reference to municipal approval. So, Mr. Speaker, one has to ask the question when the minister makes a statement like this, 'We want these boards to be council-driven so that any budget approved would have to be approved by the council involved and not by the minister', one has to ask the legitimate question, has the minister, in fact, read the bill? Does the minister know what he is asking this House for? It is blatantly obvious, Mr. Speaker, that that statement is totally inaccurate. That statement is totally false. That statement bears no relation to the truth. Therefore, what is the minister doing here with a piece of legislation that does not back up his own words in introducing it?

Mr. Speaker, in introducing the bill on November 1 the minister went on to say the following: 'We' - the minister - 'we have the jurisdiction of property taxes and the normal collection of revenues to the town or we leave' - we

leave - 'the jurisdiction of property taxes and the normal collection of revenues to the town and cities involved, and the regional service boards, with the mandate to assess user fees on the services provided on a per capita basis or some other fair basis as determined by the council and by the board.' So, that was the minister's statement in introducing this bill to the House on November 1st.

Mr. Speaker, I have to ask the minister, having made the statement I just quoted to him, where in this bill does the minister see any reference to a role for municipal councils in determining the type of user fees assessed, the amount of that assessment, the method of the assessment, or the method of collection? There is nowhere in this particular piece of legislation, Mr. Speaker, that municipalities have a role to play in determining the type of use fees that those boards might come up with, there is no role for the municipality to play in determining the amount of that assessment, there is no role for the municipality in determining the method of the assessment, and there is no role for the municipality in determining the method of collection. The fact is, Mr. speaker, the regional service boards have complete authority - they have complete authority - to decide those matters themselves. And the Minister knows that full well, yet he makes that kind of statement to this House in introducing the bill.

Under this bill the councils have no say whatsoever in the user fees - none whatsoever. There is no provision for councils to have any say on the type, the method or the

assessment of user fees that are going to be put in by these regional service boards. They have no say whatsoever, Mr. Speaker. The only role of the elected municipalities under the concept of regional service boards as put to this House by the minister in this bill is to pony up the money. That is the only role for those elected councils in this bill, to pony up the money after the regional service boards have decided what the assessment for user fees is going to be. Really under this bill, Mr. Speaker, councils become the equivalent of school tax authorities. That is what they become when it comes to paying assessments, user fees. They become nothing more or nothing less than the equivalent of school tax authorities. They have no say in determining the budget, absolutely no say in determining the budget, they have no say in what the user fees are going to be, how much they are going to be, how they are going to be assessed, what the method of assessment is, or what the method of collection is. They have no say, they just have to go out and collect the money, Mr. Speaker. So they are nothing more or nothing less than the equivalent of school tax authorities. Really, Mr. Speaker, the elected councils under this particular bill if it is passed as is are really revenue agents for regional service boards. They are nothing more or nothing less than revenue agents for regional service boards, Mr. Speaker, and I do not think councils in this Province want to be put in that kind of situation.

Mr. Speaker, let me use another quote put forward by the minister in defending this particular piece of legislation. I have gone to

the trouble of taking the words the minister himself used to defend the necessity of this piece of legislation, and I hope the Minister is going to answer those criticisms when he rises to close the debate. In introducing the bill, Mr. Speaker, the Minister went on to say this -

Mr. Efford: (Inaudible) sit down now, boy (inaudible).

Mr. Rideout: Mr. Speaker, if the Minister wants to partake he can go back to his own seat and I might jostle with him, but I will not jostle with him while he is there. The Minister said the following, Mr. Speaker, in introducing the bill: 'The important factor would be that they, the councils, would distinguish between duties they would want to leave within the councils' jurisdiction versus services they would want to provide on a regional basis co-operatively.' Now, Mr. Speaker, I invite the House to listen to that statement. I do not know if members picked up on it when the Minister said it or not, but I invite the House to listen to this statement made by the minister when he introduced the bill. He said the following: 'The important factor would be that they, the councils, would distinguish between the duties they want to leave within councils' jurisdiction. Councils would make that decision', the Minister says, 'versus' the services they would want to provide on a regional basis co-operatively.' That is the statement made by the minister. Now, Mr. Speaker, if the minister believes that, why is it not in the bill? Why is there not a clause in the bill saying exactly that? It is not there, Mr.

Speaker. The fact is that the minister is the one who decides what powers will be assigned to regional service boards. It is not the councils themselves deciding what powers they are going to have and what powers and services will be provided on a regional basis co-operatively, it is not the councils, Mr. Speaker, it is the minister. So if the Minister really believes his own words, why would he not include a clause in the bill to reflect what he said to this House?

Mr. Simms: Perhaps he is going to move an amendment.

Mr. Rideout: Maybe he will move an amendment when he gets there, Mr. Speaker. As I said, the fact is that the minister decides what powers will be assigned to the regional service boards.

Mr. Speaker, listen to this. And the Minister, as a result of Bill 38, decides what powers can be assigned to the boards, and the Minister can assign all the powers of municipal government to the regional service boards with one exception. Under this legislation, and I cannot point it out often enough, and I know that councils are worried about this, it is the Minister who decides what powers will be assigned to the boards and the Minister has the authority to assign all powers of municipal councils to the boards with one exception. What is the one exception, Mr. Speaker? To assess taxes. That is the only authority the minister is barred in this legislation from assigning to regional service boards. Every other authority -

Mr. Simms: A powerful man.

Mr. Rideout: If the minister ran

into a situation like I was using as an example just now in some region of the Province where there was 100 per cent opposition on the part of municipal councils to setting up regional service boards, the minister could still set it up, the minister could appoint representatives to it, despite the fact that the municipalities did not make recommendations, and the minister could, under this legislation, assign every authority of elected municipal councils to that board except the authority to raise taxes, Mr. Speaker.

Mr. Simms: It should not be allowed.

Mr. Rideout: Now that is what the Czar of Municipal Government of Newfoundland and Labrador is looking for as a result of this piece of legislation.

Mr. Simms: Czar Eric.

