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PRELIMINARY
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TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD:
2 P.M - 6 P.M
MONDAY, MAY 1, 1978

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Tape 1603

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The House met at 2:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, on a point of personal privilege.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I would like to stand on a point of a breach of the privilege as a member of this House, Sir, and a breach of the privilege of the House, in my opinion. And I hope, Sir, in the next few minutes to lay out a prima facie case to prove that there has been a breach of privilege. And I want to say, before I begin, that this is not a challenge of Your Honor's ruling. It is merely to point out the ignorance on the part of the people who were responsible for asking for and the people who issued search warrants, and the officials in the Department of Justice who worked out the wording for these search warrants. I would like to point out to the House the implications and the ignorance of these people and the implications of what they did.

On Friday last, Sir, during my absence from the Province, RCMP officers invaded the premises of this House by entering into my office under a search warrant and seized documents obtained by me in order for me to effectively carry out my duties to the House of Assembly and to the people of Newfoundland and Labrador. The incident, Mr. Speaker, as Your Honor is aware, is unprecedented in English history and represents the lowest ebb in the annals of this House of Assembly. It is a smudge, Sir, in my opinion, on the honor of this House which must be decried. This House must be assured, Mr. Speaker, that it will never happen again, never be repeated. In our parliamentary tradition, Sir, it is recognized that parliament is supreme. This is not mere lip

MR. NEARY: service to an idle symbolic gesture. We are proud to boast, Mr. Speaker, that not even Her Majesty can invade the premises of the Legislature, be it in the Parliament of Westminster in London, the House of Commons in Ottawa, or the House of Assembly right here in Newfoundland and Labrador which we have the honor and the privilege of serving as the representatives of those in whom the supreme power in our system lies, the people of this Province. If a member is to carry out his obligations and duties in the functioning of this House, Mr. Speaker, if he is to function in carrying out this supreme power which the House has, then he must in the execution of his office be free from coercion supervision or limitation by the executive branch, those who represent Her Majesty in the right of Newfoundland. As an Opposition member, Sir, it is my traditional role and duty to be ever watchful and critical of my Province's Executive Council and if I am coerced, intimidated or prevented from carrying out of that duty it is this body which then is degenerated. What happened Friday, Mr. Speaker, simply means that papers held by me, gathered in order to carry out my solemn and even sometimes awesome duty, have been seized by representatives of the Executive Branch of the government and taken it to the custody of the judiciary, although, as we all know, Sir, that is a technical custody only. And I might point out, Mr. Speaker, for the benefit of hon. members of this House who may want to know what documents were removed from my office, it was an affidavit that was sworn to by Mr. Davidson in 1974 that the Premier had in his possession one year ago, it is an affidavit that was sworn in April 1974 that the Minister of Justice and the Attorney General of this Province had in his possession one year ago, and it is letters relating to that affidavit, letters, correspondence between me and the Premier of this Province where I was trying to persuade the Premier to have an inquiry into this whole

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MR. NEARY:

matter, and a letter to Mr. Ron Basford, the Minister of Justice for the Government of Canada, dated in April of last year when I sent the document to Mr. Basford. Mr. Speaker, the invasion of my parliamentary premises by the police is simply forbidden and is so well established that it

MR. NEARY: is demonstrated by example after example that this is an immunity that members of the House have, and what happened Friday, Sir, makes me shudder. We can all recall instances where members of Parliament accused of crime have closeted themselves in their offices and the police, armed with search warrants for felony charges, have not dared enter, but have awaited his eventual exit. Mr. Speaker, I, as a person, am not concerned over the obtaining of the papers which were taken from my office, although I am happy to say that with the intercedence of Your Honour that copies of these documents have now been returned to me by the police. I would have been more than delighted, Mr. Speaker, to make these documents, and any other documents that I have in connection with this matter, available in the administration of justice. Indeed, Mr. Speaker, some of the documentation of alleged wrongdoing by the government and the Progressive Conservative Party had already been tabled in this House. Copies were in the hands, as I say, of the hon. the Premier and the Minister of Justice and other members of this hon. House and they were fully available. I am concerned, Sir, that where serious charges are laid in the House against government, that a precedent has been established by the action that took place the other day, probably through no fault of Your Honour, but through the fault of those who were very poorly advised outside of this House by the magistrate who agreed to a search warrant to come into a member's office by the RCMP themselves and by the officials of the minister's department, and I do not know whether they consulted with the minister before they worked on the wording of the affidavit and the search warrant.

MR. NEARY:

There is no way, as I said, Mr. Speaker, in which a member can effectively function if his offices are subject to being invaded by the government police to prevent his having available to lay before this House evidence of corruption in government when it exists.

I am, however, Mr. Speaker, delighted that the government have admitted that the bribery was effected and this is mentioned in the search warrant. And I also note, Sir, that the matter of \$5,000, which we can deal with during the Oral Question Period today where payment was made, that we can deal with this matter.

I, of course, Sir, insist that the government must answer these questions.

Mr. Speaker, I am not interested in the innocence or guilt of Mr. Davidson. That is a matter for the courts and the judicial process. I am interested in getting to the bottom of this question that virtually answers itself, Sir, and I have been for the last year and a half, and at one stage had agreement from the Premier in his private dining room in front of the Minister of Transportation and Communications that this matter would be dealt with swiftly and that there would be a judicial inquiry - a year ago.

Mr. Speaker, I believe this is a very, very serious matter and I believe it is one that has to be dealt with in this House at once. The sovereignty of this House, Sir, must not be destroyed. Only after I brought this matter before the House, Sir, about seventeen months ago has the Minister of Justice now taken action on the allegations and charges that were laid in the House at that time that I brought before the House.

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MR. NEARY:

Mr. Speaker, the only reason that I raise it today, Sir, as I say, is not to question Your Honour's ruling. I am sure that we will - at least I hope we will have an opportunity to debate this matter at some length, maybe even this afternoon. And I ask Your Honour and I ask members of this House to think about the implication of what these people did when they agreed to have my office searched. Imagine, Mr. Speaker, what would have happened if a would-be Hitler would hear that a member had evidence that the would-be despot was corrupt. Friday past, Sir, would become the Black Friday when Newfoundland became a dictatorship. The threat is real, Sir. The House should and must take prompt action by resolution of some kind or other to have this matter cleared up immediately, this afternoon if possible. I ask this, Mr. Speaker, in the name of the House and the body politic and not for and in my own interest.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, to the point of privilege of the House raised by the hon. member for LaPolie (Mr. Neary), the matters that he has referred to this afternoon were also, if Your Honour will recall, dealt with very fully, and with a great deal of concern, by both the hon. the Premier and the hon. the Leader of the Opposition on Friday morning when Mr. Speaker announced that he had given permission to the RCMP to execute the search warrant which had been issued by a magistrate of the Provincial Bench of Newfoundland.

Consequently it seems to me that whilst every hon. member of this House is concerned and determined to maintain the immunity of this House, and the immunity of all members duly elected to the House, that Your Honour, as I recall it, in your ruling indicated that having very carefully perused the document presented to you, and having checked with the judicial officer to verify the authenticity of the document, and after consulting with your counterpart in the Parliament of Canada, or his officials, you came to the conclusion that as this matter has been raised first in this House, and as the investigation by the police had been requested as a result of certain documentation tabled in this House, that you felt that in the interest of the appropriate investigation that you should grant permission. And I think that it is significant that the Royal Canadian Mounted Police fully realized that in order to effect the search warrant which had been issued by the court, after the court had duly considered whatever was presented to them - and I am not party to that because I do not know - realized that before they could execute that they would need the permission of the Speaker.

So it seems to me that the police cannot in any way be faulted for the steps that they took. They did not go to the offices of the hon. the Minister of Industrial Development, or the office of the hon. the member for Lapoile to execute a search warrant which had been properly issued by the court, but rather they first came to Mr. Speaker. And as I see it, Mr. Speaker having explained very

Mr. Hickman: clearly the rationale behind it, and spokesmen for both parties, both the hon. the Premier and the hon. the Leader of the Opposition made very clear on Friday that whilst they were most concerned that this not be taken as a precedent, and I would say that from the statements made in the House by the two hon. gentlemen, and by the Chair, that in no way could this be regarded as a precedent and that to all intents and purposes it was done without prejudice.

SOME HON. MEMBERS: Oh, oh!

MR. HICKMAN: Wait now! And these two hon. gentlemen at the same time made it very clear that they were not faulting his Honour with the decision in this particular case, The concern was one of precedent, not of the action taken in this particular case.

At the same time, and this was said very, very clearly in particular by the hon. the Leader of the Opposition, who made a very forceful plea not only for the immunity of the House, but for the immunity of the ministers of the Crown in their ministerial capacity outside the environs of the House. It seems to me that these matters were dealt with by Your Honour in the full knowledge of all the relevant facts. At the same time, Your Honour very properly drew to the attention of the House that under our Standing Orders we have a provision for a Committee on Privileges and Elections that has never been filled or functioning or activated, certainly not since 1949. And I had indicated to the House at that time that I would hope on Monday to be able to give a notice of a resolution for the appointment of that Committee after consultation with the hon. the Leader of the Opposition, and I would anticipate giving that notice of motion today, and I would anticipate that that Committee would then very promptly set itself to work to lay down guidelines and rules for presentation to this House on the immunities of hon. members of the House and their rights and privileges as contained therein.

So it seems to me, Mr. Speaker, that what the hon. the member for LaPoile has said is in effect a corroboration

MR. HICKMAN: of what was said in this hon. House by the hon. the Leader of the Opposition and the hon. the Premier on Friday and that the concern of this House is very much directed toward the question of immunity.

There is no doubt at all that when an investigation is ordered it is totally within the prerogative of the police and the Crown law officers to follow the procedures laid down by law, and I am sure that in this case they followed these procedures very, very correctly indeed.

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

MR. MARSHALL: I would just like to pass a few words, if I may. First of all, I do not wish to cast any doubt whatsoever on the gravity of the matters brought up in the House by the hon. the member for LaPoile (Mr. Neary) and to in any way attempt to slough off or say that the issues raised are not very serious and grave issues that have to be looked into. But I do wish to address myself to the immediate matter that is before - I think, the issues of whether or not search warrants can be executed in the hands of members of the House of Assembly, elected members, are really hypothetical issues, and I think the real point of privilege is the immediate point of privilege that the member rises on concerning the search warrants that were executed on Friday themselves.

So what I am going to say, I would like to be taken into context and not in any way derogating from the fact that the matter should not be regarded as a very grave and serious matter.

MR. MARSHALL: There are one or two things that the hon. member made that I think, you know, bear a little bit of explanation. First of all, he said Parliament is supreme, which Parliament is, supreme. But, Mr. Speaker, the other issue also in this particular case is really that what is supreme is the rule of law. Now what is the rule of law? The rule of law is the basic conduct by which all persons in society are directed, including elected members who have no immunity from the operation of the rule of law. The rule of law in that sense, if one wishes, could be described as the civil deification to which all people must bend, both citizens and elected members of this House. So I would certainly agree that Parliament is supreme, but whether or not -

AN HON. MEMBER: (Inaudible)

MR. MARSHALL: Now, Mr. Speaker, the hon. gentleman can have his opportunity. I do not wish any interjections, if I may, particularly from the hon. gentleman. But the rule of law, I would contend, is supreme and above that of Parliament in this particular instance.

I also note that he indicated that a member should be free from the Executive Branch exercising its discretion in this manner, an improper exercise of discretion, with which I would entirely agree, but I would point out that in this particular case what we have here, and it would appear to be a marked distinction, it is a case where a judicial inquiry was agreed upon by this hon. House - a police investigation, not a judicial inquiry, but it was agreed and all persons agreed that there should be a police investigation into the very grave and serious accusations which were brought against a member of this House itself. Now having agreed to a judicial

MR. MARSHALL: inquiry - I keep using the word judicial inquiry, but what we mean is a police inquiry and a police investigation - it appears to me that in this particular instance that I do not see how the Legislature on the one hand can say there should be a police investigation but the normal, usual methods bearing in mind the normal, usual protections that are available to all citizens should not be employed in the carrying out of that particular investigation, and that would involve resort to search warrants and any other means that would be available to the law enforcement agency. The thing that I point out in the particular instance here is that the search warrants were executed after the House had given its consent to the police investigation. Now in the event that a police investigation involved search warrants from outside into members' papers that the House had not first passed upon, there might be a distinction. But I would like to draw these issues to the attention of the Chair as well, because I think that they are just as relevant as certainly the relevant charges that were raised by the member for LaPoile (Mr. Neary).

We are considering here one breach of privilege, this specific breach of privilege, which certainly, search warrants in members and what the rights of members, their immunities or what have you, certainly have to be sorted out, there is no doubt about that. But I do feel that this is a particular instance where it is not the - Parliament is supreme, certainly Parliament is supreme, but the rule of law is supreme as well. We entrusted this wisely to a police investigation

MR. MARSHALL:

rather than an investigation through the House of Assembly itself and I think that was necessary. I think that was a wise decision by the House because unfortunately, for one reason or another, this House stands in such a repute, in my opinion, in the eyes of the public, that nothing but an "independent", whatever that is, investigation with a full setting forth of the facts before the public will satisfy to restore some of the confidence that I think all of us agree that perhaps this House needs to regain in the eyes of the public. But as I say, and I want to emphasize that here we are, we are dealing with the rule of law, the fact that we are all subject to the rule of law, be we elected members or not, and particularly in this case where I think there is a real distinction where the House gave its consent.

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

MR. W. ROWE: I rise to say a word or two, Sir, on this point of privilege raised by my hon. colleague, the member for LaPoile. I realize, Sir, we are not permitted to get into debate on a point of privilege but there are one or two matters which have been raised by members opposite which should have a comment or two on them.

First of all, Sir, nobody in this hon. House would ever claim to be above the law. Nobody would claim that the law does not apply to a member of the House equally as to any other member of society. What is claimed though, and nobody can dispute this, that in his capacity as a member of this House, a member is and should be subject to and have the privilege of certain immunities and certain privileges to allow him or her to carry out his duties, to play his proper role as a member of the House of Assembly, not to avoid the law, Mr. Speaker, nobody is saying that, but to carry out his role. So I hope that dispenses with one of the points raised by the member for St. John's East (Mr. Marshall). Nobody claims to be outside of the law in his actions as a member or as a private citizen.

MR. W. ROWE: Secondly, Sir, the fact that the House by its representatives, the Premier and myself for example, may have agreed to a police investigation is totally irrelevant, totally irrelevant. An investigation was instituted by the Minister of Justice and the Department of Justice and it did not need the permission of this House or any subsequent approval of this House or ratification by this House. So the points made by the hon. the member for St. John's East regarding this House having approved an investigation, therefore that gives the police carte blanche to do whatever they want to in the offices of members of this House, Sir, is a total red herring and totally irrelevant to the point in issue.

Now, Sir, another point I would like to make is that there is a distinction to be drawn here. The Minister of Justice seems to think that what happened in the past and what we are going to do in the future are one and the same thing. In fact they are not. An hon. colleague of mine has risen to talk about a breach of privilege in the past, which happened to him as a member of this House and which he believes affects the privileges of this House.

The fact that the hon. the Minister of Justice may in the future, today or tomorrow, move a resolution to set up a committee on privileges and immunities to deal with that subject in the future is again totally irrelevant to that point, Mr. Speaker. What my hon. colleague is complaining about is a breach of his privileges as a member of this House which occurred in the past.

Now what exactly is he complaining of? He is complaining of the fact that in his absence from the Province the RCMP or the police force, presumably acting on the authority of the Department of Justice, went down to a magistrate and got a search warrant to search his office, a crime was alleged in order to show a reasonable and probable cause for getting the search warrant, the police officers then came to Your Honour the Speaker, and received permission, presumably, to go down to his office and make a search. Nobody in this hon. House

MR. W. ROWE: had any knowledge of that, Sir, until after the fact. The Premier and I were summoned to Your Honour's office five minutes before the House opened at ten o'clock in the morning on Friday and we were told that search warrants had been issued and that Your Honour had given permission and that in fact, I was told subsequently, that at that very moment the search was then in progress, the police were downstairs. Either the Premier or myself at that private meeting said, "As we understand it, Mr. Speaker, you are telling us, you are not consulting with us, you are telling us?" And as I understand, Mr. Speaker said, "Yes, we are telling you that this search warrant has in fact been issued." There was no consultation.

The police, Sir, -

Mr. W. Rowe: and I am not blaming the police, they are trying to do their job. I had a conversation with one of the gentlemen today, and we talked it over in an amicable fashion and he said he is doing his job and so on - the police, Sir, did not come to a member of this House beforehand, namely, my colleague and say to him, 'We understand you have some documents in your possession which may bear on this investigation which we have quite properly being asked to conduct. Would you mind giving us those documents, turn over those documents to us?' At which point my hon. colleague would have, as he said this morning to the police, 'With a heart and a half you can have these documents. What do you want? What do you think is relevant? You can have copies of them or you can have the documents themselves and give me copies back.'

MR. NEARY: They did not get them in the search, and I have since given them to them.

MR. W. ROWE: In fact they did not, Sir, through, I do not know, arrogance, or lack of courtesy or what? I do not know, maybe none of these, maybe thoughtlessness, just pure thoughtlessness, No request was made to my hon. colleague, and I would assume no request of my colleague on the other side of the House as to whether he had documents which may bear on this which might be passed over to the police. In fact, in effect, what we are presented with is a fait accompli: the police show up with a search warrant and start going through the files of my hon. colleague.

I went downstairs and told the police that perhaps what they should do, because we did not want a precedent established of an office being gone through by the police in this manner, perhaps what they should do is seal the office of my hon. colleague, wait until he returns to the office, and ask him for the documents. My hon. colleague got back in the Province yesterday, or this morning, the police came to see him, and he gave them the documents which they could not find in his office, having already violated, if no existing immunity or

Mr. W. Rowe: privilege, which we may have some doubt on, at least the spirit of the independence of the Legislative side of government against the Crown and the minions and the agents of the Crown.

But, Sir, the Premier and I rose here on Friday morning and said, in effect, that we agreed to what the police had done in going through the offices. And by that I want to make very clear what I meant; by that I meant to say that my colleague and I, and all of our colleagues on this side of the House, had do desire whatsoever to keep back any information from the police, and that we would give it to them. So we did not care really, in effect, in practice, whether in fact that they had a search warrant or not. They could have been in there searching with our pure permission.

We also mentioned on Friday something which is even more strong than what I just said, Sir, that we hated the thought of this becoming a precedent. And whichever way we look at it it is in fact a precedent now. The Speaker is entered, in the Journals of the House as having given permission, stated that he gave permission to the police to go through an hon. member's office, and that now becomes a precedent of this House. I do not know whether Your Honour - I am not questioning Your Honour's ruling - I do not know whether Your Honour should first have called the House together in a private session convened to go over the situation, Your Honour I believe exercised Your Honour's judgment in the best manner possible, and everybody on both sides of this House has complete respect for Your Honour, but perhaps a private session of the House to go over the matter might have been in order or not, I do not know. It may be all academic in any event.

But what I do want to say, Sir, is this, that no member of this hon. House and no minister of this government can operate unless they have complete confidentiality in the way they operate, have complete immunity from any encroachments as a member from the executive, the Crown or any agents of the Crown, whether it be ministers or police or what have you, it is impossible to operate. It may be a different

Mr. W. Rowe: situation if an actual charge is laid against a member. I do not know. If an actual charge, a serious criminal charge is laid against a member, perhaps in that case I might be willing to concede that the police might go to the magistrate or someone else and get a search warrant and go through the affects of that particular member. But in the present situation is what we have done in this House, and Your Honour has done, and the police have done, all we have to do under present precedents, Sir, is to allow a police officer, either under direction of the Crown or not, or on his own volition, to go down to a magistrate, who may not be the greatest paragon of the law in the land,

MR. W.N. ROWE: and say to that magistrate that he has reasonable and probable cause to suspect that a crime has been committed and mention the crime. The magistrate takes that police officer's word for it, grants a search warrant and the police officer then goes up and presumably can go in and search the minister's or member's office. I do not know what the case would be if he did not even go to Your Honour. He perhaps went to Your Honour out of courtesy. What would happen if he did not bother going to Your Honour, just went to the office itself and conducted the search? What I am saying, Sir, is that we have now under the existing situation, and my hon. colleague has suffered from this, the possibility of harassment, we have the possibility of intimidation of hon. members, we have the real possibility that hon. members will be hampered in doing their duty as a representative of all the people - each member represents all the people in this Province - because we may have a drying up of sources of information because a person now knows or believes that any information he conveys to an hon. member, particularly documentary evidence or any information, is now not confidential in effect but can fall into the hands of the police perhaps at the instance of any police officer. What I am saying, Sir, is that certainly we should set up a committee, which we discussed on Friday and the minister will undoubtedly make a resolution to that effect a little later in the afternoon, but I believe we should also in the person of Your Honour deal with the actual breach of privileges which is being complained of by the hon. member, my hon. colleague the member for LaPoile. And we should establish, Sir, a couple of things here now, namely, that what happened to my hon. friend was not a precedent. We should establish that Your Honour will not grant further permission to police officers who may show up with warrants unless Your Honour first comes to this House, and perhaps in private session convened, in order to make sure that the matter is fully aired.

MR. W.N. KOWE:

We should also perhaps make it clear far and wide now, publicly, that any police officer who wishes information from an hon. member of this House should do him the elementary courtesy, Sir, of coming to him first without going to a magistrate and getting a search warrant, come to him first and in a courteous, sensible manner ask him if the information may be made available. Perhaps the member may have very good reason for not making the information available, but at least that kind of a courtesy should be extended. So let me conclude, Sir, by saying there are two distinct issues: one is what we shall do in the future by way of actual rules of privileges and immunities which this committee will submit to the House; but we also need to deal with this problem which my hon. colleague has raised, what to do with his particular case, and make a public statement, I believe, Sir, that what happened to him in fact was perhaps not proper and certainly it did not establish any precedent and that also it should be clear, in case there is any misunderstanding about it, that my hon. colleague having been searched, having his office searched, there is no - the police said this to me when I questioned them on it, what are they doing, and they said of course you must realize that your colleague is not involved in anything himself, personally, in no way is he involved in any of this. He is in fact the nature of a complainant in this case and all we are doing is trying to get information. I expressed to them that I thought it was a funny way for the police to act to swear out a search warrant against a complainant - and perhaps I thought to myself at that time there might have been a little political reason for so doing, I did not know. But the point is, in other words, try to even up the score; a search warrant on that side and a search warrant on this side - but the point is, Sir, that we should not and we should go on the record as not tolerating this kind of interference by the executive arm of government. And certainly we should make it clear that until this committee on rules

MR. W.N. ROWE: and privileges brings in its recommendation to the House of Assembly that the police should, I think, not show up and expect to have the permission of Your Honour to have a search warrant executed without the concurrence of this hon. House.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. member for Kilbride.

MR. R. WELLS: Mr. Speaker, this is in a sense an historic thing because as far as I know it is the first time that it has happened in this House. I gathered from what has been said it is the first time since Confederation. I do not know about pre-Commission Government days what the rule was if any insofar as these matters are concerned.

MR. NEARY: There is no precedent.