Mr. Rideout: The fellow that came out - what was it? I do not know if he had his chair warmed in his office when he came out with - how many groupings did he say?

Mr. Simms: Oh, God, a hundred and forty, or something.

Mr. Rideout: Forty-something municipalities in the seventeen -

Mr. Simms: One hundred and something.

Mr. Rideout: One hundred and something into seventeen groupings, was it?

An Hon. Member: Forty-two.

Mr. Rideout: Forty-two. It was not amalgamation, Mr. Speaker. He did not use the word

'amalgamation', it was groupings. Right?

Mr. Simms: Yes.

Mr. Rideout: Forty-two groupings of one hundred and seven municipalities or whatever. So that is the kind of authority, Mr. Speaker, and make no doubt about it. Any member on either side of the House make no doubt about it, you take the bill and look at it yourself, what I am saying here in this debate today is factual. The minister has that kind of authority.

Mr. Hogan: No, that is your interpretation.

Mr. Rideout: That is not my interpretation, I say to my friend from Placentia. It is not my interpretation, it is fact.

Mr. Hogan: (Inaudible).

Mr. Simms: It is not to be interrupted. It is clear.

Mr. Rideout: That is not open to interpretation. That is the writing that is in the bill.

Mr. Simms: Ask the Czar yourself, he will tell you.

Mr. Rideout: Mr. Speaker, I go further. As I said, Mr. Speaker, the regional service boards -

Mr. Simms: Hail Eric.

Mr. Rideout: The minister can assign all the authority and power of an elected municipality to those boards except the power to tax. There is not one word in the bill that suggests that he must consult with municipalities in order to do that. Does the Member for Placentia, himself a former

municipal councillor, know that there is not one word in the bill forcing the minister to consult with municipalities on that matter? Not one word. Are you not concerned, I say to the member?

Mr. Hogan: (Inaudible).

Mr. Simms: Not necessarily.

Mr. Rideout: Not necessarily.

Mr. Matthews: (Inaudible) Happy Tree, he would not know anything about it.

Mr. Simms: Now, you see. Now! He does not know. Read the bill.

Mr. Hogan: I discussed with your critic.

Mr. Simms: Read the bill.

Mr. Rideout: Mr. Speaker, there is not one word in the bill forcing the minister to consult with municipalities so, therefore, Mr. Speaker, there is not one iota of truth in the statement that the minister made when he introduced the bill, that councils would decide which powers are to be assigned to those boards. There is not one iota of truth in it. There is not a shred of truth to it. In fact, Mr. Speaker, according to the legislation that we are debating here today, it is totally a false claim. There is nothing in this legislation that provides for councils to decide which powers are going to be assigned to those boards, Mr. Speaker.

Now, Mr. Speaker, the minister made one other comment that I want to pick up on before I finish my few remarks here this afternoon. The minister made this comment when he introduced the bill, and

again I am quoting the minister from Hansard of November 1. The minister made the following comment, Mr. Speaker, close to the end of his debate when he introduced the bill. The minister said the following: 'If we cannot achieve amalgamation...', these are the minister's words now, Mr. Speaker, 'If we cannot achieve amalgamation, and that is obviously the best way, because those communities are formally together, the next best thing obviously is regional co-operation', that was the statement made by the minister. 'If we cannot achieve amalgamation', and he says that is obviously the best way because those communities are formally together. The next best thing obviously, he says, is regional co-operation.

Now, Mr. Speaker, I say to the minister that that is the minister's real agenda. And I have no difficulty with that being the minister's real agenda. But I say to the minister come out front and centre, come out and tell the people in municipal councils and in all regions of the Province if that is your agenda. Do not go hiding behind the weasel words of legislation. Do not go hiding behind interpretive clauses in a piece of legislation and try to hide your real agenda. If that is your real agenda have the courage to stand up and say that we have run into difficulty on amalgamation despite the fact that Part 3 of the present Municipalities Act gives us the authority. We have run into difficulty with it, and we are going to find another way to do it, and the way we are going to find to do it is contained, ladies and gentlemen of Newfoundland and Labrador in this bill. Do you

know what, Mr. Speaker? Respect for the minister will shoot up quickly because that would be telling the truth. That would be telling the people of Newfoundland and Labrador that the course I set out on amalgamation, I was not able to achieve it because it ran into difficulty. But I tell you people of this Province, I will be able to achieve it under this and that is exactly what I want to do. If the minister wants unilateral authority from Cabinet -

Mr. Efford: You do not have an hour, do you?

Mr. Rideout: Mr. Speaker, I have much joy in saying to the chagrin of the Minister of Social Services, that I have an hour.

Mr. Efford: Oh, my!

Mr. Rideout: Every time I get up in this House, except when the gag rule is on, I have an hour. And when is the minister going to understand that unless he brings in the gag order, I have an hour.

Mr. Simms: And you can move an amendment and you can have another hour.

Mr. Rideout: And I can move an amendment and I can have another hour. And I am contemplating before I sit down moving an amendment, Mr. Speaker, which will give me another hour. So the Minister of Social Services will have to sit there and ring his hand and haul on his hair and go aw! aw! like he does from time to time in the House. He will have to sit and do it for another hour, Mr. Speaker. So I say to the minister, my friend, the Minister of Social Services, suffer, because I am contemplating moving an amendment.

Mr. Efford: (Inaudible).

Mr. Simms: Go and straighten out the Youth Centre, boy.

Mr. Rideout: Go out and take a shot of whatever it is you take - I do not know what it is the minister needs to keep him calmed down and keep him from yawning. But whatever kind of medication it is, I invite him now to go out and take it before I move the amendment, because I am contemplating this very seriously, Mr. Speaker. This bill is so flawed, this legislation is such bad legislation and we have received such support from municipalites all over the Province, Mr. Speaker, we have received such support on -

Some Hon. Members: Oh, oh!

Mr. Rideout: - this piece of legislation from municipalities all over the Province I am contemplating moving an amendment, and there are other people over here contemplating moving amendments and we are going to be on this bill for some time.

But, Mr. Speaker, the final point I want to make is this, if the minister really believed in what he said in the quote that I just read to the House, that this legislation is a way to force amalgamation by the backdoor, then I say to the minister come before your elected colleagues in this House and say it. Do not try to do through the backdoor what you do not have the courage to do through the front door. If you want to force amalgamation, say that is your agenda.

An Hon. Member: That is an assumption.

Mr. Rideout: It is not an assumption. That is a direct quote from the minister on November 1, I say to the member.

So, Mr. Speaker, as I said, this is bad legislation. There is no joy anywhere that I know of in this Province, among municipalities for this piece of legislation. And why is there not, Mr. Speaker? Well I think the why is very, very simple to answer. The fact of the matter is that every piece of authority that this minister is seeking in this particular legislation he currently has available to him, he currently has it available under Part 3 of the present Municipalities Act, with one minor restraint, and that restraint is that if the minister wanted to set up regional councils today, which would have the same authority as he is asking for here in terms of regional services boards, he could do it. There is nothing to inhibit him from doing it. But in the process of doing it he must have feasibility studies, public hearings and consultation. This piece of legislation, Mr. Speaker, gives the minister and the Cabinet the right to do that, and to dickens with what elected municipalities think, to dickens with what the public of this Province thinks, to dickens with a public process of having public participation in the process of setting up Regional Services Boards. That is the only difference, and therefore, Mr. Speaker, in our view that smacks of a dictatorial approach by this Government. Why the Government would want it I do not know. Why the Government would not persist in trying to make the present provision of the present Municipalities Act work, I do not know. Why would you want to? Why

would you want to kick up another stink in municipal Government in this Province, Mr. Speaker? Why wouldn't you use the provisions and the authority that you already have? Any why wouldn't you if you were a believer in democracy, as the Government tries to say, why wouldn't you submit yourself to the constraint of public hearing? Why wouldn't you submit yourself to the constraint of consulting with the councils? No, Mr. Speaker, this Government and this minister want to get the issue off amalgamation out of the glare of public participation and into the secrecy and into the bowels of Confederation Building. That is what this bill is all about and the minister will have to answer each and every one of those eight critiques that I made on that bill before there is any acquiescence from this side on its passage, Mr. Speaker.

Some Hon. Members: Hear, hear!

Mr. Rideout: Oh, no no no.

An Hon. Member: When they close the debate.

Mr. Simms: When you close the debate in another week or two.

Mr. Rideout: If you think you are cutting off debate here yet -

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

The hon. the Member for Fogo.

Mr. Winsor: Thank you, Mr. Speaker. The fastest time the Minister ever got to his feet was to close off debate because obviously the Leader of the Opposition struck on some sensitive spots that he does not want to have exposed. The

minister knows that his attempt to amalgamate some 170 communities into 42 was a dismal failure, and upon -

An Hon. Member: It is not over yet.

Mr. Winsor: No, because the minister is intending to use the Government majority in the House of Assembly to force communities to amalgamate under this Regional Services Bill. Even without the bill the minister has given some fair indications that municipalities in Newfoundland, whether they like it or not, this legislature - no studies, nothing - this legislature will be asked to amalgamate communities. And, of course, the Premier, as he said to his colleagues today, I want you to vote against the Ombudsman Bill, to declare the position to be redundant.

An Hon. Member: (Inaudible).

Mr. Winsor: Now, if the Minister of Social Services wants to get up and talk, he has lots of time. But we know that the Premier is intending -

Some Hon. Members: (Inaudible).

Mr. Winsor: Mr. Speaker, we need to have the gag order around here in a bill called closure. I do not know if we can apply the same rule to the Minister of Social Services or not today. The Minister of Social Services constantly tries to interrupt and throw people off, but everyone knows that the attempt of this bill is to -

Some Hon. Members: (Inaudible).

Mr. Simms: We know that you are giving him a hard time and that

you hate him and everything, but there is nothing wrong with school teachers.

Mr. Winsor: I do not know if four years on a council qualifies me. I know something about municipal councils, I guess.

An Hon. Member: (Inaudible).

Mr. Winsor: On a council, a deputy mayor of Carmanville for four years.

An Hon. Member: What are you talking about?

Some Hon. Members: (Inaudible).

Mr. Winsor: That is straightened up now. I fixed that. But what is happening here is that the minister failed to push his amalgamation through and now he is trying to do through the back door what he could not do through the front door because the communities of this Province said no to him, and said no in no uncertain terms. It is interesting to note that one of the things this bill gives this minister the option to do is to, I guess, join portions of the Province together without feasibility studies. Well, in my own district I just had an example where the minister, through his development control people, has probably set the wheels of regional services and amalgamation back at least twenty years. The minister set back the wheels of regional services by his allowing a particular council on Fogo Island to assume powers that development control one time held. By giving the council in Fogo -

Mr. Efford: You do not know what you are talking about.

Mr. Winsor: I know exactly what I am talking about, and the minister knows too because the minister is quite aware of the fuss and chaos that he has created on Fogo Island in the last month, month and a half. The minister is well aware of it, and it is not over a stadium either, it is over the minister's inability to communicate with people. The minister has some sort of a syndrome he acts in, where everything comes out of the minister's office, no consultation with the people. And the reason the minister does not want feasibility studies done, or enquires of any sort, is because the Minister is afraid the people will say no to his dictatorial attitudes in imposing government on Newfoundland.

One of my colleagues referred to him as a czar. I am not sure if it is c-z-a-r or t-s-a-r, but czar of some type. We have just changed his title now, because his amalgamation did not work. So Amalgamator Eric has now disappeared and we have nicknamed him Czar Eric. The question is, why is the minister afraid of feasibility studies into having a regional government? The minister wanted to do away with it. For what reason? The minister just did a whole series of studies or hearings around the Province on amalgamation. And do you know what the minister was told, in spades? The Minister was told to go fly a kite, that nobody wanted amalgamation. Grand Falls and Windsor were the only communities he tricked into amalgamation. And he tricked them, because he has not lived up to the spirit and the letter of the law he agreed to. They are not pleased with it, and the Minister knows they are not pleased. Every other community

told him in no uncertain terms no, we do not want to amalgamate as you have deemed it to be. So why does the Minister insist on pursuing this course of action when communities do not want to do it? I have heard the Minister of Social Services talk about how in his own particular district he has two or three neighboring communities who refuse to amalgamate.