MR. R. WELLS: I think it is fair probably to say that there is no precedent in our House. I think we are all placed in a position in discussing this matter here of not really knowing, because I am sure none of us have had occasion or reason to go into it to find out what has happened in other jurisdictions and I confess to you I do not know. But I think there are two aspects of this, as our colleague, the Leader of the Opposition has said, one, what took place in this case and, two, what we should do about the future. In this case, as I recall what happened, the hon. the Attorney General announced that a police investigation would take place. The police investigation was agreed to on both sides of

MR. WELLS: the House. In fact, I do not think there was a voice raised against it. That being so, there was no dispute about that. I gather then that the next thing that happened was that the police went under the authority, I presume, of the Criminal Code - that is the only thing they could go under - and went and got a search warrant from one of the magistrates. And I gather then that they came to Your Honour and said, 'We want to execute the search warrant,' and Your Honour then called together the Premier and the Leader of the Opposition and discussed it with them, informing them that in Your Honour's own discretion that you had decided that they would be allowed to execute the search warrant. I take it that is a perfectly correct statement. Now, of course, that being so, I do not think we can argue at this stage whether Your Honour was right or wrong. I think that is over and done with. We can discuss in this Committee that the Attorney General says that he is going to ask to be set up in future, can deal with the procedures that should take place internally in the House if it ever happens in future. But so far as what is over and done with, I think we have to accept that as having happened and that is all that can be done about it.

Now on the question of whether it should have happened or not, or whether it should happen in future - perhaps that is the best thing for me to address myself to - I would say this, I have never heard of anything which would suggest or say that anyone, because they were elected to a House of Assembly or a Legislature, was in any sense placed above the law. I do not think any of us -

AN HON. MEMBER: Who is saying that?

MR. WELLS: No, no, this is my comment. I do not think any of us in any sense are above the law of the

MR. WELLS: land. If, for argument sake, any of us this afternoon had information with respect to a piece of stolen property, a safe or something stolen out of XYZ warehouse last night, for argument sake, I do not think in any way we would be immune from disclosing that information just because we were members of the House of Assembly - I would hate to think so. In no sense should the people's House be something that would shield people from providing information to the police. That is one thing, and that seems to me to be paramount, because the other thing is, of course, that we are not the makers of the Criminal Law. The Criminal Code of Canada does not emanate from here. We are legislators and we are elected here to pass our opinions and views on legislation and debate the public issues, etc., etc., but unless something can be worked out by this Committee and by this House that would change the situation, I honestly do not believe that we are in any sense any different from any other citizen on the street.

Now the question arises about the police, Did they act with propriety in coming to Your Honour first? I think that was a courtesy, Your Honour. I think that they might well have had the right. I do not know, because as I say - now I know as much as anybody else, I suspect, in this House, about these matters, I do not think any of us would dare to say we are experts in it, it has never happened before.

DR. KITCHEN: It had better not happen again either.

MR. WELLS: Well, that may be so, but the hon. gentleman is not the constitutional of -

AN HON. MEMBER: But it has happened.

MR. WELLS: The hon. gentleman, I suggest, is -

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MR. SPEAKER:

Order, please!

MR. WELLS:

- not a constitutional expert
and he will have his opportunity to say what he likes.

DR. KITCHEN:

You are darn right I will have
my opportunity. Get to the point.

MR. WELLS:

Very well, but the point is,
Your Honour, that what was done certainly should not in
any sense - what is done in these circumstances - lead
anybody to believe that when a matter is being
investigated by the police in a legitimate investigation,
agreed to in this case by both sides of the House
although that does not matter, there should be no suggestion
that anybody here is above the law of the land. And I think
that is an important point to make.

The other thing, of course,
Your Honour, is that if this particular thing is over and
done with - and I agree that the Committee should examine
the whole question - maybe there is something that can be
worked out. Now I do not know. I understand from what
has been said that the hon. gentleman was not present in
the House or available to the police when they came to
execute the warrant so that he was not there -

MR. NEARY:

But I was the night before -

MR. WELLS:

That may be. I do not know
when they got the warrant. That is something that would
have to be determined, whether they got the warrant on
Thursday or on Friday.

AN HON. MEMBER:

Thursday.

MR. WELLS:

Thursday. What time, does
anybody know?

AN HON. MEMBER:

Sometime in the evening.

MR. WELLS:

Sometime in the evening;
evening/night sort of.

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AN HON. MEMBER: They visited Mr. Speaker at night.

MR. WELLS: I see. I did not know when they visited Mr. Speaker. But if when they came to execute the warrant the hon. gentleman had been present, it may well have been that they would ask whether he would propose to give them what he had. Maybe they would, but at the same time I think the police have learned probably by experience in these matters that it is no good to just go and ask without being backed up by the authority of the Crown and the court

MR. WELLS: by having the warrant in their possession and I think they do that all the time. All in all, Mr. Speaker, I think it is a very serious matter. I think what has been done has been done, and certainly I think we would all welcome the establishment of this committee to find out what the true constitutional position is and to be able to advise the House and to be able to advise Your Honour if the thing should happen in the future.

MR. SPEAKER: The hon. member for Conception Bay South.

MR. NOLAN: Mr. Speaker, I rise to address myself to the situation now before us because, as I attempted to indicate on Friday, I believe it is one of the most important things ever to come before the House. There has been considerable mention made of our friend, the member for LaPoile (Mr. Neary), because his premises were searched, but let us remember also, that the Minister of Industrial Development's premises were also searched and if I am not mistaken - and I do not want to divulge anything privately, the hon. gentleman opposite can speak for himself - I am told that a member or members of the Royal Canadian Mounted Police entered the office space of an hon. minister here in this House and found it was the wrong office they were in.

So these are matters that we have to address ourselves to. The danger, and I realized this on Friday when I rose, Mr. Speaker, you may recall that when I did rise that I was informed that we had a spokesman from both sides of the House, the hon. the Premier on the one hand, and the hon. Leader of the Opposition on the other, and then I rose on a point of order. And the reason was that it is not because of the individuals concerned, I rose because of what was happening, perhaps in pure ignorance if nothing else because I had never come up against it directly before, and what our hon. friend from Kilbride (Mr. Wells) states, then no more is he. And what I said then, if you may recall, and I do not have the Hansard before me, I could not understand

MR. NOLAN: why every member, or many members in the House of Assembly, did not rise then on Friday morning and address themselves either under a point of order or a point of privilege, whatever parliamentary device we could exercise. Now I hope in using these remarks, Mr. Speaker, I believe that I am on permanent record, both in this House and through the media, of having expressed my admiration and respect for Your Honour in decisions and his conduct always in this House of Assembly and I do not think I have to make any excuses here for what I am saying now.

But I think it is a tragedy that we did not find - we can find often times reasons to hurl abuse and God know what back and forth here. But why we did not rise to a man on Friday, not to interfere with the law, that is not what we are here for, but to determine what our rights were. For example, if the hon. the Premier and the Leader of the Opposition were summoned to the Speaker's Office, as they were, and not consulted but told what had happened, then under a point of order, I would think, or through some legal procedure within our House, we could have addressed ourselves to the problem as we sought at that time. And I do not know, I have not had an opportunity of course to talk to the Minister of Industrial Development, our hon. colleague in this House, but his office was searched. And I do not know how he reacted. But we have not consulted with him. Or even if he is absent, and no matter what member of the House of Assembly this may have happened to, unfortunately it is always a bit risky because of the political climate in this Province. But I have always felt, since I have been a member of this House, that if the rights and privileges of any member, no matter where they sit or what party they represent, are in jeopardy in any way, then we must do all that we can to see that they are protected. Because it is not just for the members present; if we go on precedents,

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MR. NOLAN: as so often we have in the past, we have to see to it that the rights of members of this House of Assembly are protected.

Let me give you an example. Will anyone deny that there have been private conversations back and forth between members opposite and myself? Have there not been perhaps private correspondence from time to time, either in this session or in previous sessions, between

Mr. Nolan: hon. members and myself? And if they were confidential, which they were, what assurances do we now have? I am not in any way attempting to, by the way, question the authority or the respect for the RCMP or in fact the local Constabulary. But what I am saying is that, because I feel that we failed on Friday to address ourselves to this situation when it arose, that we may have indicated to the public if we cannot look after ourselves what hope have they got in here. That is what I thought on Friday, and that is why, members may recall - I am pleased to see my hon. friend for St. John's Centre (Mr. Murphy), and pleased to see that he is well, I hope, and I am sure I express the feelings of all members opposite that we heard he was ill - but on this point I rose on Friday to indicate that something should have been done then, and it is in the Hansard, and it should have been done I said; this morning, and that is when I believe that all members should have addressed themselves to this problem. Now I will grant you, Mr. Speaker, that perhaps since we have never faced it before, perhaps members on both sides were stunned by the reaction, because it is not a common every-day occurrence in the House, but it is something I would assume where we have learned a lesson, and, as our hon. friend opposite stated, I do not think we are about to let it happen again, particularly with the Committee that the Minister of Justice, I believe, is going to announce later on this afternoon.

But in rising on Friday I wanted to say that and indicate that I did not agree with the method in which it was done, and I still do not. But that is something that is past. I was also under the impression, and I do not know whether I should say it here or not, that perhaps we as members of the House of Assembly may have discussed this earlier today, possibly in camera, but I am not sure of my facts or information on that, and I am certainly subject to correction, Mr. Speaker, from you, as always. So these are some of the things that I see, and I would hope that we will have, Mr. Speaker, perhaps from you at a later date a clear definition of the authority, the jurisdiction of

Mr. Nolan: His Honour, the Speaker, in a case like this, I know you were good enough to mention your discussions that you had with Legislative opposites, perhaps, in Ottawa, and what the jurisdiction is there. We are told, for example, that while in here the authorities may not be able to get at us, as it were, but, I believe, did it not happen in the House of Commons at Ottawa that some member at one time made some statement in the corridors outside and he was picked up, I believe by the police, I am not sure. But, I mean, what is the House of Assembly, when you say we have certain rights here, we must watch our immunity and so on? Is it only in this particular House? Is it in the office of the minister, whether it is in this building or not? Is it in a law office or a drugstore or wherever the member happens to work or have his office and so on? These are some things that I think we have, not only for the public, but for all of our sakes, must be cleared up because there are grave misconceptions on this point it seems to me.

So that is really all that I want to address myself to at this time, Mr. Speaker, except to say, as I said on Friday, that I was very much concerned by what had happened, and I wish that we had to have an opportunity in this House to discuss it on Friday morning before any search warrants were issued and so on, rather than in doing it the way we are trying to do it now. But I am hoping we have learned a lesson.

MR. SPEAKER: I have listened with interest to the submissions of hon. members. I am sorry, I did not recognize the hon. gentleman getting up. The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Speaker, I would just like to say a word or two on this subject without dragging it out unduly. I think it is an important issue, and perhaps it is an issue that we should hear from all members on either side now or at some other appropriate time. Mr. Speaker, it was agreed that the police investigation should have been undertaken. It is agreed that the police should have access to information which was in the possession of my colleague, the member for LaPoile (Mr. Neary), and the Minister for Industrial Development. Nobody

Mr. Simmons: disputes these facts. But they are very irrelevant to the issue which is being raised as a matter of privilege by my colleague for LaPoile.

The concern here, Mr. Speaker, is with the method used to get the information. The concern here is with the implications of that method, the implications for us as members of this House.

Now the member for St. John's East (Mr. Marshall) says the House gave its consent. There is no consent given, Mr. Speaker, on the matter which has been raised.

MR. SIMMONS: We do not have to consent to police investigations. That procedure is well known, particularly to the member for St. John's East (Mr. Marshall), I am sure, because of his own training and career outside this House.

The House certainly did not give its consent on the matter of allowing the police to serve the warrants. It is regrettable, Mr. Speaker, that the House was not given the option of giving or withholding its consent on that matter. I believe that had the House been given that option some arrangement could have been worked out whereby the police could have gotten the information which the member for LaPoile and the Minister of Industrial Development may have had in their possessions, information bearing on the subject of the investigation.

The real issue, Mr. Speaker, is whether the membership of this House can pursue its role unfettered and unintimidated. Only this weekend, by way of example, Mr. Speaker, since this incident happened in the House of Friday, I had been talking to an individual previously and he arranged to get certain information for me. He delivered it to me on the weekend and at the time he gave me the document he particularly requested that I not leave it in my office. He was quite serious about it and he went on to point out his concern should this ever come into the hands of anybody, particularly public, then it could be embarrassing for him and for some other people.

Now, we have had that kind of caution already, and I am sure other members will have it. The public is beginning to perceive that it does not have the same freedom in dealing with members of the House that it had before Friday morning, before the

MR. SIMMONS: incident which we are discussing right now.

Mr. Speaker, finally, we cannot undo what has been done. At the same time, we should not make light of it or try to explain it away. I feel very strongly that your freedom as a member of the House, your freedom as an individual, begins to be bartered away the moment that you rationalize that it is alright to do something because of special circumstances, even though that something is something which on principle should never be done anyway.

I believe now, Mr. Speaker, today, or as soon as we can all discuss this more fully, either in camera or publicly, I believe we must give notice that this will not happen again. And at the very least, Mr. Speaker, however particular or apparently justified the circumstances may be at a given point in time, at the very least the House itself must be given the option, the choice of deciding what is prudent at the moment or what is required at that particular moment. It is a House decision and at the very least the House should make that decision.

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

DR. KITCHEN: Mr. Speaker, I am almost afraid to be a member of the House of Assembly when the confidentiality of what we do is breached without our agreeing to have it breached.

I have in my possession, as I am sure every other hon. member has, documents, recorded conversations, notes and things that constituents give you, which people give in confidence because they have problems that they expect a member to look after. I keep these things in my office because there is no other place to keep them and I would hate, while I would

DR. KITCHEN: be away, for somebody to
tell someone to go in and have a look at Kitchen's
office and see what is in there. It is pretty
serious, not only the documents, but then I think
about the conversations that we hold on the phone
from time to time. Some of these conversations are
rather interesting.

 The other day in this House
someone tabled some bills about telephones which I
thought was a pretty serious question. We dealt with
that one properly by taking it out of the hands of the
executive branch and putting it under Your Honour's
control.

 I am wondering too about
wiretapping. People talk about wiretapping and about
bugs in offices. This is the atmosphere we are getting
into here. Spies!

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DR. KITCHEN: If we are going to have to operate in that milieu then there is very justifiable fear of being able to operate as a member of the House of Assembly.

MR. NEARY: Having my car followed all weekend with my colleague driving it.

DR. KITCHEN: And having your car followed around all weekend when someone else was driving it, very good. But it is more serious than that, because I suppose the main purpose we are here is to bring up before the House of Assembly points that have to be brought up for the benefit of the people we represent. And sometimes a member's duty is very hard, like the duty of the member for LaPoile (Mr. Neary) last week. It is a hard duty to perform. Now if we are forced to be afraid that if we bring these things up all sorts of things will happen, then the tendency will be not to bring matters up - to have sort of a little ladies' tea party affair and all the main events of government would take place somewhere else.

So I think the confidentiality, Mr. Speaker, of what goes on and what members document, not as people but as members, not as members of families or people conducting a business - I can see the difference between being a member and doing your other occupations, those who have other occupations or other roles to perform in life - but we are talking about our central role as members of the House of Assembly and that is all we are considering at this point. And we should not be afraid to bring up points which have to be brought up in the public interest.

Members have great confidence in the police. I am not altogether sure that I always

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DR. KITCHEN: have confidence in the police. Sometimes the police can be wrong. I listen to the news on the radio from time to time, and television, and I see that very often other jurisdictions are having problems with police perhaps acting a little bit further than their jurisdiction would indicate. There is nothing that guarantees that the police always act in the public interest any more than that the member of the House of Assembly might always act in the public interest. So just because people are acting on behalf of the law even where there is a judge or a lawyer does not necessarily mean that they are doing it in the public interest. They may think they are, but they could be wrong. An RCM policeman was in my office the other day inquiring about an investigation that is going on in another jurisdiction. He brought up the silliest little item that I have ever heard tell of being brought up and I laughed at him. I exclaimed, 'Do not be so foolish! What are you, presuming guilt?' 'Oh, yes, we are presuming guilt.' So I am not at all sure that we have to have confidence in the police any more than anyone else. They often do not act correctly. Sometimes they act correctly - probably usually they do. I do know this though, that one of the most serious things we can do is give too much power to the police, which is exactly what happened in other jurisdictions in the late 1930's and early 1940's when people had the right to go into your house and do pretty well what they wanted to do with you. We are not going to have that in this country. They can hide behind their uniforms and hide behind the laws all they like, but there are certain fundamental rights that people have that are not to be violated. The police have to be controlled. They have to be controlled, and there is only one group to control the police and that is elected representatives. The House of Assembly controls the police

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DR. KITCHEN: here -

AN HON. MEMBER: Hear, hear!

DR. KITCHEN: and the House of Commons controls the police on a national scale, and we have to remember that, that we control the police.

What I want to lead up to is that I believe that we made an error here Friday, a very serious error, and I do not want to go any further than that.

MR. SPEAKER: Order, please!

DR. KITCHEN: But it must -

MR. SPEAKER: Order, please! I think I must point out that every hon. member has the right to challenge the specific ruling made. I understand the comments of hon. gentlemen have been not specifically on that, but in terms of guidelines in general for the future and also in terms of the propriety of action on behalf of the police or members of the executive. Certainly I do not cast in any doubt whatsoever the right of any hon. member to challenge the rule of the Chair, the specific rule Friday, but it has to be done in one of two ways; a direct appeal, which is not debatable; or notice of a substantive motion, which is. But

MR. SPEAKER: as far as the specific rule went, those are the ways in which it may be challenged.

The hon. member for St. John's West.

MR. KITCHEN: Thank you, Mr. Speaker. I believe that we have to have it so that the law, the RCMP or whatever, must never, never, never search the offices of members of this House, And as representatives of the people I believe that these offices have to retain their confidentiality, as do the phones, and that there are to be no spys, no wiretaps or anything else. We must be empowered to do our duty for which the people have elected us. And no other course of action is possible, we have to have protection to do our duty properly.

Thank you, Sir.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I will give my decision on the point of privilege as soon as I can, as soon as I have had opportunity to - I have had an opportunity to listen - to weigh the submissions of various members and to consult specific authorities, which are always, obviously, helpful.

STATEMENTS BY MINISTERS:

MR. SPEAKER: The hon. Minister of Labour and Manpower.

MR. ROUSSEAU: Mr. Speaker, as hon. members are aware, 550 members of the United Steelworkers of America, Local 7713 at Advocate Mines, Baie Verte, went on strike at midnight on February 12th., 1978. Since that time contact has been maintained with both parties to the dispute. I have personally met with both parties on a number of occasions and on March 29th., 1978, I requested both parties to return to the bargaining table with the conciliation officer. Meetings were subsequently held in Corner Brook but a settlement was unable to be reached. Indeed it appears that a misunderstanding has developed on the items which may or may not have been agreed to at these meetings.

Friday past I received a telegram from Martin Saunders, the President of Local 7713, United Steelworkers of America, requesting

MR. ROUSSEAU: a meeting to clarify what was or was not agreed to at the Corner Brook meetings. I have given consideration and thought to this request and as a result of my deliberations over the weekend, I have decided to appoint a mediator in the dispute between Advocate Mines and the Steelworkers Local 7713.

This action was taken under section 80, subsection (2) of the Labour Relations Act. The mediator will be Gordon Easton of Corner Brook, and I have wired him this afternoon outlining all the matters in dispute as I perceived them.

I might mention here, Mr. Speaker, there are eleven issues outstanding in occupational health and safety, there are nine issues outstanding in other issues, and there are six issues which have arisen since the strike.

I have also instructed the conciliation officer to fully brief Mr. Easton and to make all documents in his possession available to him. Meetings will be held at a time and a place designated by the mediator.

I have also wired the company and the union this afternoon and I was talking by telephone with both parties this morning, informing them of this decision and requesting their full co-operation in attempting to resolve the dispute.

It is my intention to make no further comment on the situation until such time as I have received a report from the mediator.

MR. SPEAKER: The hon. member for Baie Verte - White Bay.

MR. RIDEOUT: Mr. Speaker, I am happy that the minister has taken some action to appoint some independent person to sit down and mediate between the company and the union that are involved in the dispute at Baie Verte.

I think it is vitally important that both sides understand, and apparently they do not at the moment, both sides understand

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MR. RIDEOUT: and come to some common agreement about exactly what is or what has been, or what has not been agreed on. There are two different groups of thought in the town at the moment, the company is saying one thing through letters to their staff and so on and the union, of course, are saying another. And somewhere in between obviously is the truth of what was agreed to and I am delighted that the minister has appointed Gordon Easton, who I believe is an excellent person for this type of assignment. I hope that he will be able to get both sides together very quickly and I would hope that some positive results will come about because of it.

NOTICES OF MOTIONS

MR. SPEAKER: The hon. the Minister of Justice.

MR. HICKMAN: Mr. Speaker, I give notice that I will on tomorrow ask leave to introduce the following resolution that the following hon. members be appointed as members of a Committee on Privileges and Elections to consider the privileges and immunities of this hon. House; the hon. member for St. John's East, (Mr. Marshall) the hon. Minister of Justice, the hon. the member for Kilbride (Mr. Wells), the hon. the Leader of the Opposition, and the hon. the member for the Strait of Belle Isle (Mr. Roberts).

ORAL QUESTIONS

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

MR. W. ROWE: I would like to direct a question to the hon. Minister of Justice, the Government House Leader, Mr. Speaker. Mr. Speaker, as the hon. Minister of Justice probably knows, the reasonable and probable cause shown by the peace officers to obtain the search warrant from the magistrate in St. John's to search my colleagues offices indicated that between the 1st. of January 1975 and the end of January - or the 1st. of January 1976 at St. John's, one Andrew Davidson Sr. without reasonable justification or excuse and with intent to extort \$5,000 did induce, are the words used, Sir, "did induce the government of the Province of Newfoundland and Labrador by threats to expose government corruption to pay to Andrew Davidson Sr. \$5,000 contrary to Section 305, Subsection (1) of the Criminal Code." In other words, Sir, the government has alleged, in order to get this search warrant, that the government paid under threat, under a threat of exposing corruption, by extortionistic methods used by Davidson, the government in fact paid Davidson \$5,000.

Now would the hon. Minister of Justice as Minister of Finance kindly inform the House who authorized the payment of \$5,000 to an extortionist?

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, number one, I am not familiar with the

Mr. Hickman: contents of the affidavit that the hon. gentleman -

MR. W. ROWE: There you go again, the same old story.

MR. HICKMAN: I am familiar with the contents of the affidavit just read.

MR. W. ROWE: Same old story.

MR. HICKMAN: It is not an old story. Well if it is an old story it is a correct one. I am not familiar with the affidavit or the portion of the affidavit referred to by the hon. gentleman, the Leader of the Opposition. He knows as a lawyer that in filing an affidavit in support of an application for a search warrant, the police officer or officers filing such affidavit must first indicate to the court the nature of the investigation that they are conducting and the nature of the charge of the offense that may have been committed; it cannot be under any circumstances accepted as proof positive of anything other than the nature of the investigation and the essentiality of obtaining this search warrant. But I would hope that no one in this House would suggest that an affidavit in support of a search warrant is proof positive that a crime has been committed. It is the procedure laid out in the Criminal Code enabling the police to carry out an investigation into allegations that have been made.

SOME HON. MEMBERS: Oh, oh!

MR. HICKMAN: You know, and any lawyer, in fact any law student, would know that.

MR. W. ROWE: A supplementary question, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. W. ROWE: Mr. Speaker, this is a warrant, Sir, an affidavit in support of the information laid in order to get the warrant, presumably drafted by the RCMP on behalf of the Department of Justice, or indeed perhaps by somebody in the Department of Justice, As a matter of fact the wording indicates that somebody in the Department of Justice perhaps was involved in it. What I am asking - which therefore appears to me, Sir, to be an admission that the government paid \$5,000, since the sworn affidavit by the agent of the government is that Mr. Davidson did in fact induce the government to pay \$5,000.