Mr. Efford: Who?

Mr. Winsor: You.

Mr. Efford: (Inaudible) with two Tory Mayors.

Mr. Winsor: He blames it on two Tory Mayors. The Minister of Social Services should know that people do not want to amalgamate. By the way, three communities that were very receptive to amalgamating, Badger's Quay, Wesleyville, and Newtown would have amalgamated but for the heavy hand of the Minister. These communities were ready to amalgamate, and the Minister by going in -

Mr. Efford: (Inaudible).

Mr. Speaker: Order, please!

There is too much conversation and noise coming from this side of the Chamber. I cannot hear what the hon. member is saying.

Mr. Winsor: Thank you, Mr. Speaker. The question has to be asked, why does the minister and the Cabinet want the authority to appoint the chairmen? I find some ambiguity in what the Minister said. On the one hand, on Page L 26 of November 1, the Minister said, I have to have the right to appoint the chairman because, as

in the case of the amalgamation hearings, communities could not agree on who to appoint as chairman, so I had to step in and appoint one. A little further down he says, I cannot conceive of how a Minister would appoint a chairman without the concurrence of the municipalities involved. On the same page the Minister says, I cannot imagine how I would want to appoint a chairman. And further up on the page he tells us he has to have the right to do it because communities might not agree. Now, if that does not seem to be some kind of a strange dilemma, very ambiguous, and the reason the Minister wants to appoint, perhaps he wants to have the same type of independent chairman as he appointed on the amalgamation hearings, and I seem to recall it was commissioners or people from his own office, acting under direct orders from the minister to do as I tell you to do. That is what the minister perhaps wants the authority to do. The minister said there is an urgency in getting this bill through the House of Assembly. What is the urgency?

He has given us warnings again today in a little shot across the House, that the amalgamation process is not finished yet, despite the fact that communities have said no. Is there some mechanism in this bill that is going to allow the Minister to do through the backdoor what has already failed? And is that the reason that feasibility studies will not take place on regional government, because he knows the result?

Mr. Murphy: There is no need.

Mr. Winsor: The Member for St. John's South says there is no

need. What if the 160 or 170 communities in Newfoundland say there is a need, we want feasibility studies?

Mr. Murphy: Put their councillors on there. That is feasibility enough.

Mr. Winsor: The Member for St. John's South says put their councils on. That will not do one thing for changing the process. There is a mechanism in place now under the old Act to allow feasibility studies to occur. I think maybe my colleague for Mount Pearl alluded to it the other day when he spoke, and I think the Member for Placentia agreed, that quite often communities might want input into it. And I think he had a good suggestion when he spoke earlier, that if communities wanted to have input, then they should have the right to do so.

This bill precludes any community or group of communities from having that right. The minister has created a situation on Fogo Island now by not having feasibility studies, and the Minister knows it, that he has created a serious problem there by changing the control and development of the centre of the Island by giving it to one town without any consultation with the other communities.

An Hon. Member: (Inaudible).

Mr. Winsor: He has made a terrible mistake; he has set back the wheels of regional Government for a long, long, time.

An Hon. Member: How many years?

Mr. Winsor: Animosity and the bickering between the different communities as a result of a

unilateral stand by the minister has resulted in untold problems, and the problems continue to escalate.

An Hon. Member: Where is this?

Mr. Winsor: Fogo Island. It was a portion of the island.

A portion of the island was not under any municipal jurisdiction, and the Minister just gave the developing and planning control to one council without any consultation with the neighbouring councils and has raised the ire of every other of the nine communities on the Island, so that now we have pitted nine against one. The Minister did it unilaterally, no consultation; no one knew the process had occurred until it was gazetted.

The first time we knew anything of it was when the order appeared in the gazette rescinding the, I think, 1975 order, and then a subsequent one was published giving the Fogo Council complete autonomy of the centre of the Island for municipal planning.

Mr. Simms: He apologized after (inaudible). I am sorry. I fooled this up, too.

Mr. Winsor: Well, he certainly has not appeased the people of the Island. And he sat back -

An Hon. Member: I think I heard him on one day saying I am sorry, I fooled this up, too.

Mr. Winsor: Well, he could very well have said that, apologized to the people for fooling - and, you know, the upshot of it all is every community on the Island agreed that there was a need for planning and some kind of control.

An Hon. Member: Did they go to the hearings?

An Hon. Member: No.

Mr. Winsor: There were no hearings.

Mr. Simms: There were no hearings, boy. Listen!

Mr. Winsor: There were no hearings. No, there were no hearings.

Mr. Simms: Wake up and smell the roses.

Mr. Winsor: No, it was just changing the planning. It was just the planning authority that development control previously had, was now given to the Fogo Council.

An Hon. Member: (Inaudible).

Mr. Winsor: It was not subject to hearings. The Minister had the right to do it, and he did it without any consultation.

Mr. Murphy: How come these councils did not come to Gander and let this be known to the Legislative Review Committee?

Mr. Winsor: There was no need to do that.

Mr. Simms: It was not an issue then.

Mr. Winsor: It was not an issue. No one knew. Actually, no one knew when it occurred until the Minister had done it. It was the kind of thing that has been in the wings for a long, long time. Because there is recognition on the part of everyone that the business community of the centre of the Island should have been

paying taxes. That area was exempt from paying taxes because no council had jurisdiction. That was wrong and everyone knows it was wrong, and it was right that someone should take it over. The problem here was the process.

Mr. Simms: Why didn't we go to Fogo?

Mr. Murphy: (Inaudible).

Mr. Winsor: It was the process the Minister undertook, where he did it without any consultation with the neighbouring communities. And that is what caused the problem. There is no question there is recognition by every council on the Island that that centre of the Island should be used as a tax base by someone.

What is wrong here is the process the Minister used. Had he consulted the people, I think the people could have agreed. And that is the way regional Government has to work.

Mr. Simms: That is right.

Mr. Winsor: The people have to be involved in the process, the same process that allowed the Fogo Island stadium committee to raise \$140,000 or \$150,000; representation from every community on the Island on a board, with each community having representation. And it worked well and could have worked well for any kind of development for the centre of the Island, except now that the Minister has bungled it by not consulting the people. And that is the problem this Minister is going to face with his regional service boards.

An Hon. Member: Why can't he (inaudible).

Mr. Winsor: The only power they do not have is the power to collect taxes. And if the Minister attempts in Newfoundland, and he should know, if you attempt to impose your will on residents of rural Newfoundland, then the Minister is asking for trouble. Communities which border each other, for various reasons do not want to share services. If the Minister will lead them they might. If he attempts to force his will upon them, then the Minister is asking for trouble. And that is what this is going to do - no consultation with the people, no feasibility studies. People will feel that they have been bamboozled and hoodwinked and everything else by the Minister, and regional government or regional service boards will not work. If the Minister cannot have co-operation from the people he has to serve, then this will not be a good experience.

So why the rush then? Why the rush to impose this? Perhaps it might even be somehow connected with the new grant structure that municipalities are about to receive, or the new information that has councils now quite concerned.

An Hon. Member: (Inaudible).

Mr. Winsor: Yes, it could very well be. I guess now it will be the latter part of December before councils get to work on their budgets. Perhaps implicit in the instructions coming from Cabinet and the minister's department is that groups or communities that do not agree to regional services might have to look forward to less revenues. Perhaps that is why the Minister is in such a rush to get this bill through the Legislature. Because perhaps it

is tied to the grant structure he is about to put in place, which councils are anxiously waiting for. And if that is the case, then why does the minister not come clean with the House and tell us I have to get this through, because that is tied to another thing?

So when the minister responds in closing the debate, then we will look forward to the minister clearing up some of the misconceptions and the thoughts that are out there among the people with regard to these regional service boards.

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

Mr. R. Aylward: Thank you very much, Mr. Speaker. Mr. Speaker, I just want to have a few words on this piece of legislation before it passes the House.

An Hon. Member: (Inaudible).

Mr. R. Aylward: I got this suntan in Florida. I got part of it in Florida and part of it in Kilbride.

An Hon. Member: Oh yeah!

Mr. R. Aylward: That part? That is the Florida part from there down. That is not bad all the time.

An Hon. Member: That suntan (inaudible).

Mr. R. Aylward: Windburn, anyway. Mr. Speaker, this legislation, Bill No. 38, to establish regional service boards, was put before the Government Services Legislative Review Committee, and we did find that there was a need to hold public hearings throughout the Province.

Certainly all Committee members, when we sat down and saw that the councils initially, at least, had written us - a considerable amount of them had written us suggesting that we should try to slow down the legislation which was supposed to come before this House last spring. With the co-operation of the minister and the Chairman of the Government Services Legislative Review Committee, we were able to have that legislation postponed in order to go around the Province to have public hearings concerning this legislation.

Mr. Speaker, I think that was a wise idea on behalf of Government. The time I spent on the Committee, working under the Chairman, the Member for St. John's South - I could have said St. John's Mouth, but South it is - with the Member for Pleasantville, the Member for LaPoile, and at the time of our travels, the Member for Grand Falls was on the Committee with us.

We had two bills to consider at the time.

An Hon. Member: (Inaudible) your time up?

Mr. R. Aylward: No, my time is not up. Is your time up?

Mr. Simms: The Minister of Social Services' time is up though, I will tell you.

Mr. R. Aylward: Yes, I think so. Mr. Speaker, we had two bills to consider at the time, and both of them were very important bills. So we did scheduled meetings across the Province, and I do not mind saying that I thought the Committee worked pretty well together. We held our hearings,

we questioned the people who came before us, and there were no backdoors about any questions we had. There was very little political interference or political bantering going on during the Committee hearings or even when we were doing the report.

So I must say it was a pleasure, and it is one of the better committees I have worked with since I have been a member of this House of Assembly. And I want to congratulate the Chairman for handling the Committee hearings fairly good, the Member for St. John's South. For a rookie MHA, he did a very good job of handling the Committee hearings. But when it came time, Mr. Speaker, to do the report, to put in writing what we heard from these public hearings, I must say I was very disappointed with some of the members of the Committee who suggested that we should not make recommendations in our Committee report.

Now I do not know why parliamentary committees would be set up if it is not to gather information and to make recommendations based on the information gathered. Because we had the opportunity as four or five members of this House of Assembly to question the people who came before us. If the points they were raising were unreasonable, Mr. Speaker, we had our opportunity to question them. And we were the only five or six MHAs in the House who did have that opportunity at the time. So the recommendations we should have made should be well thought out recommendations, they should be based on arguments that were given to us from people who came before us.

Mr. Speaker, I do want to say that I was rather disappointed that the Liberal members on our Committee did not want to make recommendations to the minister based on what we heard. Now they did -

Some Hon. Members: Oh, oh!

Mr. R. Aylward: That is what was said.

Now the Committee's final report was done, and we were all in attendance - the Member for Harbour Main was on the Committee at the time, and we did discuss what should go in the report. It was agreed by the majority of the Committee, not unanimously, but by a majority of the Committee that we would not make solid, firm recommendations, Mr. Speaker, we would make suggestions. And that is the way the Committee report came out.

Now while we were having our Committee meetings, while we were trying to finalize our report, I did say to the Committee members, all who were there at the time - I think we were all there - that I did not agree with this approach. I thought that because this was a Parliamentary Committee and we had the opportunity to do all these public meetings, we should give the minister some constructive recommendations so that he could implement them in his legislation and get the feeling of what the regions of the Province would like to see in these regional service boards.