Mr. W. Rowe: Well, Sir, the hon. Minister of Justice cannot have his cake and eat it too. In order to go down and get this search warrant, an agent of his department admitted that money was paid by the government under extortion.

Now what I want to know and I would wish he would tell the House is who would have given that authority in his department? Was it the Treasury Board? Some particular minister? Some Deputy Minister? Who authorized the payment of \$5,000 of public funds as admitted by an agent of the government, who authorized that payment? And would he also indicate to the House whether to pay an extortionist's demands is in fact a crime in itself?

MR. HICKMAN: The question, Mr. Speaker, is purely hypothetical. The first part of the question; I do not know who, if any, authorized any payment and if I did I certainly would not disclose it to this House in the course of an investigation.

SOME HON. MEMBERS: Oh, oh!

MR. HICKMAN: I most definitely would not. You know, the hon. gentlemen were asking a few days ago for a police investigation. Now a police investigation has been ordered and I want to assure this House that when a police investigation has been ordered, as I said the day I made the statement, they will conduct their investigation unimpeded and in no way will there be an interference by me or direction from me or by anyone else as to how -

MR. SIMMONS: (Inaudible) Friday.

MR. HICKMAN: With the police?

MR. SIMMONS: The Premier (Inaudible) in this House Friday.

MR. HICKMAN: In no way will there be any interference with the conduct of the police in the course of an investigation. And how they carry out that investigation is totally and absolutely up to them. The law officers of the Crown stand ready, willing and able to help the police at any time they seek legal advice.

MR. NEARY: Mr. Speaker, a supplementary question.

MR. SPEAKER: A supplementary. The hon. member for LaPoile.

MR. NEARY: Would the hon. the Minister of Justice, Sir, inform the House if and when he was under any suspicion at all that Mr. Davidson was attempting to extort the money from the public treasury? Had suspicion of blackmail? Did the hon. gentleman have that in the back of his mind, and if so, when did the hon. gentleman

MR. NEARY: first think of it?

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, surely the hon. member for LaPoile (Mr. Neary) does not expect me to answer that kind of a question? Number one, is that it would be libelous if I answered it in the affirmative; and secondly, I am certainly not going to make any comments that will in any way affect this investigation by the Royal Canadian Mounted Police or the Newfoundland Constabulary. I just will not do it.

MR. NEARY: Mr. Speaker, a supplementary question, Sir.

MR. SPEAKER: A supplementary. The hon. member for LaPoile.

MR. NEARY: Would the hon. Minister of Justice indicate to the House if the Premier had ever told him, say a year ago April past, if the Premier informed the minister that he felt that he was being blackmailed by Mr. Davidson? Did the Minister of Justice have any knowledge of that?

MR. SPEAKER: The hon. the Minister of Justice.

MR. HICKMAN: The hon. Premier certainly did not tell me that, Mr. Speaker.

MR. NEARY: Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: My question then is to the hon. the Premier. Why did the hon. the Premier shield this information from the Minister of Justice and the Attorney General?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, first of all I do not consider this shielding any information. If what the hon. member is referring to are the affidavits that were circulated to the press and to various members of this House at that particular time, I would have thought

PREMIER MOORES: that the person who circulated them would have been the person who should have gone to the police for an investigation. Sir, if every crackpot letter that comes into my office or any other minister's office had to be dealt with as I consider this to be, we would be asking for police investigations all the time.

However, as the hon. member saw fit to table that and previous affidavits in the House, I can understand, of course, why the police investigation is being held and I suggest that as the police investigation is being held everything all members of this House can do to co-operate with the police should be done.

And the sort of things, Sir, I am referring to in co-operating with the police, the tapes and transcripts that were mentioned by various people in the House previously, I am sure they will be made available to the police. I know in my own case where there was a tape involved, that transcript was made available to the police within minutes after it was involved, over one year ago.

So, Sir, I would assume that all other members who have information relevant to this case or any other investigation, would, of course, have made that information available to the police by now.

MR. NEARY: Mr. Speaker, a supplementary question to the hon. the Premier, Sir.

MR. SPEAKER: A supplementary.

MR. NEARY: The hon. the Premier just revealed to the House, Sir, that for some reason or other the hon. the Premier had the taped conversations between the Premier and Mr. Davidson. Why did the Premier not inform his Attorney General, the Minister of Justice of this matter?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Simply, Mr. Speaker, that I had not involved the Minister of Justice in that there was any abuse, or blackmail, or extortion because I would think that is something that the police have to prove before we say that someone is guilty.

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: Mr. Speaker, as my hon. colleague indicated it is already pointed out in the search warrant, Sir, that \$5,000 was in actual fact paid to Mr. Davidson by the public treasury. And my hon. colleague in cross-examining the Minister of Justice, the Minister of Finance wanted to find out who authorized this. Could the minister tell us who the President of Treasury Board was at the time that this \$5,000 was paid out to Mr. Davidson? Who was the President of Treasury Board at that time?

MR. NEARY: No, the minister was not. Well, all right. If the hon. gentleman was the president, a supplementary question for the hon. gentleman, Would the hon. gentleman tell us who pushed this thing through Treasury Board, and at whose request was this payment made?

MR. SPEAKER: The hon. Minister of Transportation and Communications.

MR. DOODY: The only payment that I am aware of that was made to the Andrew Davidson group while I was President of Treasury Board, was a \$5,000 payment for services rendered on behalf of a study of the Grimsby port facilities. The bill was considerably higher than that but after discussion with Mr. Davidson he agreed to settle for his expenses and that was in the nature of \$5,000.

MR. NEARY: A supplementary question then, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: The hon. gentleman has just confirmed, Sir, as President of Treasury Board, former Minister of Finance, that Mr. Davidson was in actual fact paid \$5,000.

AN HON. MEMBER: For work done.

MR. NEARY: That is correct, for work done. Then it was not extortion as stated in the search warrant. It was a legal -

MR. DOODY: I never said it.

MR. NEARY: No, but this is what the search warrant says.

MR. DOODY: I do not know if that is the same \$5,000.

MR. NEARY: Well was there any more? Did Mr. Davidson receive any more money from the Public Treasury?

MR. DOODY: Not that I know of.

MR. NEARY: And when the hon. gentleman authorized that \$5,000, did the hon. gentleman feel that Mr. Davidson was extorting the Public Treasury?

MR. DOODY: I do not make judgements on that sort of thing. That is for the law to do.

MR. NEARY: Mr. Speaker, did the hon. gentleman feel

MR. NEARY: that this was a legitimate bill and that the government were paying Mr. Davidson \$5,000 for work that had been performed by Mr. Davidson in his company? Is that a fact.

MR. DOODY: That is why he was paid.

MR. NEARY: That is why he was paid. Well, Mr. Speaker -

MR. W. ROWE: So it was not extortion.

MR. NEARY: So then, Mr. Speaker, we have now established that it was not extortion.

MR. W. ROWE: And you get officers of the Crown going down swearing out false evidence.

PREMIER MOORES: A point of order, Mr. Speaker.

MR. SPEAKER: A point of order has come up.

MR. NEARY: Was it a bribe?

MR. SPEAKER: Order, please!

PREMIER MOORES: I am just wondering, Sir, if this is a trial on the defence of Mr. Andrew Davidson or not this afternoon.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, what I would like to know, Sir, from the hon. the Minister of Justice, is the minister aware of anybody in the Cabinet, or anybody on the government side of the House, that has ever been threatened with exposure of corruption in government? Does the minister know of any of his colleagues who have been threatened either by Mr. Davidson or anybody else for exposure of corruption in government.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, if I am aware of it I most definitely will not make it public when there is a police investigation going on.

MR. W. ROWE: Oh no.

MR. HICKMAN: And I most definitely will not. And that is such

MR. HICKMAN: a fundamental rule, and I draw it to the attention of the House, that when applications are made to a court for a search warrant and an affidavit is presented, that the court very carefully examines that to see whether or not there has been compliance with the Criminal Code of Canada.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I cannot help but coming back to the statement made in reply to my question to the hon. the Premier again about taping conversations. If the hon. the Premier felt that he was being blackmailed, and obviously he did because the hon. gentleman told me a year ago down in his private dining room, and I suggested to the hon. the Premier at that time, for his own protection, that he should appoint a public enquiry, why did the hon. the Premier not proceed with that enquiry as he promised me in front of the present Minister of Transportation and Communications that he was going to appoint? Why was that enquiry not set up if the Premier felt that his position was in jeopardy, that he was being blackmailed, or shook down or an attempt was being made at extorting money from the Public Treasury, or from the PC Party for that matter?

MR. SPEAKER: The hon. the Premier.

PREMIER MOORES: Mr. Speaker, the hon. member seems to have a slightly mixed up memory. The question under review at that time that he mentioned to me was an investigation into the Health Sciences Complex, which with various officials of government departments, and various chartered accountants, certainly was done at that time to our satisfaction and I would assume that Mr. Davidson or whoever was involved in any actions that are improper, that this police investigation will find it out. And I am sure, Sir, that that is the case. But I know lots of people, Sir, have had recent chats with Mr. Davidson, so maybe we should be having statements rather than questions.

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PREMIER MOORES: For instance, Sir, I understand on Friday past, the airplane tickets left at the counter of Air Canada for some hon. people were paid for by Mr. Charlie Silver, of South Orange, New Jersey, who is one of Mr. Doyle's front men. As the hon. member for LaPoile (Mr. Neary) was the beneficiary of one of these tickets, Sir, as I understand it, to go down South to meet whoever he met down South, maybe he could give us more recent information that I have.

MR. SPEAKER: The hon. member for LaPoile.

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Tape 1619

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MR. NEARY:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for
LaPoile.

MR. NEARY:

Mr. Speaker, I am just going to ignore what the hon. gentleman said for a moment. I am going to come back to the Minister of Transportation, Sir, the former President of Treasury Board. That was a beautiful, that was a nice piece of information. The hon. the Premier thinks that by playing the mugs game that he is going to win.

MR. SPEAKER:

Order, please! Order, please!
I would ask and require the hon. gentleman to ask a question.

MR. NEARY:

Mr. Speaker, I want to ask the Minister of Transportation, the former President of Treasury Board - I want to get this clear and get it on the record, Sir, that when this payment of \$5,000 was authorized to Mr. Davidson there was no indication, no evidence at all of wrongdoing, there was no evidence at all that Mr. Davidson was trying to shake down or extort money from the Public Treasury, is that correct?

MR. SPEAKER:

The hon. the Minister of
Transportation and Communications.

MR. DOODY:

The \$5,000 payment that was made to that group at that time was for a study that had been done on the Grimsby port facilities. It was not in the amount of the invoice for which government had been billed. We did not think that the work which was done warranted the amount of money that Mr. Davidson had charged us. We talked to him and negotiated with him and he agreed to settle for a \$5,000 amount which covered his expenses and perhaps a little more than his expenses, but certainly not much more.

MR. DOODY: And that was what he was paid for and that was what was authorized. And that was all done legally through a Treasury Board minute and done through the Financial Administration Act.

MR. NEARY: A question for the hon. gentleman.

MR. SPEAKER: A supplementary.

MR. NEARY: Did anybody at any time when the minister was considering this matter before Treasury Board indicate to the minister that this \$5,000 would have to be paid to Davidson to keep him quiet so that he would not reveal an affidavit that he had before the last provincial general election? Was there any indication of that to the minister to cover up -

MR. SPEAKER: The hon. the Minister of Transportation and Communications.

MR. DOODY: From memory, I had no conversation with Mr. Davidson and if God spares me I never will. The bill that came in, Sir, was handled just as any other invoice would be under these circumstances and was paid for for services rendered, and that was the only involvement that Treasury Board had in that particular effort, Sir.

MR. NEARY: A supplementary question, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: Will the hon. gentleman indicate to his recollection, to the best of his knowledge and memory, Did any of his colleagues in Cabinet indicate to the minister that this bill must be paid to silence Mr. Davidson or to keep him quiet or to pay him before the election so he will not reveal a document that he was carrying around called an affidavit? Did anybody indicate to the minister that this bill had to be paid in order to keep Mr. Davidson quiet

MR. NEARY: before the last election?

MR. SPEAKER: The hon. the Minister of
Transportation and Communications.

MR. DOODY: No, Sir, if that had been
so undoubtedly Mr. Davidson would have been squealing
or screaming or whatever it is he does. The amount of
the bill was far in excess of \$5,000, the amount that
we settled for. It was done on a businesslike basis
in taking due note of the expenses that we felt that
he had incurred and what we felt that the work that
he had done was worth. There was never any discussion
to my memory or to my knowledge of any of these weird
and wonderful things that the hon. the member discusses
and describes.

MR. NEARY: Mr. Speaker, a supplementary
to the hon. gentleman.

MR. SPEAKER: A supplementary.

MR. NEARY: Would the hon. gentleman
indicate to the House if any of his colleagues indicated
to the minister, to the President of Treasury Board, that
we should make it a round figure - the bill was in the
vicinity of \$9,000 and some odd dollars - make it a round
figure of \$10,000? Did anybody ever indicate that to the
hon. gentleman?

MR. SPEAKER: The hon. the Minister of
Transportation and Communications.

MR. DOODY: No, Your Honour.

MR. SIMMONS: Mr. Speaker, a supplementary.

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

MR. SIMMONS: Mr. Speaker, a supplementary
to the hon. the Minister of Transportation, or if he is
not in possession of the facts I am looking for, perhaps

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MR. SIMMONS: the hon. the Premier.
Was there some kind of a contract with the Davidson group to do this study or was it on a cost plus basis? I am a little puzzled that there was a bill submitted. Was it just submitted out of the air, or on the basis of the work he felt he had performed or they had performed as the case may be, or was there some undertaking by government, some contractual arrangement or some other agreement whereby the Davidson group would perform certain work for a certain fee?

MR. SPEAKER: The hon. the Minister of Transportation and Communications.

MR. DOODY: My understanding was a requisition came down from the department involved that there had been a commissioning of the Davidson group to do such a study. The study itself appeared to Treasury Board to be something less than adequate in terms of the amount of money that was charged and so Treasury Board refused to recognize it for the value which was placed on it by the Davidson group.

MR. NEARY: A supplementary question,
Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: Would the hon. gentleman indicate if the government have received bills from Mr. Davidson for work done on other projects in this Province, and would the minister tell us what these projects are?

MR. SPEAKER: The hon. the Minister of Transportation and Communications.

Mr. Doody: I would have to search my memory and look it up, There were bills received for other projects allegedly done, other work allegedly done in the Province. I have seen no supporting documentation on that, nor has any money been paid on that account.

MR. NEARY: A supplementary question, Mr. Speaker.

MR. SPEAKER: A supplementary.

MR. NEARY: Would the hon. gentleman indicate to the best of his memory if this work had to do with storing oil on Bell Island, the Conne River Bridge, the Codroy Valley Bridge, and one or two other bridges in this Province? Would it have anything to do with these projects?

MR. SPEAKER: The hon. Minister of Transportation and Communications.

MR. DOODY: The storing of oil on Bell Island does not strike a responsive cord, and I am sure it would have had we received a bill for it. The Conne River Bridge and the Codroy Valley Bridge both strike responsive cords. There seems to be invoices I think received for these, but there was no documentation. When the bills were received Treasury Board sent them back, asked for documentation, for copies of studies. There were never any copies of studies received as I remember it, and so the bills were ignored, unpaid.

MR. NEARY: A supplementary.

MR. SPEAKER: The hon. member for LaPoile.

MR. NEARY: I thought that would strike a responsive cord with the hon. gentleman.

Now would the hon. gentleman tell the House if there is an outstanding amount owed to Mr. Davidson, and this is in dispute and the government has refused to pay Mr. Davidson this amount? Or has Mr. Davidson being paid any of this amount from any other source other than from the Public Treasury?

MR. SPEAKER: The hon. Minister of Transportation and Communications.

MR. DOODY: To the best of my knowledge, Sir, the only money that has been paid to Mr. Davidson from the Public Treasury was the \$5,000 amount that we discussed earlier on that Grimsby study. That was the

Mr. Doody: only amount that was paid. These other amounts, these other invoices that were described, as I said, government refused to accept because of the fact that to the best of my knowledge there was no work done.

MR. SPEAKER: The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: I have a question for the Minister of Justice. The minister indicated last Thursday or Friday that he expected today to have a report on the fire at Elizabeth Towers last week. Does he now have that report? Or could he indicate to us any of its contents, if he does have the report?

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I indicated that I not a report into the investigation because, as I pointed out to the House, these investigations are carried out in St. John's by the CID and outside of St. John's by the RCMP in consultation with the Fire Commissioner. But I did - so that report will come in in due course to the Director of Public Prosecutions. The Fire Commissioner, over and above ascertaining the cause of any fire, also very properly directs his attention to fire safety, precautions, or rules and regulations that are implemented in any particular building or institution. And in that respect I was advised that the Fire Commissioner met one day - I would wish that they would stop using these 10501s, but any event on Friday, I think it was, with the Board of The St. John's Housing Corporation and indicated to them certain additional fire precautions and measures that he would like to see implemented, received from the Board an assurance that these would be carried out with absolute dispatch, and consequently felt there was no need to serve an order on them directing them to do it.

MR. SIMMONS: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the original questioner.

MR. SIMMONS: Mr. Speaker, perhaps the minister gave the answer, I did not hear it. He said Friday that by Monday, today, Monday, he would be able to indicate to the House the results of a report into the

MR. SIMMONS: cause of the fire at Elizabeth Towers. Now, Mr. Speaker, can the minister now indicate to us whether that report is complete on the cause of the fire at Elizabeth Towers early on the morning of last Wednesday?

And while I am on my feet, a related question: Can he indicate to the House whether the report on the cause of a fire on Signal Hill Road the same morning about four hours after is available? And further, can he indicate whether the police suspect arson in either or both cases?

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I cannot nor will I say what the police suspect of anything in either of these fires.

MR. SIMMONS: They often say it themselves.

MR. HICKMAN: I know. Well, I will not say the police say it. But I have heard statements made from time to time following a fire or immediately at the site of the fire, 'I suspect arson.' And if there is anything that upsets the investigating officers is that kind of a statement, because immediately the statement is made, if there was indeed an act of arson, the police's investigative process is very duly, very seriously hampered

MR. HICKMAN: and that is a difficult case to prove anyway in law and they find that their investigation has been very seriously interrupted and affected thereby. Indeed, if hon. gentlemen will recall we had a series of fires two or three years ago and they started public speculation that as they were all in the same kind of institutions that there must have been some arsonist or other involved. The police were, with the fire commissioner of the day, trying to affectively conclude investigations. They never did get to any investigations, We then directed that there be a magisterial enquiry into all fires just in case there was something could come out that would come out under oath, because the police do not investigate under oath, that the police had missed and, you know, we just ran up against a blank wall and I think that it was regrettable that this speculation had gone on all that time. There is no doubt at all that their ability to investigate was seriously hampered.

With respect to both these fires, I repeat what the procedure is; that the Fire Commissioner, if it is at all possible, attends upon the fire and ascertains what is going on. He has two things to do, one is to assist the police who automatically investigate a fire in any building or structure where there is a large number of people, or if the cause of the fire is unknown, in any large building they do it as a matter of course anyway, and in that respect his report goes to the - say, in St. John's to the CID who will in turn send it in to the Director of Public Prosecutions with whatever evidence they acquire. The Director of Public Prosecutions or one of the Crown prosecutors will then go through it very carefully concerning themselves only with one aspect, whether or not there is any criminality. They do not concern themselves with fire safety. The fire safety falls under the jurisdiction of the Fire Commissioner and with respect to Elizabeth Towers, he has already taken a remedial action. But the cause of the fire will go into the police files and certainly I would not be prepared when it does come in to, at this time, make it public. And I know that these investigations are not done overnight.

MR. W. ROWE: A supplementary on that, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. Leader of the Opposition.

MR. W. ROWE: I would like to ask the Minister of Justice if he has received any report, interim or otherwise, or oral or written, from the Fire Commissioner, as of now, as of today's date, as to a possible cause of the fire at Elizabeth Towers? Does he have any report from the Fire Commissioner, oral or written, interim or in any other way?

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I can only repeat what I said earlier, that as of now I have not received a report, nor indeed do I anticipate receiving - it will come to my department - for a while yet on the cause of the fire. But I have received an indication from one of the senior officials in my department as to what - a report, you know he has conveyed it to me this morning, told me this morning - as to what action the Fire Commissioner has taken very properly and very quickly in discharge of his responsibility in the field of fire safety.

But the cause of the fire, that goes into the police, I have never heard of anyone making that public. And again, you know, if we are going to have an effective police force, and if we are going to have effective investigations, we cannot conduct them in public.

MR. SIMMONS: A supplementary.

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

MR. SIMMONS: I must try one more time with the Minister of Justice. There has been two very serious fires, The cause of these fires is of tremendous interest to a lot of people. Can the minister indicate, without giving us his homily on safety again, about which we are all concerned and can make equally long and perhaps

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MR. HICKMAN: more profound speeches, can he tell us at what point we will know - the House and the members of the public - will know whether there is anything about the cause of these fires, anything that might be related to criminality? At what point down the pipe will the public know, or more importantly will action be taken? How soon is this report forthcoming? How soon will action flow from it? Are we talking hours, days, weeks? That is the real question we are putting to the minister.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, we are most definitely talking about some time and I base this on the experience of every investigation into a serious fire that I have seen in eleven years as Attorney General. Let me say now, and I have a note here that

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Mr. HICKMAN: with respect to the Elizabeth Towers the specific cause is unknown.

SOME HON. MEMBERS: Oh, oh!

MR. HICKMAN: No. no. As of now, because the investigation is ongoing. It is unknown. The same situation prevails with respect to that fire and the other two.

PREMIER MOORES: Three.

MR. HICKMAN: Well, no. Two plus two, four all told. We have had very serious fires in the City of St. John's in the last forty-eight to seventy-two hours. What I draw to the attention of this hon. House is that if today, for instance, I stood up and said, With respect to a particular fire the Fire Commissioner has said to me that the cause of the fire was electrical, you know, that the cause of the fire was electrical, or that the cause of the fire was by a pot burning over on the stove and three or four or five weeks or months later, at the conclusion of the fire investigation by the police, they uncovered some action which indicated criminality and a person was charged, then I can tell you my statements that had been on a particular date would come back to haunt me and would not be in the best interest of the investigative process.

All I can assure this House is that cases, investigations into the cause of the fire by the police take a fair amount of time and they are ongoing right now, all of these and any other fires that occur, unfortunately, throughout the Province. The police move in very quickly. We always have a problem with respect to fires, as there seems to be a great anxiety after a fire is over for some other authorities to get in and make the area look most attractive.

MR. SIMMONS: (Inaudible) report of the police investigation.

ORDERS OF THE DAY

MR. SPEAKER: The motion is that I leave the Chair.

MR. NEARY: Before Your Honour leaves the Chair, a point of order, Sir.

MR. SPEAKER: A point of order.

MR. NEARY: I would like to inform the House, Mr. Speaker, that on tomorrow I will be very happy, more than delighted, to table for the benefit of hon. gentlemen in this House the documents that were taken from my office yesterday by the R.C.M.P.

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

MR. CHAIRMAN: Order, please!
Heading IX, Recreation and Rehabilitation, 901-01.

The hon. member for Stephenville.

MR. MCNEIL: Mr. Chairman, according to the statistic from the first major national survey on Canadian participation in fitness and amateur sports which deals with people fourteen years of age and over - this survey was conducted by the Fitness and Amateur Sports Branch of Health and Welfare in Canada - and this report stated that Newfoundlanders rank the lowest of all Canadians in, first of all, exercise participation and, secondly, sports participation with the exception of one recreational survey of T.V. watching. Newfoundlanders in that category rank top in all Canada.

The national survey also pointed out that Newfoundlanders' sports preference was, first of all, swimming, and ice hockey. Also the report pointed out that 54 per cent of the male population participated as opposed 46 per cent of the female population. Keeping this survey in mind, may I ask what our government

MR. MCNEIL: is doing to encourage more participation by our people in exercises and sports programmes?

I would like to say, and

MR. W. McNEIL:

maybe it will be in order to congratulate the department in its efforts in staging the Newfoundland Summer and Winter Games, as well as its efforts in the Canada Summer Games. I think the efforts in that area, which actually deal mainly with the high school segment of our population, I think the efforts in that area are very well indeed. But I am concerned with the people below that level, for example, the elementary and the primary school children in our school system who are deprived to a great extent in their curriculum in receiving any type of physical education activity or recreation. I think that the department has a responsibility to encourage the Department of Education in the different school curriculums for some type of a daily physical education activity program in these levels because, as we know, that the child's life is mostly made up of activity of different sorts which contribute to the development of that child in later life. I think that if we had our system going from the primary to elementary to high school level that we would see in the adult programs more participation, and I think this is why in the national survey that we see very little participation in the adult educational or recreational programs.

Last year in the Speech from the Throne it was stated that the government would direct to insure that recreational facilities were fully utilized in the Province. In my own district we are blessed in many regards with a lot of recreational facilities, but in one area, in the area of aquatics, we have had a swimming pool which was built with the assistance of the RC Parish who ran it for a few years, the Parish ran it by operating a little bar over its facility. It was an older type building, a former airport terminal which they received at a nominal cost and they renovated it themselves at their own expense. But over the years of operating they found it quite difficult to maintain it on its own revenue.

MR. W. McNEIL:

The decision that the board of directors decided at that time was to either extend their bar facilities, which involved the selling of alcohol and that type related beverages, or to take out the bar facility altogether and try to encourage government assistance to operate the swimming pool facility in its entirety. Since that date they have closed down their bar hoping that the government would provide assistance. That is over two years ago. Today the pool is closed and there is still no government involvement in that facility, thus depriving the people of Stephenville of any aquatic facility.

These and other related facilities around the Province, for example in the area of stadiums, many communities find themselves in a position after they get the stadium that they have difficulty in operating the stadium to its maximum potential. Prior to the last election the government was initiating an action program to assist communities that have stadiums or swimming pools of that nature, an assistant program whereby they could operate the facility at a maximum capacity. After the election was over the government dropped that program. For example, in the Stephenville area again with the stadium, the council found themselves in a position whereby it had

MR. McNEIL: to drop all of its summer type programmes, again, I think, under-utilizing a facility. Now if it is the government's policy to utilize the facilities to the maximum extent, could the minister indicate what approach his department will be taking and if he has any plans in the future to upgrade the programme for assistance? With regard to the swimming pool in Stephenville, I would request the minister, if he could indicate to this House if his department is in any negotiations at the municipal level or with the owners of the complex to get in operation again an aquatic programme for this coming summer, and if his department does not have any plans for that facility do they plan to provide any assistance to the municipality in providing a new facility?

Also another matter I would like to point out is in the area of rehabilitation. Several years ago, again during election time, the government had stated in its Budget, in its 1974 - 1975 estimates really, that they would be offering \$500,000 to renovate a building on the Harmon complex, the building number was 341, as a home for retarded children in the whole Bay St. George area. Since that time the approach to that particular problem was assessed by the department and again, in conjunction with the local people, asked to assess the total need in that area. The reports came back from the community people at that level that they first of all wanted a group home for mentally retarded children. They outlined a proposed building, they submitted their reports to the government, and again with no further action.

A second report was sent from the Bay St. George Association for the Mentally Retarded

MR. McNEILL: requesting assistance for a work orientated rehabilitation centre for the mentally retarded adult, and again the government failed to assist the local group in their efforts, and bearing in mind they had made a previous commitment of \$500,000 to that group for such work with the mentally handicapped.

Mr. Chairman, if it is the intentions of this government, and it seems to be, like with just prior to elections, new schemes especially in recreation and rehabilitation are announced and immediately after election time then they are dropped, if this is the type of policy we will never advance very far beyond the primary level of the physical education needs in recreation and again for any of the basic needs for handicapped people.

The submission from the Bay St. George Association for the Mentally Handicapped was again put forward to the department as of November 18th and to this date we have not received any reply. So the minister in replying, if he could indicate if his department will be progressing with any plans in this area for, first of all, the mentally handicapped people and, secondly, for any recreational groups and facilities in the Bay St. George area.

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

MR. C. POWER:

Mr. Chairman, I would like at this moment to before I get on I intend to speak again on the rehabilitation side of the Department of Rehabilitation and Recreation, but for these few brief moments I would like to speak specifically about the recreation programs as we have in our Province, what they hope to do and what they have been doing, and I will give some humble suggestions as to possibly some means of improving that system in the future. Before I get on, and I hope it is quite in order, that I would like to congratulate the staff of the recreation part of that portfolio, in particular Don Johnson, who is Assistant Deputy Minister of Recreation, that although he himself is not no great specimen of pure physical endowment, he certainly has done everything in his power as an individual within this Province to improve that department of recreation to make it grow and prosper, and he has done everything in his power to encourage other Newfoundlanders to get involved in rehabilitation and recreation.

I would also at this moment like to thank and give particular notice to the staff and participants of the Canada Summer Games of 1977. I think it is a real shame that within Newfoundland one of the great feats that took place in 1977 has gone very much unnoticed, that during the Summer Games of 1977 the Newfoundland contingent won an award for the most improved provincial team, that they have improved from the Summer Games previously 64 per cent from the Summer Games immediately previous. The only other team that had a positive improvement was the team from Quebec, who had a 13 per cent improvement. Every other provincial teams represented in the Canada Summer Games actually had a negative factor and did not in fact improve their medal standing in those games. So I think it is a great accomplishment and sort of an award for the whole department, not only the participants themselves in the Summer Games but for the whole department of recreation that our athletes improved that much over a very, very short period of time. And I think it has to go back at least in small parts that recreational programs that were set up by this

MR. C. POWER: government and the moneys that were made available to recreational bodies across this Province. Certainly those Summer Games teams should be commended, and it is somewhat of a shame that that one fact that our team improved 64 per cent of the previous games was a little bit overlooked.

I would like to go back for a moment, before I get involved in the actual programs that are now involved in recreation, to explain my feelings on recreation and sports and to the value that they have within our Province. I remember the other the member for Trinity - Bay de Verde (Mr. F. Rowe) mentioned that it was a bit of a shame that our government only spent or only had allocated \$100,000 to combat, I think, drug and alcohol addiction. And I thought that was a very very precise and exact statement that there is only a \$100,000 allocated for drug and alcohol addiction. But in reality that is money, that \$100,000 is spent on trying to cure a problem that is already there. But in reality we as a Province are spending many, many millions of dollars in the prevention of drug and alcohol addiction, because every dollar you spend in recreation, whether it be in parks or wildlife, whether it be in an athletic program or anything of that nature, every dollar you spend in those leisure based activities is actually a prevention of drug and alcohol addiction, which is a severe problem within our Province. And I would like let it be known that we are in effect only spending a \$100,000 on the cure, but we are spending something like \$17 million on the prevention through wildlife, youth services, recreation, parks and cultural affairs. That \$17 million is in effect spent to prevent those very serious problems, especially for our youth, that we have.

The problems that we have in recreation vary from anything from a stadium program where we subsidize electrical rates within stadiums to a cost of about \$300,000- and I must just go back for a minute to a stadium because,

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MR. C. POWER:

as the member for Stephenville

(Mr. McNeil) mentioned, stadiums are a very great source of recreation. And the member who stands by the door understands my feeling towards a stadium is that our government and the government previous, sometimes if not discriminated against certain areas certainly did not encourage the building of stadiums because they were too expensive to build, capital cost, but also because they were too expensive to maintain. Working on the assumption that a stadium should be pay for itself, my argument is that when it comes to our youth-when we talk of recreation or when we talk of school systems that the pay for itself idea is not really a very credible one; that when you take into account that a stadium, sure, may lose a few dollars spending money, but the fact that they may produce citizens, athletes, who will work better in industry, who will contribute more to our communities than the dollar signs that you put on the

MR. POWER: loss of a stadium or the few dollars that a stadium loses each year, or the few dollars that the government has got to subsidize it is the really important factor. The important factor is the type of individuals and the type of communities that you build, and certainly no one can deny that the value of recreation in this Province proportionately affects the influence and direction that has come from recreational programmes of this Province.

 In Ferryland district we still have a stadium problem. We do not have the stadium that I have sought for for so long and that many of our citizens have sought for, not because this government refuses to give money, but because this government has a programme set up that allows stadiums to be built by municipal governments. And that is a little bit unfortunate in my area because we have many small communities that are not municipally incorporated and, as such, they cannot benefit from that programme. And I, as the member for Ferryland, representing many unincorporated communities, will do everything I can to try to get government to change that policy to allow recreation committees or recreation companies or arena companies to take control for the maintenance and building of an arena. As such that has not happened, and I can understand government's point that a \$1 million venture certainly has got to be taken care of by a very creditable group, and very often companies or committees that get organized piecemeal die by the wayside and they are not as permanent in nature or as stable as a municipal government. Certainly that is one problem that we have

MR. POWER: to overcome. But certainly I want to put to an end that idea that stadium and recreational facilities should pay for themselves, because the real value in those things is like a hospital or a school where the values are long-term and cannot be counted on a very short term.

Again, being a young person, I find that most of the recreational programmes that we have are designed for the young. I think our Department of Recreation and the recently appointed Minister of Recreation is going to do some things to change that around - not necessarily spend great deals of money but there are many, many ways in this Province that we can encourage people to get involved in recreational and physical activity programmes without the spending of money; things like cribbage tournaments, chess tournaments, the recreational value of wildlife, and I might say at this time also that I have suggested in the past and will continue to suggest that the Department of Rehabilitation and Recreation should be changed somewhat so that Rehabilitation is in an area where it belongs, in the medical field, and that Recreation is in a field by itself where you will have things like recreation. And the minister may not be overly enthused about the idea, but I think that the government should actually have a Department of Recreation that takes into account things like youth services, wildlife, parks and cultural affairs - all under one department rather than separated, with wildlife being in Tourism, for instance. Wildlife is one of our prime recreational sources, but it is involved in a department that is not primarily associated with recreation. You take Rehabilitation, is in with Recreation

MR. POWER: and really has very little to do with the actual recreational field, and I honestly think there would be a little bit more efficient use of our money if we put it together so that we have all our recreational facilities together. And I suggest recreation, youth services, wildlife in particular, parks and possibly cultural affairs under one heading, one department. And then have rehabilitation and health and programmes like that that fit together.

Again, I have to say, in the area of recreational facilities, our Province has a great deal of them in the form of school gymnasiums that are almost never used by the population of this country. Almost every school gymnasium in this Province, especially in rural Newfoundland, is closed at 3:30 in the afternoons.

AN HON. MEMBER: No.

MR. POWER: Not in your district but in mine. And in many other districts they are closed at 3:30 P.M., they are not open on weekends, they are not available to the public, the adult public who pay school taxes and who pay the general taxes to build and maintain schools. In some districts it may not be a problem; in mine and in many rural districts it is a very severe problem. And I think that our Department of Recreation combined with our Department of Education are going to have to get their heads together on this problem to find some way, either through some kind of recreational grant as they do in Alberta where they have a programme where grants are actually given to municipal governments and then used for school hiring of gymnasiums and the recreational facilities that are involved in our major high schools around this Province.

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MR. POWER:

I think we, as a very poor province in Newfoundland of a little over a half million people cannot afford to build a large facility simply for playing basketball or playing floor hockey or swimming; you have to build a facility that can be used by all aspects and all parts of the public, used by everyone. And I think this is a case here where the Department of Recreation and the Department of Education have simply got to get their goals together for the good of all of the community, not just one part, whether it be the school part or the adult part, but for everyone's good.

MR. C. POWER: With those suggestions that I have, again in recreation--and the member who spoke previous to me says that we may not be doing enough to encourage people to get involved, But in our government this year we are spending, and we as a government do not have all the money we might like to have, but we are spending close to \$6 million, or well over \$5 million this year in actual recreation programmes alone, capital cost and keeping things going, that \$5 million can go from an arena programme to where I can get \$5,000 to complete a Calvert softball field, or I can get \$2,000 as a grant to maybe help out a mobile swimming pool, or something like that, or where we can get \$1,000 to run off a minor hockey programme as we did last year. Those types of things, they are not Come By Chances, they are not Labrador Linerboards, they are not the \$300 million that you are spending in Education, but every dollar you spend in recreation has a really great value, a value that it encourages our young people to get involved, to understand that competition is valuable, that you do not always win, hopefully do not always lose, to understand that what you get from recreation is a feeling, an attitude, an attitude that helps you become involved in the Province more fully, an attitude that helps you become a better citizen and contribute more fully to the Province in whatever field of endeavour you may join.

As I say, I have other things to get into about the Department of Rehabilitation, which I have some ideas about, and an idea which I was very closely associated with a few years ago, but again I would like for members to remember those things. The greater and more functional use of our school gymnasiums; maybe, on a government's viewpoint, a little bit more of a reorganized Department of Recreation which takes in the recreational aspects, the leisure based monies that our Province is spending and put it under one department; and the fact that money spent in recreation is not lost. It is not money that

MR. C. POWER: you can get back tomorrow. It is not an investment dollar where you can say, I am going to make ten per cent on today, but they are long-term dollars, spent primarily on the youth of our Province and for the sake of the future of our Province, which I think are dollars that are certainly well spent.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Order, please! If the hon. member will permit me one moment. Hon. members of the Committee will be pleased to note that we have twenty-three young ladies visiting us today. These are girls from the St. Pius Tenth Girls' School and they comprise the Sixty-seventh Brownie Pack. They are accompanied by their teachers, Miss Noreen Duff, Claudia O'Connor, and Eleanor Dominic and I am sure hon. members would wish to give them a hearty welcome.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. Minister of Rehabilitation and Recreation.

MR. HICKEY: Thank you, Mr. Chairman.

I would like to thank my hon. friend from Windsor - Buchans (Mr. Flight) for yielding. I will not delay the Committee very long. I do want to answer some of the questions at least that have been raised before they slip my mind.

First of all in relation to the point made by my hon. friend from Trinity - Bay de Verde (Mr. F. Rowe) with regards to alcohol and drug addiction, I want to simply point out to him a couple of things which I am not sure he is aware of, I certainly cannot disagree with him when he says that more money is required. I think it is fair to say that at least at this particular time there is an unlimited amount of money required to develop a programme to adequately fight that particular problem. I do not think anyone quarrels with that. We have the problem, of course, of revenue, limited revenue and we have to split it up the best way we can.

I want to tell my hon. friend that this is indeed a historic day insofar as his comments were concerned the other day in connection with alcoholism and drug addiction, but

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MR. HICKEY: especially alcoholism, and that is because of the fact that just a little more than an hour ago the detoxation centre on Deanery Avenue, off Patrick Street was officially opened, unfortunately I could not be there. That centre has twenty beds, funded by this government at a cost of \$200,000, Mr. Chairman, it will serve the initial problem of an alcoholic in getting the person in and preparing him to go on from that institution to the Harbour Light for more extensive treatment.

MR. HICKEY: It is a facility which has been badly needed and we are very proud of it. My colleague just reminded me that he got to the opening, the Minister of Health, who indeed played a major role in approving it and getting it off the ground. We are very proud of this effort because, as I said, it is greatly required and has been for quite some time. We are very happy to see it with the help of the Sisters of Mercy who will operate it. I want to express my thanks to them for taking on this very worthwhile project and yet a very challenging one.

In relation to the Harbour Light which is operated by the Salvation Army, another organization which one cannot praise too much, we fund that operation by \$90,000, and \$100,000 for Alcohol and Drug Addiction that my hon. friend was referring to the other day. I would like to point out to him and I am sure it is of interest to him in view of the fact that he raised this matter, that just today the advertisements are closing for applications for a consultant into the treatment of and prevention of drug addiction and alcoholism. We hope to get that individual on staff and in keeping with his views, as expressed the other day, I hope that in another year, certainly, we will be able to make some real gains in that very important area.

With regards to my hon. friend from Stephenville I want to say to him very quickly insofar as fitness is concerned the government is and has taken initiatives there. We had a conference last Fall, before my taking over the ministry, where we brought in a great number of people with total emphasis on fitness in the Province. We have an amount of, I believe, something like \$40,000 to \$45,000 in our estimates this year to provide incentives. And I know it is not a great amount but it is to attract groups and organizations etc. to place emphasis on fitness among our people and especially our younger people. I want to say to him as well that my counterpart at the Federal level, Mrs. Campagnolo, at a Federal-Provincial

MR. HICKEY: conference just a couple of weeks ago I expressed to her in strongest terms our opposition to a section of the Green Paper wherein she places a great deal of emphasis on what they call the elite athlete. I pointed out to her very strongly that whilst we agree there must be a programme for elite athletes, people with special talents, with certainly achieving great things in the area of sports should be encouraged and there should be programmes to accommodate them to take them on to greater heights, indeed to go across the country and outside the country to represent Canada, we are all for that but not at the expense of total participation. Mass participation is what this Province stands firmly behind and if placing emphasis on the elite athlete aspect means weakening the mass participation system or programme, then certainly we would be opposed to it and we have gotten that message across to the minister in the strongest terms.

I want to tell him as well that the school boards have responsibility for fitness and I think it is fair to say that they are doing a very good job. I am sure there are weaknesses in every system and there are probably weaknesses in certain sections of the Province but I do not think that we can say that the school boards are not doing anything or are not picking up the challenge of fitness. I think they are becoming more fitness conscious and as I said our efforts on the part of government in placing emphasis on it this year certainly can only help and improve that situation.

Finally the question he raised with regards to a swimming pool in Stephenville, I want to tell him that this government has never refused any request with regards to getting that swimming pool operative. I am sure he knows that the facility is owned by the church, owned by the parish. We had an enquiry from the Rotary Club, and this is certainly since I have been minister, and even prior to that my deputy minister visited Stephenville and consulted with

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MR. RICKY: the interested groups and made our position known to the Town of Stephenville. But there has not been anything coming from the town in relation -

MR. MCNEIL: Could the minister indicate what the position is?

MR. HICKEY: The position was obviously that the facility must come from the church or must be purchased and taken over by someone other than the church. Obviously the parish is not interested in operating it because they suffered some heavy deficits. I point out to my hon. friend that for the government to build an operating swimming pool in Stephenville certainly we would not be interested in that because we find that that is too costly a situation. We find that swimming pools are indeed costly anyway no matter who operates them. It is very often a kind of a win-lose proposition and you sort of toss a coin, you sort of do the best you can and hope that you do not have a deficit. But certainly the government is not interested in getting directly and totally into the operation of a swimming pool.

We are prepared, however, to look at any reasonable proposal from the town. We must involve the town. As my hon. friend, I am sure, is aware we deal with municipalities, with the local government in any area and that policy has not changed. I do not want in any way to underestimate or indeed to say anything but good about the Rotary Club and the people who make it up. They are a fantastic organization. I do not want at the same time to start setting precedents. And I do not think that we can get into an association, with regards to that swimming pool, with the Rotary Club in isolation of the town and the council.

So I am sure if my hon. friend approaches those people he will find out exactly where we are. And as I said we welcome any proposal which is joint or which is town, which is a reasonable one. Anything that we can do to reactivate that facility, of course, we are anxious to do. But we have to be very careful because as I said we do not pick up deficits for swimming pools and the experience of swimming pools in the Province is certainly not one that we are very happy with.

CAPT. WINSOR: Could the hon. minister before he takes his seat perhaps answer a question. I am sure we all voice the encouragement here of the minister in the opening of the alcoholic center this afternoon, or treatment center. Could the minister tell us how does

CAPT. WINSOR:

one get admitted to that treatment center? Is he or she referred to it by a medical doctor or does one just stagger up to the door and say I am loaded, can you take me in and pump me out? That is the question I would like for the minister to answer. What is the capacity of the center, the number of people that it can accommodate?

MR. HICKEY: I can tell my hon. friend that the capacity is twenty beds. I cannot give him an accurate response with regards to the system which is used whereby people are admitted. Certainly I will consult with my staff. It is a new center. I am not totally familiar with it. My colleague just tells me that the admissions are taken care of based on the St. Clare's Hospital Board. I suppose the same as getting into hospital, as such. I think what my hon. friend is talking about, is there any effort to go out into the community and find the people who may not necessarily come on a voluntary basis or on their own? I assume this is what you are getting at.

CAPT. WINSOR: Yes.

MR. HICKEY: Yes. Well obviously I think it is fair to say that the hospital does not do that. It is a good point. It is certainly one that we can look at. But if my colleague wishes to enlarge on that certainly the Committee, I am sure, would appreciate it.

MR. H. COLLINS: If the Committee does not mind. I just came back from the official and formal opening of the center. And the center is operated as part of the St. Clare's Hospital system, under the St. Clare's Hospital Board. They are receiving a tremendous amount of co-operation from the Salvation Army, halfway-house type operation, and all of the other religious denominations. And I would suggest to hon. members that if they wanted to get some of the finer points in terms of what is proposed to be done there that they get in touch with Sister Fabian at St. Clare's and she will certainly be able to answer all of the detail questions.

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

MR. W. ROWE: Very briefly, Sir, a lot has already been said about Exon House, particularly on Question Period and on other times both inside and outside this House. Sir, I wanted to go on record again as saying that the minister should not allow this issue to die down or to be covered up or for him to be indifferent to it, but that he should be kept reminded by members of this House and by members of the press and other interested parties, of the need for a public enquiry into what went on at Exon House, a very important public institution, Sir, under the control and direction of this government, for which the minister is responsible to this House.

The three things, Sir, that spring to mind, there may be others as well, that should form the basis of such an investigation, public enquiry, so that people can give sworn evidence before a commissioner in an open enquiry, publicly or in camera if the commissioner sees fit, Sir, in order to allow delicate information and so on to be kept out of the public eye, but he himself would have this confidential information if necessary, which can form part of the conclusions which he would draw and the recommendations which he would make to the government, and publicly, Sir. But there should be an investigation.

First of all, Sir, we have to know how it was that this gentleman, Mr. Syrett, ended up as Administrator of that institution, having apparently duped everybody in his application to the Public Service Commission. We would like to know, Sir, who helped Mr. Syrett in his rise to that highly responsible position? Who gave the information, for example, to the Public Service Commission which may have been conclusive in their deciding to make this gentleman their first recommendation to the Department of Rehabilitation and Recreation?

MR. W. ROWE: That whole area, Sir, has to be the subject of a public enquiry. Although there may not be any public outcries at the moment, I am made aware by many phone calls myself from professional people and lay people involved with Exon House - just about every night when I go home to my supper there is a half a dozen phone calls from people and during the weekend, from people, nurses, and other people who have been involved, who say that, "We should keep pressing for a public enquiry into the goings on in that particular institution."