From the start, Mr. Speaker, I did not think it necessary to have this legislation. I still do not believe it is necessary that this regional service boards legislation be brought in. The

only explanation our Committee was given from the department as to why this legislation is necessary was because the boards as they are set up now, and the Exploits Board was used as an example, cannot borrow money; they do not have the authority to take debt upon themselves so that one of the councils within the region, and Grand Falls was the example used, was taking upon themselves the debt for the regional service board.

So they brought in this very extensive piece of legislation to solve that one problem. That was the only explanation the department gave us for bringing in the regional service boards legislation, and it was the assistant deputy minister who gave us that explanation, a couple of times. He did mention it at some of our hearings also. But that was the only logic that was used to establish this type of legislation.

Now, Mr. Speaker, if that is the case and it is the only reason we have for this legislation, all that is needed is an amendment to The Municipalities Act, which is a fairly good act; it needs upgrading now, it needs review. It is ten years old or so, and it could do with some review. But all we need instead of this regional service boards legislation is a minor amendment to The Municipalities Act to bring in this right for regional councils, or regional boards, or whatever they are to be called, to have the power and authority to take debt upon themselves without having that debt put on the councils in the region.

Now, Mr. Speaker, that would be my first suggestion to the minister.

That would solve all the problems, all the concerns, all the complaints that we had about this legislation throughout the Province in our hearings. Not everyone was against this, but 90 per cent of the people who came before us were. But if the Minister or the Department wants to get the authority to have these regional councils or regional boards have the authority to borrow, that is all they have to do. And all of this legislation and all the concern that is out around the Province amongst the municipalities can be alleviated immediately, because they will know they are still working under the same legislation that they have today. I mean, they are fairly familiar with it, and they are used to working with it, and that is what they would prefer rather than this Bill No. 38, "An Act Respecting The Creation Of Regional Service Boards... "

Now, Mr. Speaker, I know, being a fairly practical person, that if the minister wants this legislation passed, it is probably going to be passed. So the next step an Opposition should take would be to - the Minister of Social Services is going out to check on his boys' home now, to make sure it is still open or closed, or they want it open or closed. Mr. Speaker, the next for me as an Opposition member would be to make some suggestions and some recommendations in order to improve it, based on the information I gathered throughout the hearings we had. We had ten or so hearings on this matter, and we were given some very good information from the experienced councillors throughout the Province.

Now, Mr. Speaker, at least 90 per

cent of them started off by saying that this legislation was not necessary. Mr. Speaker, we have now in this Province a regional service board operating which should be used as an example of how regional service boards should be operated, and that is the Exploits Regional Service Board, I believe it is called. It is a board that is made up of Grand Falls - Windsor - it is only one place now, but it was two at the time - and Bishop's Falls. They have done an excellent job of showing an example of how regional service boards should be run throughout this Province.

Now I would take their experience into consideration when I would be doing legislation concerning regional service boards. I would suggest that the minister and his departmental officials go out and meet with the Exploits board and find out what they think about this new legislation, Mr. Speaker. They have had a very successful working board in this Province for a number of years. I am not sure how many years. Maybe the Member for Grand Falls might know. Mr. Speaker, they have had this board in operation and working for quite a number of years, and based on their experience, they made a presentation to our Committee, which I listened to very attentively. And I am sure the Member for Exploits would agree with me when I say that based on their experience in this business, they should have a bit more knowledge than most people in the Province on giving us some information on how these boards should work.

Well, Mr. Speaker, their concerns and their presentation they gave us pretty well mimicked the

concerns of most of the rest of the councils that made presentations to us. They suggested to us that this legislation will give much too much power to the minister, the department and to Cabinet. Mr. Speaker, that was heard throughout the Province. They are nervous of this legislation because it gives too much power to the minister, and from the councils' perspective - from what councils told us, I am saying this - this gives too much power to the minister and to Cabinet. Now, Mr. Speaker, that was pretty well a unanimous concern of all the people who made presentations to us, except a couple in St. John's.

Mr. Speaker, one other major concern that councillors had when they made presentations to us was that the chairperson of this board should be drawn from the councillors who make up the board.

Now they had concerns that it is not guaranteed that the boards will be made up of councillors, but they were willing to trust the department and the minister enough that he has suggested that all the boards will be made up of councillors yet he has not yet told us whether the Chairperson of that board will come from the councillors or from the board or be elected by the councillors on that board. The example, the working board in this Province now, the Exploits board, always elects one of the council members from within the board to be Chairperson. And they have a good idea of when they are electing this person on the board, when the council suggests someone go on this Regional Service Board they always suggest that the mayors of the communities would go on this board which gives the board some

clout back with its councils and I think that would be a good suggestion for 90 per cent of the Province again. It might not work in the St. John's urban region area.

An Hon. Member: That is a false impression.

Mr. R. Aylward: What is a false impression?

An Hon. Member: (Inaudible).

Mr. R. Aylward: Well, the mayors are called on most often from what I see in my district for Petty Harbour and the Goulds, which are the two smallest towns, as spokesmen for the towns and they get most representation I find.

An Hon. Member: (Inaudible).

Mr. R. Aylward: Yes. Well, it is a legitimate impression that people within the towns, certainly in the Goulds, would go to the mayor most often to get something done and he would bring it back to his council. So, it probably would be a good suggestion that where possible the mayor would represent a town on these Regional Service Boards. It is not practical in all areas, I realize that, some people will be too busy to take it on. But, Mr. Speaker, that would be a good suggestion, and that is how the Exploits board works. I think the mayor and deputy mayor from Grand Falls were on it. And each second or third year one community would be Chairperson; Grand Falls one year, Bishop's Falls, Windsor, and that is the way they worked it, which again is a very practical and sensible way to make these boards work.