Concerning the hiring of Mr. Syrett to start off with. Secondly, Sir, and perhaps much more important, a public enquiry could indicate publicly, could tell us how it was that a young lady, subsequently determined to be normal, or barely sub-normal in intelligence, I.Q., intelligence quotient, how she could have been admitted to Exon House to begin with? Whether there was any political influence from the Premier or otherwise, or pressure brought to bear on the administration of Exon House to have that young lady admitted, wrongly as it now turns out. She was a young lady who should not have been admitted to that institution.

The public should know, Sir, what procedures and safeguards there are when patients, or people living in that particular institution are farmed out, or put out to board and lodging in the homes of private citizens, what safeguards there are on the protection of the health and welfare and morals of some of these young people. This young lady, for example, obviously was not very adequately safeguarded, her protection was not given too much consideration?

All of these things, Sir, are important from the point of view of the peace of mind of the public, and particularly parents who are left very little alternative

MR. W. ROWE: but to place their child or children in this Home. I realize, Sir, that this has been the subject of a magisterial enquiry, but we also had the case of a young man, seventeen or eighteen years of age, I guess, the son of a great friend of mine who lives in Summerford in my district of Twillingate, and this young man drowned in Exon House, and that is now being investigated by way of a magisterial enquiry. But a magisterial enquiry, Sir, is fairly narrow. It would try to determine the cause of this unfortunate young man's death; it might not necessarily go into the wider aspect of the problem, whether there was adequate supervision, what security precautions were or are now being taken and whether there is adequate staff, all these matters, Sir, which should be the subject of a public enquiry.

I as a member of this House, speaking on behalf of the parents of this young man who unfortunately drowned, demand a public enquiry into that particular case, not that it is going to do him any good, obviously, or the parents any good, but to make sure that a similar happening does not occur in the future in Exon House.

Now I understand, Sir, that the present administrator of that House is an admirable, excellent, expert woman, compassionate and humane in every respect, a wonderful human being and one well able to look after the Home, and one who has the respect and admiration of all who work with her. But, Sir, I think we owe it to the public to ferret out the facts surrounding the past couple of years or more of the operations of Exon House, and as good as this lady may be, she cannot, Sir, of course, take all the burdens of the universe on her shoulders and perhaps we do need to assist her and her staff now. We do need the benefit of a broad-ranging enquiry, further advice for as many people as possible, people who may want to give evidence under oath, who may never otherwise offer their advice or assistance to the Government or to the administrator or to the department generally

MR. W. ROWE: with regard to that institution, for these three reasons alone, Sir:- Mr. Syrett gaining the position of administrator of the institution thereby duping the Public Service Commission because he did not have the academic qualifications and apparently the moral qualifications for a job of such discretion, responsibility, delicacy, you call it what you will, Sir, a job requiring the utmost in moral scruples, training and expertise. An investigation, Sir, as to how a young lady who apparently was neither physically nor mentally handicapped became a patient or a resident of that House. Was there any political influence? Was there any pressure brought to bear? How this young lady was farmed out in the home of the administrator. Can this be done at his whim, or at the whim of the administrator, or are there procedures and protective devices to protect the people living in Exon House? And, Sir, the adequacy of the staff and security at Exon House in view of the fact that a young man severely handicapped both mentally and physically, the son of great friends of mine in Summerford on New World Island, Sir, how that young man was permitted to get himself into the position where he drowned in a bathtub.

These alone, Sir, any one of these alone, these three incidents that I have mentioned, the administrator, the admission of the young lady and the death of the young man, any one of these, Sir, would cry out it would seem to me to a Minister of Justice or a Minister of Rehabilitation and Recreation to have a public enquiry. Certainly, all three together, and God knows, Sir, how many other examples there may have been of goings-on that we in this House know nothing about, not now but over the past number of years. Certainly, the rumors and speculation and stories which I am fed almost on a daily basis would indicate that the institution was not run

MR. W. N. ROWE: too properly under the administration of this Mr. Syrett. Sir, these three alone, not to mention the others which may come to light if there was a proper and fullfledged public inquiry, demand that the government set up an inquiry under the Public Inquiries Act to get to the bottom of all this, to dig out the facts, get expert opinions and ideas from people who are knowledgeable in the field, and have a commissioner indicate what happened in the past, what improvements have gone on since some of these things came to light and what improvements - including staffing, the qualifications of staff and the administrator and so on - what improvements in the institution should be made in the future.

And I do not understand, Mr. Chairman, I do not understand why the minister would stand up in this House day after day and indicate that there is no need for a public inquiry. Any one of these examples demands a public inquiry. All three, Sir, scream out for a public inquiry to see what went on in that House and what improvements should be made in the future. We are left with the unfortunate and unsavory conclusion or deduction that the minister does not want the public inquiry, not because it is unnecessary, but for some other reason. And I impute no base or unworthy motives to him political or otherwise, but one cannot help even in this House - and certainly members of the public outside, Mr. Chairman, who have spoken to me about it - cannot help but draw a conclusion that this government, if not the minister - and as I say, I do not impute any motives to the minister beyond what he has all ready reported to the House - but this government for some reason or other whether it is fear of disclosure of

MR. W. N. ROWE: political pressure or influence, whether it is fear of disclosure of incredible negligence on the part of past ministers, one minister no longer a minister of the department responsible, for whatever reason, this government does not want a public inquiry into the goings on and the operation of Exon House, Sir. It seems to me, any minister with the welfare of the public and with the desire to set the public mind at ease and to relieve anxiety would welcome a public inquiry. So I do not know why this minister does not welcome one himself. We need a public inquiry to clear the air, to establish the facts and to make sure that this institution is run in the best interests of the unfortunate individuals who must live there and receive treatment there, and, of course, in the interests of the parents, Sir, who have loved ones in that institution and who want to know and have the feeling of security that their unfortunately handicapped loved ones in that institution are receiving the best in care, in treatment, in guardianship and the best that medical science has to offer, and the best in humanity and compassion. And that can only be established, Mr. Chairman, by the institution of a public inquiry, immediately.

AN HON. MEMBER: Hear, hear!

MR. FLIGHT: Mr. Chairman.

MR. CHAIRMAN: (Mr. Young) The hon. the member for Windsor - Buchans.

MR. FLIGHT: Mr. Chairman, let me first totally, absolutely endorse the comments of the hon. the Leader of the Opposition in his remarks as per the need for a public inquiry into the affairs of Exon House. I simply need to endorse it. He said it much better than

MR. FLIGHT: I could, but the need is there and the minister will not get away much longer with denying the Province the inquiry into Exon House for the very reasons that the Leader of the Opposition, this past ten minutes, has pointed out so clearly. And the Leader of the Opposition in this particular instance is speaking for the people of Newfoundland and certainly for all the people who have, as he indicated, loved ones in that home, or people who have children that they suspect will one day end up in the home. They want to have the clear conscience of knowing they are going into a home where their welfare, mental, physical or whatever, will be protected. And the only way that their hopes and their need to be assured that that situation exists or will exist in Exon House is to have an inquiry to clear the air as to what has happened and to guarantee the public that such things will not happen again.

Mr. Chairman, I wish to direct myself to specific issues in the estimates. I want the minister, if he would when he stands up again, to indicate what the situation is with regard to the

MR. FLIGHT:

privately operated old age homes for the aged and the infirm. Now as the minister knows as a result of a very tragic fire in the environs of St. John's recently, or within the last couple of years there was an enquiry set up to look into all aspects of private and public homes, as I understand it, for the aged and the infirm, and I want the minister to indicate as to what exactly is the result of that enquiry. Were there or were there not homes closed? Were operators of those homes ordered to make repairs, to upgrade the facilities, to upgrade their various services? Just what happened as a result of that enquiry? Because I personally am not aware as to what flowed from the enquiry and we have to presume, of course, after the enquiry that if indeed nothing came of it, then all the homes for the aged and the infirm in Newfoundland are indeed up to the level that the minister would want. So what exactly came by way of government action as a result of that enquiry?

While I am on that, Mr. Chairman, I want the minister to indicate whether or not - I see here in the estimates \$13 million being claimed under maintenance of patients in homes for the aged and the infirm and I would have to assume that it is listed under persons in privately owned homes. So I want the minister to explain, if he would, what formula is used for the maintenance of people living in privately owned homes for the aged and infirm, how much is their allotment? What is the formula?

I am aware of an incident, Mr. Chairman, where a retired gentleman and his wife living on old age pension plus Canada pension, total of around \$300 per month, that is total, because of that amount of income there was no need or they were not entitled to further assistance through welfare. But on having one of those partners put into one of those homes to which you refer the home then appropriated the total income of the spouse leaving the partner without any income whatsoever other than to go on welfare.

AN HON. MEMBER: Inaudible.

MR. FLIGHT: I do not know if the minister shook his head that that is not true. Well I tell the minister it is true. So only this past week I had the occasion to go to the Department of Welfare in Grand Falls and arrange emergency assistance for a spouse sixty-two years old whose husband had just been admitted to a home for the aged because the arrangement had been made by some agency, either the home or the Department of Rehab. some agency arranged that the cheques payable, the old age pension plus the other income, there was another cheque in this particular case, was turned over to the home in question. Now I do not know whether some of it was going to come back or not but there was a crisis for a month because for a month that woman had nothing to live on. So, just exactly what is the situation? As a Province are we subsidizing the cost of maintaining an infirm or aged person in a privately owned home? I would like to have the answer to that, Mr. Chairman, when the minister rises.

Now, Mr. Chairman, I would like to talk a little on recreation. I would like to ask the minister, if he would when he stands in his place, just what is the status of the Summer Games Complex in St. John's right now? Exactly what is the status? Is the Province going to take over the operation of the Aquarena and the other facilities? Is the city going to take it over? How much is it currently costing this Province per year to maintain the Summer Games facilities in the condition that they presently are? What is it costing this Province to maintain them? What use are they being put to right now? What use do they intend to be put to? Who is responsible for the maintenance? As a Province how much is it costing us and just what is going to be the eventual fate of the Summer Games facilities, particularly the Aquarena.

Mr. Chairman, I want the minister to tell me if he would, to explain or to justify the regulation with regards to power subsidies to stadiums. Why is it that a recreation commission in a town with around 1,300 to 1,500 population who has a commitment - we have a power subsidy, seventy-five per cent of the cost of power to operate a stadium - well why is it? Now, I will use this as an

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MR. FLIGHT:

example: In a stadium that the power bill for one month is \$3,000, why is it that that recreation commission must pay the total bill and then apply for the 75 per cent?

MR. FLIGHT: It is causing unbelievable problems for those recreation commissions. Where do you think they are getting - for instance seventy-five per cent of the power bill in most stadiums the minimum would be \$2,400 or \$2,500 per month. Now where does the minister think that the recreation commissions are getting this \$2,400 or \$2,500 per month? They have to go out and borrow it. Why does the utility company not send the bill to the Department of Recreation? There has been an indication to me from some people in the Department of Recreation that the reason is that if the money was sent out to the stadiums that they would use it for other causes but that is nonsense, that is a red herring. Certainly there are ways that the Department of Recreation can find to pay the seventy-five per cent share of the recreation bill on behalf of any stadium. Let the utility company deal directly with the Department of Rehab and the Department of Rehab pay their seventy-five per cent and send the bill for the remaining twenty-five per cent to the recreation commission. I know of stadiums that have been closed, shut down in the middle of the winter because they could not come up with their seventy-five per cent - seventy-five per cent that they are, in fact, lending the Department of Rehab and Recreation.

Mr. Chairman, I have some questions here and I want the minister to hear them because I want answers to them so I guess I will have to delay there for a few minutes until he comes back. Well, all right then, that is the power subsidy to stadiums and, Mr. Chairman, I would like the minister to explain the per capita grant system for issuing grants to recreation commissions, directors. The per capita grant system - when you have a town with 1,300 or 3,000 people and the grant to the stadium manager or the recreation director is on a per capita basis now it is a clear case, in my mind, of total discrimination. When you have a high density population as in St. John's or Corner Brook there is no problem. Then the stadium or the recreation commission is eligible for the top grant but because

MR. FLIGHT: you have - it is just as expensive. It costs just as much to maintain a recreation director or a stadium manager in a town which has 1,300 people as it costs to maintain one in St. John's and St. John's has the population.

It would be very interesting to find out, Mr. Chairman, by way of subsidies made to stadiums in the St. John's area if we are not counting the same heads over and over again. The minister laughs but there is a very good possibility that applications have been made to the Department of Recreation by various sporting facilities in St. John's that in order to get the head count they need to take advantage of the maximum grant that they are counting the same people - the stadiums that various sporting facilities are using - the same head count all the time.

I want to hear the minister address himself to the maintenance of swimming pools in public buildings in this Province where the cost of operating that swimming pool is totally paid for by the Department of Recreation, simply because it is in a public building. I want the minister to indicate to me if there is a public building now either in the process of construction or on the drawing boards designated for a town in Newfoundland and the plans are to have a swimming pool in that building and that there may be my sources tell me that there are indeed such plans and that we will have another swimming pool in this Province. We have two or three now in public buildings paid for wholly and solely and totally by the Provincial Government and there may well be a situation where we are about to have another one. I say, Mr. Chairman, that that is gross - I am happy for the towns that have them but that is gross discrimination and I suggest to the minister that he should determine just how much exactly the swimming pool in the public building in Gander is costing this Province, work it out on a per capita -

MR. COLLINS: (Inaudible).

MR. FLIGHT: Just a minute now.

MR. COLLINS: You are all against -

MR. FLIGHT: Work it out on a per capita - I am for decency and fair play.

MR. COLLINS: So am I.

MR. FLIGHT: Then work out the cost of the swimming pool in the Gander public building and then on a per capita basis make the same amount of money applicable to every other town in Newfoundland that has a swimming pool supposing it only means \$10.00 per town. As a matter of fact, I want the minister to tell me just what it is costing this Province to maintain that swimming pool in Gander. That is one and there are others in the same category. I think that every community in Newfoundland that has a swimming pool should then be entitled to work out on a per capita basis, should be entitled to the same amount that they are spending in Gander on a per capita basis or any other town in Newfoundland that has a swimming pool in a public building. It is

MR. FLIGHT: town in Newfoundland that has got a swimming pool in a public building. It is unbelievable discrimination, Mr. Chairman. or else the Province will undertake to build swimming pools in every community in Newfoundland. The people of Buchans, and the people of Badger, or Badger's Quay, or Roddickton are just as entitled to a swimming pool out of government funds as the people of Gander, or the people of St. John's, or Corner Brook. They are just as entitled.

MR. HICKEY: There is no stadium in Badger.

MR. FLIGHT: You built a stadium in Badger, yes, and I will tell you that if the kind of pressure that I have seen this past year or so is continuing to be applied to maintain it, you might as well take it and move it somewhere else. 1,300 people being asked to maintain - that is the point I made a few minutes ago. You know they have got a population of 1,300 and their grants are worked out on the same basis, on 1,300. It costs just as much to operate a stadium in Badger as it does in St. John's. but you are using your St. John's figures for your population for the purpose of your grants. That is fair play and decency?

Mr. Chairman, I would like also for the minister to explain if he would, tell me, when if it has not already happened, it may indeed have, but when the application forms for the 1978 recreation programmes are coming off the press? To my knowledge, I have requested them, now if they are off the press, obviously, then my request was ignored and this is the 1st. of May. I have asked the Department of Recreation when the application forms for all grants available under the department or under the minister are made available, when they come off the press, that I would receive some copies for various recreation commissions in my district. I have not received those yet so I have to presume they are not off the press and this is May.

MR. FLIGHT: And when the regulations and the new application forms to go out to all the recreation commissions in Newfoundland, to apply for the grants that they may be entitled to, or what programmes are available in '78, when those applications are going to be available? And if they are available obviously then my request was ignored.

I notice there, Mr. Chairman, in the heads under - travel and exchange programme cut by \$34,000.

MR. HICKEY: May I ask a question?

MR. FLIGHT: Sure.

MR. HICKEY: I am not clear, Mr. Chairman, on what my hon. friend wishes. He uses the term "capital grant" and then he equates it to managers and what not, because capital grant is naturally for a facility and not an individual? Is it operating grants you are talking about?

MR. FLIGHT: I may have used the word "capital grant", I doubt very much if I have. I have not referred to capital grants. I am referring to the operating grants to recreation commissions, that pay their stadium managers, that pay their direct -

MR. HICKEY: I am sorry, you said capital.

MR. FLIGHT: All right then, well obviously the minister must have known that I know the difference between capital grants and operating grants. And I am not asking to have any stadiums - It would be very interesting to find out what the capital cost of the swimming pools in the public buildings around the Province cost, and then maybe all the towns in Newfoundland could come to the department and say, "Look, we think we are entitled to the same capital grant on a per capita basis maybe." But I did not refer to capital grants, Mr. Chairman, I have been referring to the operating grants based on per capita populations.

MR. FLIGHT: The power subsidy; the minister I would hope has the answer to that one. The leadership; operating grants again, the swimming pools in the public buildings and how he intends to stop the discrimination that is going on there.

Finally, Mr. Chairman, in the last page of the minister's estimates, under 1910, there is Welfare Institutions Licencing and Inspection Authority, and we have got a cut there of \$34,000 for this year as compared to last and I have to assume, having brought up the issue earlier in my speech, I have to assume that that head would cover the cost of the inspections of the various homes and what have you that I have been talking about, and we have practically cut the expenditure in half. So could the minister indicate whether or not I am right there, or justify the cutting of that Head from - I am sorry, I am on the wrong Head there, so I will withdraw that particular reference.

So that is about it, Mr. Chairman. I think I have raised three or four germane issues that are important to rural Newfoundland in particular, with regards to recreation. And

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MR. FLIGHT: I would like to hear the minister address himself to some of the points I have raised.

MR. CHAIRMAN: (Mr. Young) The hon. the Minister of Rehabilitation and Recreation.

MR. HICKEY: I will attempt to answer some of those questions. The one on the leadership, the operating grants with regard to leadership, I will take that, and I have asked my staff to give me the formula - there is a formula apparently, and I have asked them to get it - fish it out for me.

I should first of all deal with the matter raised by my hon. friend with regard to the private homes, licenced boarding homes and the commission of inquiry which came about as a result of the tragic Chafe fire. Judge Gushue was appointed. I want to tell my hon. friend that that report is not in yet. We are expecting it any time.

MR. FLIGHT: A year and a half ago?

MR. HICKEY: Well, I am not sure if it was a year and a half - my colleague was minister when Judge Gushue was appointed and I am sure Judge Gushue does not need me to defend him, but I should point out that we are anxiously awaiting it and he is well aware of how anxious we are indeed, because some of our policies are waiting to be put together depending on that report, but I should point out in fairness to that gentleman that he has his court duties and I believe he is in the Appeals Court and he must be present at all times. It is a little different than a judge from the regular court. But I am told that it is nearing completion and we should have it very soon.

MR. HICKEY: My hon. friend raised a question as to whether or not some homes were closed and/or if not -

MR. FLIGHT: They have been looked into?

MR. HICKEY: - they are all in good condition. I want to tell him that we have taken some very stringent measures even pending the receipt of the report. For example, the terms of reference were broadened at mid-point and this obviously means one of the reasons for the delay. An inspection was done, a visit was made to each and every licenced boarding home - an inspection was done on each one. I want to tell him that improvements with regards to fire safety have been carried out in just about all of those homes wherever it was warranted and there is ongoing work even while we are awaiting the report. No homes have been closed that I can recount. There have been necessary improvements in terms of fire protection, there is a security system in place where one person is on duty from 10:00 P.M. to 7:00 A.M. so that there is always someone on duty in those homes. We implemented that programme. As I said, improvements have been made with regard to smoke detectors, this kind of thing, structural changes in the homes, but the decision as to what homes if any might be closed or changes in the type of care such as bedridden versus ambulatory in some of the homes which are of wooden structure, two storey, housing maybe twenty people, with maybe most of them receiving bed care - those decisions must await the report, because certainly we want to be absolutely sure of what we are doing. Because whatever we do in terms of changing the present situation which exists with regard to those licenced boarding homes, I am sure

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MR. HICKEY: my hon. friend will agree that there is an investment on the part of the operator. Whether we leave beds vacant, whether we pull bed care patients out of the home or refuse to put them in when there is a vacancy affects the overall financial situation of that operator, some of whom have fairly heavy mortgages so that those decisions have far reaching effects. We have taken some steps nevertheless and we are not happy with the results of some of those situations.

MR. FLIGHT: We have to have consideration for the welfare of the patients in the home regardless of the mortgages.

MR. HICKEY: Absolutely. I point out the other factor

MR. HICKEY: to say that there are two sides to it, that my hon. friend need never doubt on which side the Government takes the most stringent efforts to ensure the safety of the patient. But at the same time we cannot really do it in isolation of the other issue. However, I assure him that everything possible is being done and speedy action will be taken when the Gushue Report comes to us with regard to long range policies and programs to improve the situation.

He mentions the figure of \$13,000,000. That is a lump sum covering a great number of homes, inter-faith homes, For example, The Agnes Pratt Home; The Glenbrook Lodge; The Pentecostal, Clarke's Beach; Blue Crest, Grand Bank; North Haven Manor, Lewisporte, and on it goes all over the Province, and that is a lump sum of money.

MR. FLIGHT: Are we subsidizing privately-operated homes?

MR. HICKEY: We subsidize the individuals who reside in those homes if and when a subsidy is required, if they cannot afford to pay. The rates are high as my hon. friend can appreciate because they must be, and they are constantly increasing. In terms of the inter-faith homes the rates are structured to take care of possible deficits or projected deficits at the end of each year. We had a policy at one time of picking up deficits, but to pick up a deficit really gives you little or no control. We do not do that any longer. Now what we do is, we look at the financial statement for a home for any given year and then we attempt to project for the following year and adjust the rates accordingly. It seems at least there is more control in doing it that way, and that is the system that we are working under.

I am not aware of the situation he mentions where all of the money was taken from a couple. A couple or a person is allowed, and the figure now escapes me but certainly I can get it

MR. HICKEY: for my hon. friend. To my knowledge there is no case, or certainly there should be no case, in keeping with at least Government policy, where all the savings are taken from a person or a couple before he or she, or both, go on a subsidy payment.

MR. FLIGHT: Not savings income, I am talking about.

MR. HICKEY: Income or savings, whatever, there is an amount allowed for burial expenses, for example, there is pocket allowance for miscellaneous items, for clothing, this kind of thing.

MR. FLIGHT: Would the minister permit a quotation?

MR. HICKEY: Yes, certainly.

MR. FLIGHT: Does the Province or the Minister or the Department of Rehabilitation have any control over the monthly rate charged a person in a privately-owned home? Is it up to the operator of that home to set the rates, or does the Department of Rehabilitation have some say as to what - do they control or do they regulate the amount that an elderly or infirmed person can cost upon going into a privately-operated home, or is it a free and easy competitive game?

MR. HICKEY: Mr. Chairman, yes, Government has some control there. With regard to licensed boarding homes, private homes, those rates are set by Government and approved and cannot be adjusted. Those are homes which are licensed by the Government, inspected by the Government, visited by the Government.

MR. FLIGHT: Well I have to assume that all homes as a result of the enquiry falls under just that category, that they would be inspected and licensed by the Government. So would the Minister make available to me if he would the rates, a chart of the rates permitted those homes.

MR. HICKEY: Yes, I certainly will, Mr. Chairman. I should point out to my hon. friend, one other thing though, he should not assume that all the rates are the same. The rates for a private, licensed boarding home, a small type home which would have an occupancy from five up to say twenty, the rates in existence there would be vastly different

MR. HICKEY:

than the rates that one would find in say an interfaith home such as the Corner Brook home or the other homes around the Province, the St. Patrick's Mercy Home, Hoyles Home, any of them. Of course Hoyles Home is operated by the government, but any of the interfaith homes which are operated by the various denominations. The rate charged there is, as I referred to a moment ago, geared to eliminate the possibility of a deficit at the end of the year. Because government have given those people under our programme or a programme we had which is not in existence any more, a guarantee of 98 per cent occupancy. So that in effect government subsidizes the total bill of that home irrespective of how many patients or how many people are living there. Therefore we have a bill at the end of the year if all the rooms are not filled and in an effort to control that kind of cost each year we have instituted a system whereby we set rates based on projected deficits or projected expenditures for the coming year.

MR. FLIGHT: How about the power subsidies to stadiums.

MR. HICKEY: My friend mentioned the Summer Games facilities. Mr. Chairman, I can say to him that I have received a report, I have consulted briefly with my colleagues in Cabinet and I have made available today a copy to the Chairman of the Summer Games Committee, Mr. Crosbie, Mayor Wyatt, the City and we have the other copy and it is my intention to table for hon. members a copy of that report because there is a great deal of interest. I should point out in saying that, Mr. Chairman, that I do so with the clear understanding that we are not anxious to keep this issue going on and on. We are very anxious to make a decision with regards to the facilities and in announcing that I am going to make it available I impress upon my hon. friend opposite, as indeed everyone, that government cannot be steamrolled into making a decision which is a very important one and could be a very costly one for someone just by virtue of the fact that the report is now in our hands.

I say to hon. members that a decision will be taken as quickly as is possible. But we have waited for a number

MR. HICKEY:

of months for that report and I might say I can commend the efforts of Judge Steele. It is a fantastic report as I am sure hon. members will agree when they see it. It is a very thorough job that he did. Now that we have it we should take whatever time is necessary to ensure that the proper decision is made. And I am delighted to hear that Mr. Crosbie and Mayor Wyatt have certainly expressed those same sentiments. Although the public is anxious for a decision it is our view, their view and our view in government, that we take whatever additional time is required to make the right decision as regards to those facilities.

MR. FLIGHT: The power subsidy.

MR. HICKEY: I certainly do not want to pass the opportunity, Mr. Chairman, because it would be unusual for a Minister of Recreation given the first opportunity putting through estimates, having lived through 1977, not to say a brief word with regards to the Canada Summer Games.

MR. FLIGHT: Save his life, speech now. Save his life speech. Stand up for your budget speech.

MR. HICKEY: I just want to say that the Canada Summer Games Committee and all the something like 3,000 volunteers, Mr. Chairman, did a fantastic job, must be commended and this government is proud to have been associated with them and to have made a sizeable contribution to making those games as successful as they were.

AN HON. MEMBER: Subsidies. Subsidies.

MR. HICKEY: I have something else to say on the Winter Games. Someone mentioned Winter Games. I certainly intend to cover Winter Games later on. I want to get on to some other questions as raised by my friend. He talks about the power subsidy and he wonders about the power subsidy for stadiums, and he wonders why the bill must be paid by the stadium people and not directly by the department. I am sure he realizes that in order to pay the bill we must know the amount and, number two, I am sure he realizes that the stadium people who, let us face it, for the most part, except a manager, are

MR. T. HICKEY: volunteers not being paid-I am thinking now in terms of the town or community where the effort commenced,the initiative was taken by the volunteers in the community-I am sure that they would guard with their life the right to do their own thing to operate their own facility and I do not think that they would want government infringing upon that right by indeed even going so far as to go out and pay their bills.

MR. G. FLIGHT: Would the minister permit one observation?

MR. T. HICKEY: Yes.

MR. G. FLIGHT: The minister must be aware, the Minister of Rehabilitation and Recreation,that it will be very simple to make an arrangement with the utility company to send the bill to the Department of Rehabilitation and Recreation,the Department of Rehabilitation and Recreation pay the 75 per cent and the balance paid by the Recreation Commission. Now the minister also must be aware that there have been stadiums in this Province shut down for a considerable period of time because they could not afford to pay the 75 per cent. Not only that,if they do indeed find the money to pay the whole bill,the 75 per cent that the department owes them, they could be waiting two months after they have indeed paid to get their refund from government.³⁰ the minister knows what he just said is just not right and that the policy right now is creating all kinds of hardships to the point of forcing stadiums to close. Furthermore some stadium recreation commissions are borrowing the money,borrowing the 75 per cent from the bank and paying a service charge in order to pay the bill that the Department of Rehabilitation and Recreation had committed to them. And I have to stand up here and challenge the minister on that particular issue.And I will say to him,and I say it with no intention to be very critical,that he is doing an injustice to the recreation commissions in this Province today if he stands there

MR. G. FLIGHT: and says that they would not want the power bill 75 per cent paid by the department. As a matter of fact, he is imposing a terrific hardship on them.

MR. T. HICKEY: But, Mr. Chairman, my hon. friend it is very difficult to disagree with him he such a fine fellow and all of that but I have to say to him, and this may sound as though I am not -

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please!

The hon. minister wishes to be heard in silence.

MR. T. HICKEY: Thank you, Mr. Chairman.

I am sure my hon. friend agrees with me that there is a limit to how far government should go -

MR. G. FLIGHT: You can give them the 75 per cent.

MR. T. HICKEY: Hang on now, just let me answer. Would you not agree that there is a limit to what government should do for our people? I mean, does he want us to enunciate now and articulate now and continue to expound on programs which are going to help people from the womb to the tomb? Is he going to tell me, Mr. Chairman that the recreation commissions in the Province fail to appreciate that this government, not this administration but the government that is in office for the last seven years, was the government who instituted the subsidy to stadiums in the Province? Is he going to tell me that the commissions around the Province, whatever district, are grateful to no end for that? Now I want to tell him that -

MR. G. FLIGHT: (Inaudible)

MR. T. HICKEY: - Mr. Chairman, they are so grateful, they are so appreciative! And I say to him that surely goodness if we make a capital grant available for a stadium -

MR. G. FLIGHT: Talk to you deputy minister.

MR. T. HICKEY: Hang on now. If we make a capital grant available, Mr. Chairman, to construct a stadium we do it on the basis of five years. And must pay the interest charges on that for capital of constructing the building.

MR. T. HICKEY: Is he now telling me that it is such an onerous cost to borrow a few bucks from the bank to pay a light bill when you can say to the bank manager that 75 per cent of this is assured by the government.

MR. G. FLIGHT: (Inaudible) to every organization in Newfoundland. Let everybody raise the 75 per cent, pay their bills and come back and get the 75 per cent. It would make just as much sense.

MR. CHAIRMAN: Order, please!

MR. T. HICKEY: Mr. Chairman, it is like I said, I come back to it, I think that we must realize and we must be responsible. I am sure my hon. friend must agree, whether he wants to or not -

MR. G. FLIGHT: I do not agree, Sir.

MR. T. HICKEY: - that we must be responsible in government, we must be responsible in this House, not to support programs which are going to really eliminate even the smallest bit of responsibility that is placed on the people in the community, who to my mind I am unaware of any quarrel that they had with the system. Now there may be a few.

MR. CHAIRMAN: Order, please!

The hon. member for Terra Nova.

MR. T. LUSH: Mr. Chairman, I would just like to say

MR. LUSH: a few words in this debate more of generalities than of specifics, but I do want to address a few remarks to the minister under the Rehabilitation Department and again, I think, stress the necessity for an inquiry into this Syrett business.

I am one hon. member who is not convinced that this person should have been hired for this responsible position on the basis of what the minister has presented - some very questionable qualifications indeed. The minister dismisses the high school education or whatever. Whether it is Grade X or Grade XIII, whichever, it is not very much to qualify a person for this important position working with handicapped people - a particular group of people who need a particular skill, a particular expertise. And then I think at one point the minister mentioned the training in administration, having done three administrative courses. Now, Mr. Chairman, I submit that is not very much, three administrative courses. And in any other position if a company or an institution were going to hire a person to be put in that important position, certainly there would be a lot more needed from the point of view of references than just looking at the pure paper qualifications. It is my submission that the minister should set up a public inquiry to restore the people's confidence and the people's faith in the hiring practices of the government for important positions, positions demanding responsibility and special training and special expertise as did this particular job. We have to restore respectability and confidence in the hiring procedures for such important positions and I believe the only way that the minister can do this is by setting up a public inquiry

MR. LUSH: so that we will know all the details of what went on in this particular affair and the hiring of this particular man.

So what I say is that I think that it is absolutely essential, absolutely necessary that an inquiry be set up so that the people of this Province can know exactly what the story was in this situation.

With respect to senior citizens' homes, again I have some of the concerns that the hon. member from Windsor - Buchans has. The thing that I would like to know, the question that I would like to direct to the minister in lieu of the inquiry that he set up to look into senior citizens' homes as a result of this fire, in lieu of that have there been any new regulations or any new initiatives by the government to insure the protection and the adequate care of people in senior citizens' homes? Because I am sure that the minister does not need to wait for a report to see that certain initiation or certain motives on the part of the minister is undertaken to insure proper care and proper protection for people in senior citizens' homes, and particularly the privately owned homes. I think that the institutions run by the churches are excellent institutions although there might be some things necessary there from the point of view of fire protection, but my understanding is that these are excellent homes, and certainly the ones that I have visited are. But I am more concerned about the privately owned homes. And I am just wondering what the requirements are to build these privately owned homes, whether anybody at all can set up a privately owned home and turn it into a senior citizens' home. Just what are the requirements? What safety regulations are those people supposed to adhere to? So certainly there are some steps that the

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MR. LUSH: minister and that the
government must take and must have taken as a result
of that fire without waiting for the report from the
commission that was set up to look into this situation.
And I think it is very important that the minister inform
the House as to just what steps were taken and what steps
will be taken to insure the safety and

MR. LUSH: the adequate care and protection of our senior citizens presently staying in privately owned homes, just what monitoring system there is to ensure that these homes are safe and that the people in them are protected and that they are given proper care. These are vital questions, important questions for our senior citizens.

Now, Mr. Chairman, with respect to recreation. I think that this can be a most important department for the physical development of our people. It is something that we have been negligent about in the past, there is no question about it. I think probably it has come through philosophy. Newfoundlanders were not, I would say, a recreationally inclined people. We have been a working people. It is only in the last ten or fifteen years that we have at all directed our attention to recreation, particularly in rural Newfoundland, and almost if you took part in recreation beyond ten or twelve years old you were not considered to be a very worthwhile citizen almost. That was something for boys of seven and eight years old but that has changed. And with the kind of society that we are living in, that recreation must form a very important part of our lives. And when I think of rural Newfoundland in particular, the lack of recreational facilities there, it is sickening. When you go around the outports of this Province and see so many places without any kind of recreation facility it is indeed, as I have said, sickening and I think the present Department of Recreation is rather too passive. I think if we are to make recreation to be a real part of our lives, to make it to be the kind of department that I would like to see it to be, then I think the government, the Department of Recreation, has to play a more progressive and a more dynamic role in seeing to it that our communities are provided with the basic recreational facilities.

MR. LUSH: We talk about swimming pools and arenas and this sort of thing; there are so many communities in this Province, so many communities in my district without a baseball diamond, without a soccer pitch, things that are relatively cheap. And I think it is time that the minister got out into these communities, or got his field workers out there, got some field workers to go there to explain to the people the necessity for these kinds of basic recreational facilities. They would go a long ways to preventing a lot of the vandalism that is in outport Newfoundland. You know, when we think of rural Newfoundland, the lack of recreational facilities that are in the community, the amazing thing is that vandalism is not much higher than it is today. Because these young people, scores of them, in large communities with nothing to do, nobody taking any interest in them, just idling and wasting away their time and there is no question that in a situation like that, where there is boredom, that we have to expect people to engage in something. I think the onus is upon the minister to get out into these communities, to get his field workers out there and to let the people know the kinds of government programmes that are available to these people. And as I have said before, we are not talking about expensive things, a soccer pitch, a baseball diamond, in my own district I can name off scores of communities, no playground facilities there at all, nothing that the young people can engage in to develop themselves physically. The only things that are there are what has been placed there by nature. People swimming in ponds that are dangerous to swim in, skating on the bays, and Mr. Chairman, I think that with a dynamic and progressive recreation programme that we can certainly improve the recreational programmes in this Province and certainly improve the physical development of our people, young and old alike.

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MR. LUSH: I just want to make reference to some of the larger recreational facilities, for example, swimming pools and the arenas and this sort of thing. I think there has got to be a new approach to this. Many of our communities are too small to have any sort of a proper indoor swimming facility, or even any kind of an adequate outdoor facility, apart from

MR. LUSH: the ponds and this sort of thing, but to have anything that is properly developed, I think we have to do it on a regional basis. And there is nobody saying this, we are sort of putting people off. People will come from a small community to get a rink or a swimming pool, and we do not tell them outright that we just cannot afford to do this sort of thing, that if a community gets it they cannot maintain it. So I think there has to be a real approach by the Government to try to bring communities together for these large recreational facilities. There is a swimming pool, this is something that has to be given a half-dozen, a dozen communities together. There is no way that a couple of communities can maintain a facility like a swimming pool, an indoor swimming pool, or even something that is outdoors that is anything elaborate. The same thing with arenas, people have to get these on a regional basis. I think it is time we started talking in that way so that more of our communities would come together and make the thing much easier to get and much easier to maintain.

Reference was made to the Summer Games, Mr. Chairman, and there is nobody in the Province who enjoyed the Summer Games more than I did myself. I attended many of the activities. Again, the only thing that was unsavoury about that to me was to see all of the facilities that came to St. John's. When I say unsavoury, maybe unsavoury is not the right word, because I certainly do not begrudge these facilities to St. John's and a lot of people here are going to benefit from them, but to see that large amount of money spent and one area going to benefit from it, and all of rural Newfoundland, such a large part of rural Newfoundland still without basic recreational facilities.

I think we have to change our operational formulae somehow and change the grant structure so that we can get more of these things in rural Newfoundland.

The Summer Games were a marvellous success, an exceptional success, but again, we were using the taxpayers' dollars

MR. LUSH: of this Province to put facilities in St. John's, an area that was again much better off than many areas of rural Newfoundland. That needed to be done. We could not at that time cater to any major track and field events, or swimming events, or whatever. That has now been done. So I think, having done that, having spent the taxpayers' dollars of this Province to put these facilities here in St. John's, now I think we have to take new initiatives to ensure that we balance out this unbalanced recreational program right now and ensure that many of the rural areas of this Province are given some of the recreational facilities that they need, and as I have said before, doing it with large recreational facilities on a regional basis and getting out there with the people and informing them of what programs there are available. Because I do believe that the present philosophy is a rather passive one, it should be more aggressive so that we encourage the physical development of our people and encourage people setting up recreational facilities, not only for the physical development of our people but for the moral development, so that they are not left to boredom and nothing to go on but to engage in vandalism.

This can be a good recreational program for this Province. It can do a tremendous amount towards developing our young people and engaging them in activities that are worthwhile and I think that has to be the philosophy. And I think that it has to be more than a passive reaction on the part of the Government, it has to be a dynamic and aggressive one, encouraging our people to have recreational facilities for the young people.

So, Mr. Chairman, I would like to see a more dynamic and a more aggressive recreational philosophy, if you will, directed towards the rural areas of this Province, the areas now which are without the very basic recreational facilities, recreational facilities that are not expensive but yet can be of immense benefit towards minimizing vandalism and for the physical and the moral development of our old and of our young alike. So I think it is time that the Government

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MR. LUSH: really got down to brass tacks, get people out in rural Newfoundland and tell them what was available, encourage them to develop more recreational facilities, and get our young people and our old people actively involved.

MR. CHAIRMAN: The hon. minister.

MR. HICKEY: Mr. Chairman, there are a couple of items which are outstanding that I have not had a chance to comment on and I certainly wish the opportunity. Before I do let me just make a few comments with regards to what my friend from Terra Nova (Mr. Lush) had to say in relation to recreation. I want to say to him that whilst I cannot disagree with some of the things he says about the need for getting out into rural Newfoundland in the smallest hamlet or community to provide some kind of recreation facility- I do not think anyone quarrels with that, Mr. Chairman - but at the same time I think one realizes that you would need a bottomless bucket at the moment to meet the cost of providing all types of facilities. Certainly, Mr. Chairman, this government has not been without giving attention to that very issue. And I think, as they say, to use the old expression, the proof of the pudding is in the eating. The figures are available and are there showing the dramatic increase and the dramatic emphasis placed on recreation by this government since it has been in office, since 1971. I can tell my hon. friend, for example, in capital grants alone for facilities we have spent approximately \$20 million, nineteen point some million dollars in the last approximately six years. We have been fortunate, Mr. Chairman, that despite the restraints programme, despite the limited revenue, the recreation vote each year we manage to maintain it. And I think that no one in this House would quarrel with that because, as my friend from Ferryland (Mr. Power) pointed out, you cannot in quick order readily realize the effects that providing facilities, needed facilities, providing some monies for operating in terms of operating grants, providing coaches or managers or what have you to implement the programmes, you cannot at a glance realize the good effects, the very positive effects that all of those things have on our young people, especially our young people, and indeed what it does to keep them on the straight and narrow and to keep them away from alcoholism and from drug addiction and all of the other

MR. HICKEY:

curses that beset us.

I think that we are at a point in recreation where we must develop a kind of situation where we stand back now and take a good, hard look at just where we are going to go by way of providing facilities. For example, what I mean is every community, no matter how large, and I am talking in terms of 3,000 or 4,000 or 5,000 people, cannot have a stadium. Every community cannot have a swimming pool, which is so expensive, almost impossible to operate in the black, you know. So what we have to do, I think, because we have gone ahead and we have spent a great deal of money over the years, I think what we have to do now is to sort of stand back and see just where we are, make sure that we do not involve ourselves into duplication of facilities or provide facilities where they do not receive full utilization and direct some funds in probably some of the areas that my hon. friend is talking about, smaller facilities, be it a softball pitch or be it a soccer pitch or be it whatever in terms of recreation. I want to say to him that that idea is not indeed foreign to us because my staff and I have discussed it many, many times and we are working towards that kind of objective. We have that kind of goal in mind. And I hope within the coming year we will be able to announce some kind of measure which will see us direct our efforts to that so that in future we will know and we will chart the course precisely, where we want to go in recreation so that all regions of the Province are covered, all regions of the Province

MR. HICKEY: are developed so that our winter games, that we have just gone through, will see good clean competitive games and where one region will not be any less than the other in terms of having had the opportunity of (a) facility (b) monies to operate and also of course, most important, the training expertise or the coaches what have you. We are certainly thinking along those lines and I am sure my hon. friend will be glad to hear that.

Mr. Chairman, one issue that, and I do not want to delay the committee because I am sure that many hon. gentlemen want to have an opportunity to say something on those estimates and I welcome the opportunity for them to do so, but I must, Mr. Chairman, address myself to the issue again of Exon House. As hon. members know we went through a whole series of question and answer on the whole issue of Exon House and I am not going to belabour the point or indeed to use up the time remaining to go through what we have gone through by way of the documents and all of the detail which has been provided. I want to address myself to the issue of a public enquiry and I want to say, Mr. Chairman, I want to repeat that I cannot for the life of me see why hon. members on the opposite side favour a public enquiry into Exon House. I tell hon. members right now that I think and I have said this outside the House, I have said it to my colleagues and I have said it to the Premier - I think in all conscience and honesty, having talked to Sister Lucy, having talked to Dr. Michael Stare, the two people who are running that institution like it has never been run before, who have programmes down there, who are directing those programmes, who are seeing them come to fruition although in a small way now but certainly geared to or catered to the real needs of Exon House and its inhabitants, having talked to those people, Mr. Chairman, I think that it would be a step backwards, it would be the wrongest, most irresponsible act that this government could commit to announce a public enquiry into the institution. Why, Mr. Chairman? I said that I would have to

MR. HICKEY: really evaluate my own position as minister if government were to be pressured into a public enquiry. I will tell you why.

I am not against public enquiries, Mr. Chairman. I have not been known indeed to be against them.

MR. WHITE: Obviously the government is.

MR. HICKEY: I want to say that I share some of the credit, I accept some of the credit with my colleague who was the former minister for this report right here which is a partial public enquiry numbering some 178 pages. Why would we want another public enquiry into Exon House, Mr. Chairman, when we have a Bible, a document right here which is being implemented with the greatest of speed that is physically possible to implement it, when we have two top flight people, better than whom cannot be found anywhere in this Province or outside, down there implementing those recommendations. My hon. friends wonder why the minister would not agree to a public enquiry. There are 178 pages of reasons why. It is all in this. This is not a whitewash, Mr. Chairman. Has anyone read this document? The cold hard facts of Exon House are right there.

MR. WHITE: On why Syrett was hired, Sir?

MR. HICKEY: Syrett, Mr. Chairman, that is the crux of the whole problem. Just let me have my say now, Mr. Chairman. The hon. member for Lewisporte will have an opportunity. He asked a question which is a very pertinent one - Mr. Syrett. He seems to equate Mr. Syrett with an Exon House enquiry. The only thing, Mr. Chairman, that relates Mr. Syrett to Exon House are two issues: one, the manner in which he was hired and he was hired through the Public Service Commission. If you want an enquiry for God's sake go look for the Public Service Commission and not Exon House. What did Exon House have to do with hiring Mr. Syrett? I say nothing and that is why I am against a public

MR. HICKEY:

enquiry for Exon House. Why drag Exon House through a public enquiry when they do not need one, when it is the last thing in the world they need, when you have a staff down there, some of whom have been there for years, whose morale have on occasion gone to the very lowest of the low, where it was almost non-existent? And hon. members in a responsible way, as leaders of the community, are going to sit here and suggest that we do that again? We have a repeat performance. We destroy the bit of morale that is left down there. We fly in the face of two professional people, the best that you can get. And you still say you want a public enquiry. In the name of God what is happening to us? We have got to be mad.

No, Mr. Chairman, I would deserve to be turfed out if I were to agree with my colleagues if they asked me to announce a public enquiry. I cannot see it for the life of me, The whole issue is being coloured by one Mr. Syrett. Now let us put Mr. Syrett once and for all in proper context, in proper perspective. What are the issues? One, who hired him, and, by what means? He was hired by the Public Service Commission. He was hired with no pressure from anyone, but purely by the Public Service Commission. And I stand here, Mr. Chairman, and say that that is the truth.

What is the other issue, Mr. Chairman? The other issue is on why a girl was admitted to Exon House and subsequently why that girl was placed from Exon House into a private home? Are hon. members going to tell me, or tell their constituents, that we should keep those people in Exon House? Will they not agree that the programme that we have initiated of sheltered foster homes is not the answer rather than an institution? Will they not agree that all of the responsibility for the mentally retarded does not rest with the government or the state but that some of it does rest with the parents, some of it does rest with the community?

MR. HICKEY: Would they not agree to that?

Mr. Chairman, on the issue that the girl being admitted, we have gone through it. We have said that whilst there were one or two people who questioned as to whether or not she should have been admitted, we have a social worker who is on record, who went out and did a home investigation, a professional social worker, educated and trained, with many years experience to go out and do an evaluation on the home environment, the problems besetting the parents, the need for training, the potential training of the individual candidate for that institution - that report squarely recommended that that girl be admitted to Exon House. Why? Because there was no other place to admit her, no other place to place here, Mr. Chairman. Were we to leave her out on her own? Were we to run the risk of the family having their health broken down? Were we to be so callous as that? And then, Mr. Chairman, the Leader of the Opposition in getting in on this subject again, raises the question of pressure, pressure to have the girl admitted to Exon House.