And there is no sense bringing in

this legislation, Mr. Speaker, if the boards are not going to work in the first place. What we are trying to do is improve the municipal services in the regions. Hopefully that is what the intention is. But I get the feeling in the back of my mind and the fear is out there among councils that it is not necessarily the intention to improve the municipal Governments throughout the Province. The fear out there amongst municipalities is that the minister is trying to gather all this power so that if he cannot get his way with amalgamation he would be able to force these Regional Service Councils on them and he will get amalgamation by another name and it will be called Regional Service Council. That is not a concern that I am raising only, Mr. Speaker, that is a concern of the people who made the presentations to us. They came to us with these concerns and that was one of their major concerns. But, Mr. Speaker, if you go back to the report that was submitted by the majority of the committee members, all of these concerns are in there without any type of recommendation.

They do not try to bind Government into making these recommendations and making these concerns and putting them into legislation; they give them as suggestions which trivializes them in my mind. It trivializes the concerns that we heard throughout the Province of very interested experienced councillors, Mr. Speaker, and I suggest that that was the only downfall of the committee that we had when we went around. Now to try to rectify this two members of the committee, myself and the Member for Harbour Main, decided that we would present a minority report to this

Government Services Legislative Review Committee. Now I will admit, Mr. Speaker, that I probably went about it the wrong way where I tried to present the minority report before the Chairman had his own report in. I will admit that I probably should not have gone that way. But I do want to take exception, because I was not in the House the day the report was presented, I think there were some kind of procedural wrangles at the time when the report was presented suggesting that the minority report should be attached and it was not at the time the committee report was suggested.

It says in Hansard for November 5th, on page seventeen and this is a quote from the Chairman of our Committee, Mr. Murphy, who suggests that : 'Oh I have just received a copy of the minority report and I have no problem tabling it'. Now, Mr. Speaker, this leaves the impression that the Chairman of the Committee had only at that time received the copy of the report, which is the wrong impression.

That should not be the impression left because at our last meeting, when we were preparing the report and I believe at the meeting before that, I told Committee members, all of them, that I would be preparing a minority report and the day that I tried to table it in the House, before I tabled it, I gave the hon. Member for St. John's South, a copy of it out of courtesy, as Chairman of the Committee, and he had a copy of it from the day that I tried to table it, but obviously, I made the wrong procedure and it should have been tabled then exactly the same time that the major report was tabled and it was not done exactly

that way, but it was done eventually that way.

An Hon. Member: (Inaudible).

Mr. R. Aylward: It was not done when the Committee report was tabled. It was not attached to the Committee report, but it was brought in as an afterthought because of a point of order that was raised by the Opposition House Leader. So I just want to point out that I did give the Committee fair warning of this, as this is not something I tried to do to disrupt the Committee, because I think, the Committee system which we have is a good system.

An Hon. Member: (Inaudible).

Mr. R. Aylward: Pardon?

Mr. Murphy: On a point of Order, Mr. Speaker.

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

Mr. Murphy: Thank you, Mr. Speaker. What the hon. Member is saying is incorrect. As he explained to the Committee that he was going to table a minority report and the Committee told him that the minority report could be attached and I understood that that was the way it was going to be presented. But then, the hon. Member did not, he tried to table the minority report prior to the report, and I as Chairperson, tabled his minority report the same day that I tabled the Committee report.

Mr. Speaker: There is no point of order. The hon. Member for Kilbride.

Mr. R. Aylward: Obviously, Mr. Speaker, there is no point of

order, but I do want to go over once again the procedure that happened on the day these reports were tabled.

Mr. Speaker, I did try to table - I will admit to the hon. Member that he suggested that the minority report be tagged on to and presented at that time. He did say that, but I did not realize that was one of the rules. I wanted to do it before I left, so I could put it on the table so people could see it.

Now, Mr. Speaker, alright, that procedure was wrong, I will admit it, but what happened after that, Mr. Speaker, is where the hon. member is incorrect. After that the Chairman of the Committee tried to present his report without the minority report attached. That is what he tried to do.

An Hon. Member: He said he never received the report.

Mr. R. Aylward: The Committee Chairman, Sir, received a copy of that report from me the day I was going to present it in this House. That is the day the Committee Chairman had the report, but it was several days after before he decided to table his own report. He had the minority report in his possession at that time and what he tried to do was table his report without a copy of the minority report which was wrong. He should not have done that. He agreed to it at the end because it was the right thing to do, and because it was brought to his attention by a point of order from the Opposition House Leader. There was some suggestion here that at one time in this House of Assembly, the Member for Menihek at the time, presented a report

before it should have been reported and it was decided that was a breach of privilege of the member, and I agreed at the time it was, but the Committee had agreed not to table any reports and he went and did it anyway. Now, I did not agree not to table the report, so it was not a breach of privilege of this House. I informed all members of the Committee that I would be making a report and I presented a copy -

An Hon. Member: (Inaudible).

Mr. R. Aylward: Well, if you missed a meeting where I said it I do not know. I told you and I told the Member for Pleasantville that I would be preparing a minority report. That was common knowledge in our Committee and nobody said that I should not present it before or after. I did not even consider when I was going to present it. I would not be here Monday that is why I wanted to present it. Mr. Speaker, in actual fact the Chairman of the Committee tried to present his report without the minority report, and he had in his possession a copy of the minority report presented by me to him, in this House actually, the day I was going to table it. That is the only thing I am trying to clear up because it says here in Hansard, refer to Mr. Murphy in Hansard on Page 17: I just received a copy of the minority report and I have no problem tabling it. That is not quite correct. He had received a copy of it, and a second copy he had received at that time, but if he wanted to table a copy of that report with his report, initially, he had a copy of that report. That is all I am trying to say, Mr. Speaker.

Now, Mr. Speaker, what -

An Hon. Member: (Inaudible).

Mr. R. Aylward: A twister of the truth. You can twist it all you like, but the truth will prevail and the truth has just prevailed now.

An Hon. Member: What is the truth? What is there to say?

Mr. R. Aylward: Mr. Speaker, just to go over parts of that minority report, which the Chairman of the Committee did table with his report eventually because of a point of order, Mr. Speaker, and I am glad he did, he had to do it. I mean, there was no choice he had to do it, because he had a copy of it, sure, I mean good, he did it, he came along.