Let me say, Mr. Chairman, for I believe something like the tenth time, there was no pressure used by anyone. And let me address myself for one second to that whole question of political pressure to have someone admitted to an institution, Let me remind my hon. friends opposite that they exert all kinds of pressure to have children admitted to Exon House on many, many occasions. Are they going to tell us, Mr. Chairman, that they want to abdicate what is squarely their responsibility, their duty, to make representation to an institution, to a government department, to a minister or anyone else to have somebody admitted to an institution, be it a hospital, be it Exon House, be it a foster home or anything else? Surely goodness it would be advocating irresponsibility if you want that done away with. And the only thing that was done in this case was that, I do not even know if it was a letter or a telephone call,

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MR. HICKEY: by the member for the district, is that unlike what the hon. gentleman from Lewisporte (Mr. White) will do, what the hon. gentleman from Burgeo - Bay d'Espoir (Mr. Simmons) will do, what the

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MR. HICKEY: hon. gentleman from Eagle River would do, and I am sure do in the strongest terms if he felt strongly about it? Surely goodness there is nothing wrong with that.

Mr. Chairman, let me not use up any more time, Let me simply say for the last time, Sir, there will be no public inquiry into Exon House. There is no need for one and I suggest to my hon. friends they read that report and that they just listen. And if my hon. friend listens he may not be too quick to jump up, as he did this afternoon, and agree with his leader when he calls for a public inquiry. Let him read that report, number one, and then let him take me up on my invitation to him and every hon. member of this House, not only that side, both sides, "Report on Exon House, An Assessment of Exon House and Related Programmes."

AN HON. MEMBER: What date?

MR. HICKEY: October, 1977.

Mr. Chairman, it is very important that hon. members at least hear this. Let me invite them now by appointment, so many at a time - we all cannot go down together - but let me invite them now in groups to come to Exon House with me and tour that institution and talk to Sister Lucy and talk to Dr. Stare and put the question to those two people that you have put to me for a public inquiry, and I will guarantee you to the last one of you, both sides of the House, they will tell you categorically it would be suicide for the inhabitants of that institution and for the mentally retarded in this Province if we were ever so irresponsible and so crazy to accede to a request to a public inquiry. Mr. Chairman, there will be no inquiry as long as I am minister.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: (Mr. Young) The hon. the member for Burgeo - Bay d'Espoir.

MR. SIMMONS: Mr. Chairman, I do not know why the minister takes the tack on this that he does. He certainly misunderstands the requests from this side of the House - the request from the Leader of the Opposition, the request that I certainly endorse. It is not for an inquiry into Exon House, as he puts it. It is an inquiry into the circumstances surrounding a couple of details, both of which details he has mentioned, all right? Now he says, go down and ask Sister Lucy. All right, will Sister Lucy tell me the answer to this question, Will she tell me or can she tell me, is she in possession of the knowledge as to why the decision on the administrator was made? Can she tell me that? I doubt that she can.

MR. HICKEY: (Inaudible) the Public Service.

MR. SIMMONS: That is why I say to the minister that it is not Sister Lucy we have to ask. I would like to take him up on his invitation to go down and see Exon House. It would be an enjoyable and an informative tour, but it will have nothing to do with the price of fish in China, it will have nothing to do with the question about why we need an inquiry. Will it answer this question, will Sister Lucy, will the administrator down there now or the staff down there tell me the answer to this question, why a young girl, not mentally retarded, was admitted to an institution for seriously retarded children? Can she answer me that one? Can she answer me why did David Syrett, a native of Toronto with a Grade X education and no known professional qualifications, got the job as administrator of Exon House? The minister is dragging in a sizeable red herring. He parades the name of a reputable person

MR. SIMMONS: before this Committee in the person of Sister Lucy and thereby hopes that her very excellent reputation will somehow lend credibility to his argument, is a relevant argument to the subject at hand. The subject at hand is, Why was that girl placed in that home? Why did that person get the job as administrator? And that is what we want the inquiry for, and no number of visits or number of nice little chats with Sister Lucy, as lovely and qualified as she is, will answer those questions?

MR. HICKEY: My invitation.

MR. SIMMONS: Is that not the issue? That is the issue.

Now look, the minister has told us this afternoon, Mr. Chairman, and he has told us before that there was no political interference. That is what the minister says, all right? We know the difference. We know from the father of the girl in question that the Premier intervened. Now the minister stands in his place and says, 'So what is new?'

MR. HICKEY: Mr. Chairman, a point of order.

MR. CHAIRMAN: (Mr. Young) A point of order.

MR. HICKEY: Mr. Chairman, I cannot let that go. The Premier did not intervene. The Premier made representation as a MHA representing a district and representing a constituent. I point out to my hon. friend that his colleague, the member for Lewisporte (Mr. White) within days of those statements, either before or after, made the same kind of representation, and is that intervening? Is that wrong?

MR. CHAIRMAN: Order, please!

The point of that issue is one of interpretation, what one member says intervening and what another says intervening. I do not think it is a point of order that the Chair can rule on.

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

MR. SIMMONS: Mr. Chairman, the difference in the member for Lewisporte (Mr. White), if he will permit me to say so, and the man for Humber West (Premier Moores) is that one is the Premier and the other one is not. All right? The difference in the man for Lewisporte (Mr. White) and the one for Humber West (Premier Moores) is that he presents petitions from his constituents but the Premier of the Province thinks it is above himself to present petitions so he gets one of his flunkies to do it for him. Why did he not get one of his flunkies to intercede in this case? Because he knew that not only what he the member for the district but that his name being involved in this issue would have some extra weight, some extra credibility.

The father of the girl tells us one thing. The Premier tells us something else. I would just as soon believe the father of the girl as the Premier on this one, just as soon. The minister says, no interference -

MR. HICKEY: Would the member allow me to give him some more information?

MR. SIMMONS: Well, I have been waiting for weeks. He will have his chance in Committee. We have got another few minutes yet tonight. We have got to 8:15. I can realize it is a touchy subject. I can realize it is, particularly when you have dug your heels in and say there is going to be no investigation. So I guess if the minister decides there is no investigation, there will be no investigation. I suppose that is what it means. They said there would be no investigation on Scrivener but we got one. They said there would be no investigation on Public Works, but we got not one but two. And we are not finished with that one yet either. So there may still be an investigation on Exon House.

MR. SIMMONS:

The government's track record for suppressing the need for investigations is not that good. Despite their continual effort to stave off investigations, they are faced with investigations right, left and center.

AN HON. MEMBER: (Inaudible)

MR. SIMMONS: Graham: you are playing right into his hands, boy. He is trying to interrupt me and you are playing right into his hands. That is all you are doing.

MR. J. CARTER: Has the member got a specific charge.

MR. SIMMONS: Yes, I do

MR. CARTER: Well place it.

MR. SIMMONS: Oh, there is my stage manager back again, Mr. Chairman, back from his savory patch for a few minutes again.

MR. J. CARTER: Please make your charge.

MR. SIMMONS: Mr. Chairman, my first charge, if the member for St. John's North (Mr. J. Carter) is interested in charges, is that there was undue political interference in this particular case. That alone warrants the need for an investigation. Secondly, the minister misinformed the House. I never said deliberately, but he certainly misinformed the House when he said that Mr. Syrett was head and shoulders above the other applicants. The facts since have proven him to be wrong on that particular point. So on these two he is wrong. He has been contradicted with the facts later. One that there was no interference and there was, according to the father. Let us have an enquiry and let the father tell his side of the story. Secondly, on the matter of the hiring of Mr. Syrett the minister's version does not jibe at all with the facts that we have from other applicants. Sorry?

MR. J. CARTER: You could interview anyone you wished and report to the House.

MR. SIMMONS: What has that got to do with it?

MR. J. CARTER: Well, if you want to get the facts.

MR. SIMMONS: Mr. Chairman, I do not have the resources or money or the

MR. SIMMONS:

time to conduct my own public enquiry. That is what we have the mechanism under the legislation for. What a silly bluff!

MR. J. CARTER: No, you are misunderstanding.

MR. SIMMONS: Well, let me try to understand one more time.

MR. J. CARTER: All right, one more time. What is there to prevent you from interviewing anyone you wished to and reporting the results of that interview to this House?

MR. SIMMONS: Nothing at all to prevent me, Mr. Chairman, and I would hope that the results that I would report would be much more credible than what the Premier and the minister reported on the subject. I would hope so, and that is why we need not the partisan reporting of either me nor the minister nor the Premier, but an independent public enquiry under the appropriate legislation. The minister has been proven wrong on a couple of points, as I have mentioned, and now he stands up today and he says there is no need. Perhaps there is a need because the minister has said there is not a need, judging by his track record on this one so far.

Now, Mr. Chairman, I do not know why the minister is so squeamish on this. I do not know why he is so squeamish. I just do not know. I wish to goodness they would put this one to bed once and for all, have a public enquiry. I think it is an absolute disgrace, it is a waste of my money as a taxpayer that Mr. Syrett was ever hired down there. We want to know why. Was he hired because he was a buddy of somebody? That is the word I am getting, that the best qualification he had was he had a buddy in the right place at the right time.

MR. R. SIMMONS: That is what I am getting. Now we are talking not about somebody who is going to take his lack of qualification out on a typewriter, or in a back room on some piece of machinery, or in a garage on a car; if he makes a mistake there we can have somebody rectify it. We are talking about hiring a person to take over a very sensitive position. The record is clear that he had no qualifications for the job, except one - he knew the right people. That was his qualification. He knew the right people. And the Minister brushes it off and says, 'Why do we need an enquiry?'. We need an enquiry because we cannot afford this thing to happen again.

So at the moment we have a person who is obviously quite competent, Sister Lucy. The Minister has taken his time to parade her before us, and so he should, a person that is as competent and qualified as that lady is. But, Mr. Chairman, there are other Exon houses, there are other institutions in this Province, there are other sensitive executive positions, and perhaps the Minister is right when he says what we need is an investigation of the Public Service Commission. If that is what it takes, that is fair, I will go along with that. If the public enquiry needs to look into that particular area as to the procedures involved, I am all for it. Because I will tell you one thing, Mr. Chairman, and it might be sacrilege to say it, but I will say it that I was not particularly impressed with the Chairman of the Public Service Commission when he handled this one on television the other night, and I hope that in his normal judgment he is a lot more dispassionate than he was that night. I hope in the decisions he makes in terms of hiring people to high office in this Government, I hope he is much more dispassionate, much less partisan than he was that night on the television interview. If I had no doubts at all about the Public Service Commission, I had a few after I saw that interview, I will tell you that. I had to wonder to myself a bit. It looked to me very much, Mr. Chairman, as though he, himself, were on the defensive, as though he, himself, were

MR. SIMMONS: protecting somebody. So perhaps the Minister of Rehabilitation and Recreation is right; perhaps we need an investigation which includes in its scope an investigation of the procedures of the Public Service Commission. We hear these people held up as somehow being above reproach and that kind of thing. They are human beings too, they are subject to pressures too.

AN HON. MEMBER: Especially from the Premier.

MR. SIMMONS: Is that a possibility?

MR. WHITE: Morgan showed that last year.

MR. SIMMONS: Yes, we have examples where the Public Service Commission has obviously been intimidated by this Government. One of the examples that comes to mind very readily is that of the former Minister of Transportation, the present Minister of Tourism. The member for Ferryland (Mr. Power) would know all about that one.

AN HON. MEMBER: The highway foreman.

MR. SIMMONS: He would know all about the highway foreman down the shore. Eh? So do not get sucked in, Mr. Chairman, by thinking that somehow this Public Service Commission is a group you only approach on your knees and then on Sundays, because the record shows that the effort has been made by this Government to approach them on just about every day of the week. Now what success the Government is having, I say success in the narrow terms of success in intimidating, in influencing a decision, is another question.

MR. DOODY: Have you approached them lately?

MR. SIMMONS: Not lately, no.

MR. DOODY: Did you ever recommend anybody to the Public Service Commission?

MR. SIMMONS: No, not to the Public Service Commission, no. And if I had I would tell the Minister that I had because I see nothing wrong with a recommendation, a letter to recommendation, all right? To my knowledge I have not written a recommendation to the Public Service

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MR. SIMMONS: Commission but I know I have never talked to them by telephone, or personally, or been in a meeting on the subject of hiring any particular person. All of us get representations from people who like to have recommendations, and where I can furnish a recommendation, a character reference, or a job competence recommendation, I am happy to do so. And if the Minister is looking for one as he will be fairly soon, I will be happy to give one to the Minister of Transportation in his area of competence, of course. I have all kinds of form letters down there and I am sure the minister would fit into one of the form categories and we would type his name in and sign my name to it and dash it off to the Public Service Commission.

MR. DOODY: Put an "X" there and get it witnessed.

MR. SIMMONS: Now the minister has never been accused of having a lack of wit. I told him I would recommend him for a job within

MR. SIMMONS: his area of competence, and if they ever need a court jester I shall recommend him as the court jester in any court, even a court of law. He would make a good court jester - take the pressure off once in a while.

Mr. Chairman, the issue we are talking about is a little more serious than that. It is another classic example of sweep it under the rug boys, brazen it out. Now has not the government learned, Mr. Chairman, after the Scrivener affair, which they tried to brazen out and are still trying to brazen out by the way, after the Public Works scandal, which they tried to brazen out and are still trying to brazen out with increasing difficulty, have they not learned, Mr. Chairman, that eventually the chickens come home to roost. I suppose though if you are in a corner you do what you have to do and you worry about surviving today instead of looking at tomorrow and tomorrow becomes a very short-term proposition. If we can brazen it out today without a public enquiry on Syrett, well, that is another day, thank God. If we can brazen it out another day without discussing the Scrivener issue, that is another day. If we can brazen it out on Public Works on lashing out hundreds of thousands of dollars to your buddies without tenders, well, that is another day. Some day if a fellow gets on the stand he might sing, but if we can keep him off the stand he does not sing. So if we have to do something to keep him off the stand so he does not sing, we will keep him off the stand. That becomes your reason for existing. How can today we delay for one more day the inevitable. That becomes your whole reason for being. We know the chickens are coming home to roost. We know it is all going to fall down around our ears one of those days but, please God, let it not be today, not today - perhaps tomorrow morning but not today. That is the category in which I put the Syrett thing. That is the category in which I put Public Works. That is the category in which I put Scrivener.

Now in fairness the Syrett thing is in that category only in the sense that it is being brazened out. In terms of degree it is a tiny, tiny, tiny aspect of the total operation of this

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MR. SIMMONS: government and its method of operation. But it is in that category in the sense that it is part of the effort that this government is so good at, Mr. Chairman, brazen it out, bluff her through, put her off as long as you can and hope you live another day.

It is six o'clock, Mr. Chairman, and perhaps we will take up this subject again at eight.

MR. CHAIRMAN: It being six o'clock I will leave the Chair until 3:00 P.M.

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PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD
8:00 p.m. - 11:00 p.m.
MONDAY, MAY 1, 1978

The Committee resumed at 8:00 P.M.

Mr. Chairman in the Chair.

MR. CHAIRMAN: (DR. J. COLLINS): Order, please!

IX - Rehabilitation and Recreation

MR. W. N. ROWE: We do not have a quorum, boy.

MR. NEARY: No quorum? Six. If we do not have a quorum we cannot start.

MR. CHAIRMAN: A quorum call.

MR. HICKEY: Mr. Chairman,

MR. NEARY: Sit down, boy!

MR. HICKEY: Just a second now! Mr. Chairman, I am not going to sit down because my hon. friend tells me to sit down. You know, he might think he is running this House, but he is not.

MR. NEARY: Sit down, boy. Do not be making a fool of yourself.

MR. HICKEY: Mr. Chairman, all I was going to ask was I would like an opportunity - there is only fifteen minutes left and I have no intention, Your Honour, of hogging the time - I simply ask for an opportunity to respond to some of these subjects.

MR. NEARY: Sit down, boy! Sit down!

MR. CHAIRMAN: Order, please!

A quorum call was made, or at least the question of a quorum did come up. As the Committee is in session - it was not adjourned as such. The Committee rose at 6:00 and recommenced at 8:00 - if a quorum is questioned I do have to pay attention to that call.

MR. NEARY: Well, Mr. -

MR. CHAIRMAN: At the moment I do not have any officers at the Table, so I will call upon the Constable to determine if we have a quorum. I might mention that a quorum is fourteen members or more.

MR. W. ROWE: Where is the staff?

MR. NEARY: Are we short staffed, Mr. Chairman?

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: A point of order, Mr. Chairman. A point of order, Sir. Is Your Honour counting -

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

Order, please!

MR. HICKEY:

A point of order, Mr. Chairman.

MR. NEARY:

I have raised a point of order.

MR. CHAIRMAN:

Order, please!

Until the -

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

Order, please! Order, order!

I clearly cannot entertain a point of order until it is determined whether we do have a quorum because if we do not have a quorum the Committee is not in order. So I have to determine if we have a quorum.

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

Order, please!

I am informed a quorum is present.

MR. NEARY:

Mr. Chairman,

MR. CHAIRMAN:

Order! 901-01.

The hon. member for LaPoile.

MR. NEARY:

Thank you, Mr. Chairman.

MR. HICKEY:

A point of order, Mr. Chairman.

MR. CHAIRMAN:

A point of order.

MR. HICKEY:

My point of order is, Your Honour, I walked into the Chamber and, as I understand, there was not a quorum here, that when Your Honour called order, there was not a quorum. I do not know how my hon. friend could be recognized if there was not a quorum.

MR. NEARY:

Mr. Chairman, the Chair has just recognized me.

MR. DINN:

There is still a point of order.

MR. HICKEY:

I stood up before, Your Honour, when the hon. member for LaPoile (Mr. Neary) stood up and there was no decision made by -

AN HON. MEMBER:

That is not a point of order.

MR. HICKEY:

Your Honour, may I be heard in silence, please?

MR. CHAIRMAN:

Order, please!

A point of order has been raised.

MR. HICKEY: If Your Honour is going to make a decision I abide by it whatever it is naturally. I am simply raising the point of order, Your Honour, -

MR. DIMN: He was recognized on a point of order.

MR. HICKEY: - that when the House met at 8:00 there was not a quorum in the House. My hon. friend -

SOME HON. MEMBERS: Oh, oh!

MR. HICKEY: May I be heard in silence, Your Honour? I am simply trying to make a point

MR. CHAIRMAN: Order, please!

The hon. minister is making a point of order.

MR. HICKEY: My point is, Your Honour, that when I walked in the Chamber at 8:00, Your Honour was in the Chair and called a subhead. My hon. friend was standing when I walked in, and I stood. Your Honour did not choose or identify either one of us. There was no quorum. I suggest to Your Honour, Your Honour could not choose at that point in time because there was a quorum call. All I am saying now is that I ask to my hon. friend if he would allow five minutes to respond to a few questions and that was it. And I have not had a decision from Your Honour.

MR. NEARY: I am going to, Mr. Chairman (inaudible).

MR. CHAIRMAN: Order, please!

To clarify, the matter deals with a quorum and also deals with recognizing hon. members. First in the matter of a quorum, I will reading Standing Order 4, Subsection (c) which states the following: "The only occasion when the Speaker takes the initiative in this matter is at 3 :00 o'clock or at 8:00 o'clock, after the intermission, or at any such other hour that has been ordered by the House at a previous day's sitting for the commencement of business by the House on the following day. If he does not see a quorum he refrains from calling the members to order and asks the Clerk to count the House. If there are not fourteen members present, he declares without question put and so on.

Now in the question of a quorum, I did

MR. CHAIRMAN: indicate that the Committee was not in session until the question of a quorum had been settled. The Clerk proceeded to count the House and then informed me that there were over fourteen members present, so I then called order. That is why I think that disposes of the quorum point.

The second point was in recognizing hon. members. At the time that I called order, having determined that a quorum was present, there were a number of hon. members on their feet and this always presents a difficulty to the Chair. It is not an unusual situation. It occurs many times and the Chair has to make a decision.

The hon. Minister of Recreation and Rehabilitation was on his feet but he also indicated to me that he was going to sit down. As a matter of fact I believe he did take his seat so that I was left, therefore, with a choice between the hon. member for LaPoile (Mr. Neary), and the hon. Minister of Mines and Energy. I do not know how the Chair can make a decision in this matter that applies to everyone, at least is satisfactory to everyone. I did recognize the hon. member for LaPoile (Mr. Neary). To my knowledge he had not spoken on this heading and that was a decision I had to make. I think if the hon. Minister of Recreation and Rehabilitation had stood in his place and remained standing in his place the decision might have gone a different way. But as it happens that is the way it went.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. member for LaPoile.

MR. HICKEY: Mr. Chairman, on a point of explanation, I sat down, Your Honour, because you -

MR. NEARY: Sit down! You are only delaying the progress of the Committee.

MR. HICKEY: Your Honour, that is the reason I sat down, because, you know, somebody across the way would not keep

MR. HICKEY: their mouth shut, that is exactly the reason, and Your Honour was calling, "Order! Order!" And if my hon. friend does not know the rules of the House, Your Honour, I do.

MR. CHAIRMAN: Order, please! Order, please!

MR. HICKEY: When Your Honour calls order I sit down.

MR. NEARY: Name him! Name him!

MR. CHAIRMAN: Order, please!

MR. HICKEY: And that is the reason I sat down.

MR. CHAIRMAN: Order, please! Order!

I feel that the hon. minister rose on a point of explanation. I do have to indicate that I feel it does not overrule any stands the Chair took up to this point.

The hon. member for LaPoile.

MR. NEARY: Mr. Chairman, it is too bad that the hon. Premier does not show some leadership -

MR. PECKFORD: A point of privilege.

MR. NEARY: - and control his members.

MR. CHAIRMAN: Order, please! A point of privilege has come up.

MR. PECKFORD: A point of privilege, Mr. Chairman. I think it is of importance, Mr. Chairman, I want to - I think it is a point of privilege of the House. I think during the supper hour, I think this is the first opportunity I have had to bring it up, I heard an interview by the hon. member for LaPoile (Mr. Neary) in which he referred to "my caucus" I am just wondering if during supper the Leader of the Opposition had resigned and the member for LaPoile (Mr. Neary) is now the Leader of the Opposition because if so the Opposition, I think, have a responsibility to report to this House this new happening.

MR. NEARY: Name him. Name him. Name him, Mr. Chairman. Name him. Name him. Name him, Sir.

MR. W. ROVE: Is he foolish, Mr. Chairman?

MR. NEARY: Can I carry on now, Sir?

MR. CHAIRMAN: Order, please!

MR. NEARY: Have him certified, Sir.

MR. CHAIRMAN: A point of privilege has come up. I do not think at this point I need to go into many references. All I can say is that a point of privilege to be entertained immediately has to be a prima facie case and at this point I do not recognize we do have a prima facie case before the Chair.

The hon. member for LaPoile.

MR. NEARY: At least, Mr. Chairman, we are united on this side. That is more than we can say about hon. gentlemen on the other side of the House.

SOME HON. MEMBERS: Hear, hear!

MR. W. ROWE: We have leadership over here.

MR. NEARY: And we do have leadership on this side of the House, Sir. That is more than they can say on that side. It is about time now that Mr. Walsh's friends now started showing some leadership. They are in complete disarray, Sir, and it is about time that the hon. the Premier started to take control of some of these members.

Mr. Chairman, I only stood really to ask the minister a couple of simple questions and if the minister just had taken his time he would have had all kinds of time to answer them. But now the government members have wasted ten minutes of the Committee and we only had fifteen minutes left.

MR. MORGAN: (Inaudible) talk to yet.