An Hon. Member: (Inaudible).

Mr. R. Aylward: If I brought the report to the Committee who - if I had it prepared today, and I was going out of town tomorrow and I had a copy that I presented to the Chairman, is it sensible for me to consider that the Committee had it? And did the Committee have another meeting after I left town? Is there an official meeting? So I had no opportunity to present it to the whole Committee, I presented it to the Chairman. That is where I presented it and that was the right procedure in that case.

Mr. Speaker, just to get back to the minority report, and I want to stress once again that the Committee system that we have is a good system. I am not complaining about the Committee system, it is a good system, and I give Government members and the Government House Leader credit for bringing this in. Well, Mr. Speaker, the system is not going

to be any good unless two things happen -

An Hon. Member: (Inaudible).

Mr. R. Aylward: The Acting Government House Leader today, no, he did not bring it in.

An Hon. Member: (Inaudible).

Mr. R. Aylward: Mr. Speaker, the system is not going to work perfectly or work even reasonably unless two things happen, that is the Committees themselves will make recommendations on what they hear, good, strong, sensible constructive recommendations, Mr. Speaker, and not just suggestions. That is one thing that is going to be important. And I would say in most cases that is probably what we will do. I do not why we did not do it this way. This act in itself has been confusing right from the first day we had it because, as the Chairman will recall, the minister sent this to our Committee, one day he sent it to the Committee and then I got a call from our Chairman who said, no, this is not going to be on our Committee hearings this time, it is taken back because the minister wants to revise it completely, this act, and then, Mr. Speaker, I got a phone call about an hour later saying oh, yes, it is going to be on again. So right from the beginning this act has caused some confusion to our Committee, and only because we had such a competent Chairman to keep it in place and keep things orderly, I would say it would have gotten off track right at the beginning, Mr. Speaker.

Mr. Flight: Talk about the land freeze.

Mr. R. Aylward: I would like to

talk about the land freeze. Now that is a good thing that the Minister of Forestry and Agriculture should - he should be making a statement in this House of Assembly now to give his Government's position on what is happening with the land freeze. Because I understand there are a few problems happening in that area, Mr. Speaker, a few problems which are going to destroy a very limited resource that we have in this Province, and that is a serious problem that I would like the Minister to address. I certainly will be addressing if there is any legislation that comes before us, Mr. Speaker. There is no doubt, there has never been any doubt in the eleven years that I have been elected, of my support for protecting the agricultural land freeze in the St. John's area.

An Hon. Member: (Inaudible).

Mr. R. Aylward: You do not hear too many problems from me on it. I do not think I have come to the Minister twice on problems in the land freeze.

An Hon. Member: (Inaudible).

Mr. R. Aylward: Well, if the Minister is asking me to make a comment, I will gladly comment on it whenever he wants.

But, Mr. Speaker, I just want to go over in the last couple of minutes what we should do in this legislation, is to insure that the Chairperson of the committee come from within the committee and is elected by the councillors on the committee. That would be a fairly simple change and one that I am sure that the Minister would not mind making. But one of the problems I see with this and one

of the problems that the Minister has been trying to tackle, the northeast Avalon area has a major problem in regional services, or the Metro Board as we call it, in that - and I agree with him, that we do have a big problem.

We have too many municipalities and we do not have any way to coordinate it right now. But what the Minister is trying to do is solve a problem in the northeast Avalon with this piece of legislation and force the same piece of legislation on the rest of the Province, which does not have that same problem, which does not have the enormity of the problem at least. So if the Minister wants to solve a problem in the northeast Avalon he probably should come in with some legislation to deal with this area. I mean, there is a problem here, I will admit it. And he should let the other parts of the Province operate as they are operating and as the Exploits Board operates now, on a cooperative basis between councils. And they will set up regional boards when and if necessary and they will take the powers that they think they should govern.

Mr. Speaker, if the Minister would differentiate between those two things I think he would solve a lot of problems with this regional services bill. And I hope that as this legislation goes through Committee hearing that we will have some amendments coming forth from the Government's side to address some of the problems that the councillors have throughout this Province concerning this legislation. And I am sure if the amendments that the Government would bring in would address some of the concerns that members of

our committee heard throughout their hearings, we would be very supportive of putting those changes into the legislation, Mr. Speaker. I would suggest to the minister that if he does not bring in those amendments, I will try once again to bring in some of these amendments that I have heard, and obviously it would be, probably not passed, but I am sure that I have at least three members on the opposite side who would support me - the three members from the opposite side who were on the committee with me who heard the same concerns and who made their suggestions in here, Mr. Speaker, not as recommendations but as suggestions. I am sure they will support me when I bring in the necessary amendments to the legislation.

Mr. Speaker, it is obvious that not very many of the members opposite are very concerned about this legislation.

An Hon. Member: His time is up.

Mr. R. Aylward: By leave, Mr. Speaker. It is just as well to carry on for the last five minutes and I will adjourn the debate then.

Some Hon. Members: (Inaudible).

Mr. R. Aylward: Did someone say by leave?

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

Mr. A. Snow: Thank you, Mr. Speaker. I am pleased to have the opportunity to speak on Bill 38, "An Act Respecting The Creation Of Regional Service Boards Throughout The Province." In the brief -

Some Hon. Members: (Inaudible).

Mr. Speaker: Order, please!

The hon. the Member for Menihek.

Mr. A. Snow: In a brief explanatory note in the bill it says that this bill will provide the creation of regional service boards throughout the Province, and this bill would also repeal the St. John's Metropolitan Area Act. Now, that brief explanatory note would leave one to suspect that there was very little in this bill that could do much damage to municipal Government in this Province.

An Hon. Member: Would you like to call it 5:00 and end the debate?

Mr. A. Snow: I move that we adjourn debate and call it 5:00.

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

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

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

Mr. Simms: Does the acting House Leader know if we are going to pursue this legislation tomorrow or -

An Hon. Member: (Inaudible).

Mr. Simms: We are?

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