MR. NEARY: What I want to find out, Sir, from the minister is what is the status now of the Aquarena the building and the pool and the facilities that were left over

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MR. NEARY: from the Summer Games? Has the government been asked to pay off the deficit incurred on behalf of the Summer Games? There is a deficit, I understand, some creditors, Memorial University being one of the creditors, I believe, are waiting for their money. What is to become of the facilities? Has Mr. Steele made his report? If he has made it to the council, have the council approached the minister or the

MR. NEARY:

government for assistance to open up the Aquarena? My understanding is that it is going to cost about \$300,000 a year to operate the Aquarena. Is the minister listening? It will cost about \$300,000 a year, so I am told, to operate the Aquarena. Will the government be joining with the City Council of St. John's in getting these facilities open at as early a date as possible, these badly needed facilities? Would the minister bring us up to date on what is happening with the Aquarena and the Summer Games?

And the other question I would like for the minister to answer for me if he can is in connection with licencing of private boarding homes, welfare institutions and so forth. We all know that we had a terrible situation develop in this Province down in Petty Harbour and I believe the department took steps to beef up the licencing regulations. Could the minister tell us what has been done along these lines? Are the homes now getting sufficient revenue so that they can hire adequate security staff and put in the sprinkler systems and the fire prevention in the buildings that is absolutely necessary and at the same time give the people who are in these institutions proper accommodations and shelter and good food? Would the minister give us an updating on that - what has happened in connection with the licencing regulations and what the rates are now for the boarding homes and is that sufficient for these boarding homes to be able to care for these people, look after them the way they should be looked after?

MR. CHAIRMAN: (Dr. Collins) The hon. the Minister of Rehabilitation and Recreation.

MR. HICKEY: Mr. Chairman, I covered both items this afternoon. Apparently my hon. friend was not present.

The situation on the licenced boarding homes is very simply that government have taken the necessary steps to improve the safety of the patients. Extensive renovations have gone on by way of fire doors, improved wiring, more frequent inspection, a whole host of things. The Gushue Commission of Inquiry report is not in yet. We are waiting for that to make some final decisions as to the future of some of the homes. So government have taken every step that they possibly could take. We have also improved the programme with regard to security. There is already a security person in each home from eleven o'clock at night - or I believe ten o'clock at night until seven. That programme is already in place and has been in place for quite a number of months and it seems to be working out well, so that government have taken every step that they could take, Mr. Chairman, and we await Judge Gushue's report to make final decisions as to whether or not any homes will have to be closed or what additional improvements will have to be made in connection with them.

On the matter of the Aquarena or the Canada Summer Games facilities, I indicated to the House this afternoon that we have the report. We will be tabling copies for each member of the House within a day or so. In that report Judge Steele draws attention to the deficit by the Games Committee. I am not quite sure of the amount, I cannot even be certain whether it is quoted in - I do not believe the figure is quoted, but there have been a number of figures flashed around. I know that Ottawa has made available \$300,000 additional

MR. HICKEY: money to the Summer Games Committee to defray their deficit. That is not sufficient.

MR. NEARY: Who has made it available?

MR. HICKEY: Ottawa, the Department of Fitness and Sport.

MR. NEARY: Three hundred thousand dollars?

MR. HICKEY: Three hundred thousand. That is insufficient. I have an indication that the Committee wishes to sit down with us and discuss the -

MR. NEARY: (Inaudible).

MR. HICKEY: I do not know, Mr. Chairman. I would be guessing or I would be using second-hand information. For what it is worth I can only say that there is an indication, or the figure of \$300,000 has been used. This would indicate that there was \$600,000 with \$300,000 being picked up by the -

MR. NEARY: There was a \$600,000 deficit: \$300,000 from Ottawa and they expect the Province to pick up the rest.

MR. HICKEY: It would seem that that is what one hears, Mr. Chairman, but I repeat -

MR. NEARY: You have the report. Have you not read it?

MR. HICKEY: No, Mr. Chairman, I have not had an opportunity to read it all.

Mr. Hickey: I repeat that what I am saying insofar as I am concerned is simply hearsay in terms of those figures, except I can say with certainty that Mrs. Campagnolo informed me that \$300,000 additional money was made available by Ottawa to the Canada Summer Games Committee. As regards to the disposition of facilities, Judge Steele makes a very clear recommendation with regards to the Aquarena. He recommends an authority. He recommends special legislation through the House to set up a commission to operate the facility and other facilities which are connected with it. Other things are to be done with them. And all I can say, Mr. Chairman, is what I said this afternoon, that government has not had an opportunity. We just got the report a few days ago. Government will address itself to that question as quickly as possible, but certainly not by making a rush decision which would in any way indicate that a quick decision or a wrong decision might be made. We will take the necessary time to ensure that the proper decision is made, and that that is the situation.

MR. NEARY: I thank the hon. minister for the information, Mr. Chairman.

MR. CHAIRMAN: Does 901-01 carry?
On motion 901-01 carried.
On motion 901-02 through 911-03-11 carried.
On motion Head IX passed without amendment, carried.

HEAD XVIII - PUBLIC WORKS AND SERVICES

MR. CHAIRMAN: Shall 1801-01 carry?
The hon. Minister of Public Works and Services.

SOME HON. MEMBERS: Hear, hear!

MR. DOODY: Thank you.

Mr. Chairman, this particular set of estimates which I have the honour of presenting to the Committee this evening is the Department of Public Works and Services. It is a department which I have not been associated with for very long, but it is one with which I am becoming more and more fascinated. It is a department really that has come in for quite a little bit of attention over the past month,

MR. DOODY: and one, I think, presents a real opportunity for some very worthwhile work. The department, as hon. members are, perhaps, aware, is really a service department of government. As the long title demonstrates in the estimates book, the department provides and maintains the accommodations and support services for the various branches of government and purchases materials and supplies and equipment required by government departments and institutions for their operations.

Now, this department is one which really has not been gone into in a great deal of detail during previous estimates, as I remember. There are really four or five heads of expense under the main heading and the buildings, which is the planning, construction, maintenance, operation and services of government owned buildings and rental accommodations; the government Purchasing Agency, our Printing and Photography service, the Transport Services, the Public Service Commission, the C.A.Pippy Park Commission and the Newfoundland Information Services.

The Newfoundland Information Services, if my memory serves me correctly, managed to take up most of the department's estimates, or most of the time of the Committee in consideration of the estimates during the last session of the House. The Information Services is a group of people, small in number, who provide a very worthwhile service to government and to its related agencies and to organizations and groups who are partially or totally funded by government. Also, as I understand it, it is available to make non-partisan releases for any elected member of the House, and I think that various members of the House have taken advantage of this service from time to time.

AN HON. MEMBER: (Inaudible).

MR. DOODY: Do you not believe that?

MR. SIMMONS: It is a kind of Class II ticket.

MR. DOODY: I do not read these pink sheets. I leave that for the Socialists in the hon. House.

More importantly, perhaps, are the functions of purchasing and the maintenance and supervision of public buildings and supplying of services of that type to all the other government departments toward the organization and realization of a sensible and efficient and effective rendering of these services. Government sometime ago, this particular government, sometime ago brought into the House the Public Service Commission, or an act setting up the Public Service Commission, which has come in for some criticism over recent days and recent weeks and which, of course, we would be pleased to discuss in more detail as the Committee proceeds.

Before that time, of course, the organization and hiring practices were somewhat looser than they are at present.

The Purchasing Agency of government is an arm which was recently set up under, relatively recently set up under this administration with the government Purchasing Agent being an officer of this House and answerable to this House rather than to government as such. Although the support services for the government Purchasing Agent are provided through the Department of Public Works and Services, the responsibilities and authority of the government Purchasing Agent are a matter of legislation and a matter of, as I have said, responsibility to this particular legislature.

Perhaps more importantly is the establishment, setting up of the Public Tenders Act. I think that this, strangely enough, has been one of the more far-reaching and more responsible and sensible reforms that

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MR. DOODY: were instituted by this
government and one, perhaps, which has gotten us into,
in a strange and

MR. DOODY:

weird way more difficulties than one could imagine. Under the prior regime the sort of difficulties that we have seen surface in the Public Accounts Committee and so on would not have been possible for two very good reasons: one, there was no Public Tenders Act, and also there was no Public Accounts Committee. So this government takes pride in being responsible for the establishment of these agencies, this legislation which enables the tendering to be done in a responsible and responsive nature, and the Public Accounts Committee which has the powers and authority to look into what they feel are irregularities and discrepancies in various departments and various agencies of government.

The Financial Administration Act is another reform along these lines which is something this administration quite rightly takes pride in. I should like to say, Mr. Chairman, that as we go through these particular set of Estimates and as I try to present the Committee with as much information as I possibly can, I will have to lean on the advice of the Chair and on the advice of the learned members of this House to try to steer me off the shoals, as it were, when it comes to advising me on what is permissible and what is not permissible in terms of the judicial inquiry which is now in progress under Justice Mahoney. Also I do not know if the same restraints are applicable in terms of police investigations but I will certainly be only too happy to provide whatever information I can within the constraints that the Chair sets forth in this regard.

I should also like to point out now while I have the opportunity, Sir, a matter which is I think of major importance to the Province and which has gone unnoticed, and that is the change-over from the old system of the distribution of insurance, government insurance for the various areas of responsibility both in terms of buildings and Crown Corporations and group insurance and so on. Some time ago, and not that long ago, this was felt to be a deserved and earned sinecure by various companies. We took it as a matter of course to renew from year to year, without benefit of review, the various insurance policies which had been awarded to them. A year or so ago an insurance division was installed, instituted which has the authority to and the responsibility for the calling of

MR. DOODY: public tenders for insurance for these various areas of government responsibility which I mentioned a little while ago. We have found that this particular innovation has saved the Province a significant amount of money and has also increased, I am told, the coverage and efficiency of the general insurance programmes of the Province.

While I have the opportunity, Sir, I would also like to call to the attention of the Committee and the personnel the people who make up the Department of Public Works and Services, the people with whom I have the honour of working with over the past few weeks and whom I have gotten to know. The Deputy Minister, a fairly recent appointment, Mr. Tom Whelan, who is by far one of the more capable and competent people I have had the opportunity of meeting, an engineer, a professional, a man who has made remarkable progress in re-organizing the department and its various divisions and has started to gather around him in addition

MR. DOODY:

to those people who are already there, some very competent and capable expertise both in the terms of engineering and management, also in the terms of business management and terms of financial management. It is almost reminiscent, Sir, of the Department of Finance a few years ago when we moved in there. It is unbelievable but true that the Department of Finance had on its staff one chartered accountant to look after the financial affairs of the Province. Needless to say, that has changed radically now and there are a great many qualified, competent people in there, as should be, for a business operation the size of this government, handling the amount of money and working within the limitations and the strictures of government.

I would be most happy, Sir, to go into detail, as I say, on these various heads and headings. I would expect that the Committee would be prepared to ask questions as we go in any way that they wish and within the limitations, as I said, of the judicial inquiry that is now in progress. I would be only too happy to answer the questions. If I disappear from time to time it will only be a momentary lapse as I rush out to get the benefit of my very experienced and talented co-workers from the department who are sitting outside, and they are prepared to help me with the various technical details in these estimates. And so, Sir, I now commend the estimates to the Committee for their attention.

MR. CHAIRMAN: (Dr. Collins) The hon. the member for Burgeo - Bay d'Espoir.

MR. SIMMONS: Mr. Chairman, the minister, as he pointed out, is new to the portfolio. We certainly wish him well. He takes on a very difficult assignment

MR. SIMMONS: at a very difficult time.

He mentioned there is a new deputy minister - well, he has been in the post now nearly a year. In my dealings with him as a member of the House and as Chairman of the Public Accounts Committee, I have found him to be a very cordial and a very competent individual and I certainly wish him well in what is a very difficult assignment.

Now, Mr. Speaker, there are a couple of items on which the minister and I agree. They may be the only two. He talks about the judicial inquiry and he wonders if the Committee will guide him on the point that he does not say the things he should not say. Well, I am not what some people have the audacity to refer to as a learned member of the House. I guess you can construe from that that I am an unlearned member. I am not a lawyer -

MR. NEARY: Hear, hear!

MR. SIMMONS: - for which we rejoice. But, Mr. Speaker, I think I can give the minister advice on this particular matter if he needs advice. Let us be clear - the inquiry is a public inquiry, it is not a court of law. The judge is there not in his capacity as a judge, but in his capacity as a commissioner appointed in accordance with the legislation providing for public inquiries. It is not a judicial inquiry except to the extent that it happens to be a judge who is sitting as commissioner. I hope it will be a judicious inquiry. But it is a public inquiry, nothing more and nothing less. It is not a court of law. And therefore, the oft trotted expression of the Minister of Justice 'sub judice' is one I hope he does not use on this particular item here, because there is nothing at all before the courts. It is a public inquiry which in full public view will seek to arrive at the truth about several

MR. SIMMONS: matters. And I say to the Minister of Public Works, I cannot think for the life of me how we by any discussion here tonight could prejudice that inquiry. Indeed, I would think that we could aid it by bringing to light certain additional information, if that be the case. And, of course, insofar as the police investigation is concerned, there, too, nothing is before the courts although, of course, one can exercise one's discretion. If one is looking for a precedent as to what your latitude is, I say to the Minister of Public Works he might want, and then he might not want, to take his cue from his colleague, the Premier, on Friday, who within minutes after the police investigation into another matter that was announced, namely the Scrivener affair and the Davidson affair,

MR. SIMMONS: call it what you will, the Premier proceeded to launch into one of his more uncontrolled tirades against one or two individuals. I was a little surprised at it. But I just direct the Minister of Public Works' attention to it because if he is looking for some leverage on the point, or looking for some latitude within which to operate. I say to him that nothing he could say in this Committee about Public Works, as it may relate to a police investigation into the Torbay Hangar job, or as it may relate to the public enquiry being presided over by Mr. Justice Mahoney, nothing the minister can say could be as despicable as what the Premier had to say the other day in reference to another police investigation. So the minister has a wide avenue.

MR. MURPHY: May I ask a question? Did the hon. member say the Minister of Justice Mahoney?

MR. SIMMONS: Mr. Justice.

MR. MURPHY: Oh, I am sorry!

MR. SIMMONS: I meant to have said Mr. Justice Mahoney. It is good to have the member for St. John's Centre (Mr. Murphy) back from his sojourn in other parts to keep me straight.

Mr. Chairman, the Minister of Public Works makes reference to the Public Tender Act. On that particular subject let us let nobody be led astray. Senior officials of the Department of Public Works have stated before the public enquiry, have stated before the Public Accounts Committee, have told me in personal conversations, that the Public Tender Act did not make a whittle of difference. They have said it under oath; it did not make a whittle of difference.

I would be the first to agree that there was need for public tender legislation. I would be the first to agree. And we had it in 1974. I

MR. SIMMONS: was in this House when the legislation was passed. We said then you could drive a truck through it but we did not, even then, comprehend just how large a truck you could drive through it. It took fellows like A.B. Walsh and others to demonstrate just how large a truck you could drive through it.

The Public Tender Act, Mr. Chairman, made not one whittle of difference. If you do not want my word for it, take the word of some of the senior public officials who have been before the public enquiry and before the Public Accounts Committee. So let us not spend our time tonight talking about that red herring called the Public Tender Act because it made not a whittle of difference. It should have, but it did not.

As far as the Public Accounts Committee is concerned I shall take with a grain of salt the minister's expression of pleasure at the government having activated that particular Committee. I am told they rue the day they ever set it up, I am told that they are running short of judges on the bench to appoint as commissioners of enquiries, they are running short of inspectors down at the R.C.M.P. to conduct the police investigations and how they can be genuinely delighted with the Public Accounts Committee in their present situation, Mr. Chairman, I fail to understand.

But anyway, that aside, let us review for a minute, Mr. Chairman, what has happened that has made all these enquiries necessary. Now, Mr. Chairman, I lump them together. Whether you are talking about the public enquiry under Mr. Justice Mahoney, whether you are talking about the police investigation into the Torbay Hangar job, whether you are talking about the newly launched police investigation into the Davidson documents and the related Scrivener deal, I lump them all together, all the enquiries, and I refer to them all when I say in

MR. SIMMONS: the next few minutes, the enquiries.

They are all much more similar than you would be led to believe at first glance because they are all addressing themselves to the same general problem, a problem brought on when a bunch of people got too greedy. That is the problem.

You can write any tender legislation you want to, you can write any laws you want to, you can legislate on any matter you want to but if you have people in authority who are intent on circumventing the law, on getting around it, they will every time. They may be caught in the end, as I think they will be caught this time, but they will get around it.

I raised some questions today in the House about the fire down at Signal Hill Road,

MR. SIMMONS: and I remind members of the Committee that one of the occupants of that building on Signal Hill Road was a very well known electrical contractor. Indeed he showed up in a list of electrical contractors that the then Minister of Public Works, who is now the Minister of Manpower, a list that the minister gave to the House on March 10th. of last year. He showed up on the list. He was well down that particular list, but since then - or actually before then - I already had another list given to me privately which also listed the electrical contractors and which put that company not sixth or seventh on the list, as the minister said seventh, but fourth on the list, after such luminaries as Walsh, Noel's and Cahill. Number four is Gaulton; Gaulton was the one involved in the fire the other day.

On the subject of the minister's, I have not had a chance to reflect publicly on this since, by the way - the minister ought to take out his statement again now of March 10th., 1977 and compare it with the facts which have emerged since, because there is a fair difference. There is a fair discrepancy, I say to the minister, between what he told the House on March 10th., and what subsequently emerged in the Public Accounts Committee and in the public enquiry. Now perhaps the minister was not aware at the time, but for his own protection he ought to go back to the people who advised him and ask why they advised him as they did. One particular example is the list itself that the minister gave to the House on that particular occasion. There were a number of glaring omissions from the list and indeed another list, which one of the officials of the Department of Public Works gave to the Committee, was verified to be the list the department was using, not the list that the minister gave to the House in his statement of March 10th. But I just give him that as an example.

MR. ROUSSEAU: Are you saying I misled the House?

MR. SIMMONS: No. I did not even attempt to say that the minister

MR. SIMMONS: had intended to mislead. I was saying to him that in the light of information which has come out since, which is quite contrary to some things in his statement, he would be well advised as an individual to have a look at the statement now in case on some occasion he is asked to stand by it again because it is a fairly outdated statement.

Mr. Chairman, I mentioned a fire just now. I guess it is because after what happened in another fire some years ago, I have a very suspicious mind about fires as they relate to Public Works. I am not convinced yet, Mr. Chairman, that the fire in the Fisheries College on the 24th. of September, 1975 has been properly put to bed yet.

AN HON. MEMBER: The Fisheries College?

MR. SIMMONS: The Fisheries College, yes, a little kitchen fire that happened on the 24th. of September, 1975 and which was used as the reason for all these emergency repairs. That fire, according to an official of the Department of Public Works - Mr. Rees. I think his name was - Mr. Rees certified the following day, the day after the fire, that the expenses on account of the fire would amount to \$30,000. This is a memo dated the 25th. of September, the day after the fire, to the Director of Maintenance Inspection from the Assistant Director of Maintenance Inspection, signed A.-Something-Rees.

On that day he estimated that the damage caused by the fire would amount to \$30,000. Subsequently in committee a member of the Department of Public Works, Mr. Butler, who was the Assistant Deputy Minister and is, stated that the entire amount spent on the building the next two and a half years was due to the fire, that in answer to questions from me. Now what was that amount? Was it \$30,000? Was it \$60,000 perhaps, \$65,000 or \$70,000? \$579,000! all right? - no tenders on any of that, Mr. Chairman, and we are supposed to believe from the minister tonight that after the Public Tender Act came in in 1974 everything was hunky dory, everything

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MR. SIMONS: was all right. Well it might have been all right for a few people, Mr. Chairman, but it was not really all right for the taxpayer who shelled out \$579,000 without the benefit of a tender. Well, actually I could have told you more. I could have said \$616,000 but I was thinking of

MR. SIMMONS: \$579,000 that went to one particular contractor, number one on your list, Mr. Walsh.

Now, Mr. Chairman, let us not be kowtowed or soft-talked into this business that the millennium has arrived since the Public Tender Act came in in 1974. The department officials say that nothing changed. If you do not believe them, look at the documentation that I am putting before you. Nothing changed. The Act came in in 1974, in 1975 there was a little fire down in the Fisheries College and, as I said to the Committee before, Mr. Chairman, that one has never been properly checked out to my satisfaction in terms of possible arson. It has never been checked out.

There was a fire on Signal Hill Road on Wednesday. I asked a question today about the possibility of arson particularly since it is a contractor who is coming increasingly under the heat, if you will excuse the pun, the contractor who is number four on the list of electrical contractors, who was to be handed out work without the benefit of tender, a contractor who must be particularly feeling the heat now with the tabling of various documents and the ongoing public enquiry and two police investigations.

But let us not zero in on any one particular contractor, Mr. Chairman. I can tell you about at least the four of them on the top of that particular list. I have mentioned Mr. Walsh, I mentioned Gaulton Electric; let us talk about Noel's. Let us remind the Committee that in 1975 the Department of Public Works wanted to install an electrical panel up in the LeMarchant Road building known, by that name on LeMarchant Road, just west of the Grace Hospital on the opposite side of the road, the LeMarchant Road Building. They wanted to install a switch panel and related equipment. The total cost of that equipment escapes me now. It was around \$30,000, as I

MR. SIMMONS: remember it, or \$31,000 or \$32,000 or something of that nature, I just forget the amount now.

Somebody issued three work orders, blanked. Blank work orders, no amount on them and then after the fact wrote in \$10,000 on each of three of them for one particular electrical job that a tender should have been called on. This was not an emergency item, Mr. Chairman. This was an item for which the department had a proper design estimate on work in that building totalling - the design estimate, I think, ran to about \$115,000. The department subsequently had the work done and spent something of that order. I am just mentioning one segment of that total expenditure now that relates to a switch panel. The Public Accounts Committee will recall that we looked at that particular switch panel. How you could break a switch panel down into three jobs has always escaped me and particularly so after I looked at the job. The only motive that I could see for it was that they wanted the jobs to come in each under \$15,000.

Mr. Chairman, be that as it may, without getting into the semantics or the pros and cons of that particular argument as to the reason that it was broken down, the fact is that without benefit of tender one of the companies on this list, in this case Noel's Electrical, who that year, Mr. Chairman, got a lot of money from the government, something of the order of \$2 million or so in that fiscal year of 1974-75, or it might have been 1975-76, I am not sure,

MR. SIMMONS: About \$2 million or so, a little over \$2 million, \$2.3 million or something like that without benefit of public tender. I just bring this one out now, Mr. Chairman, to demonstrate how it was done. This is only \$30,000 of the \$2.3 million which they got in that particular year without the benefit of a tender.

I do not have any particular

MR. SIMMONS: documentation in front of me on the Cahill firm at this present time. When we started this investigation in Committee and I began asking questions as a member of the House and of the Committee, we did not have particular companies in mind. We asked for particular jobs and we got information on particular jobs and the information that came back to us related to two contractors only, Walsh and Noel. But since then it has been indicated to me that Cahill and Gaulton have been doing a fair amount of work as well.

Now, Mr. Chairman, I started to say a moment ago, and it is difficult to develop as intricate a matter as this in a twenty minute period but perhaps we could get back to it later on, I started to say that

MR. SIMMONS:

all the public enquiries are really one and the same. They are all addressing themselves to the same overall question. They are all brought on by the basic central problem I cited, that some people got too greedy. I predict they will be found out, and the sooner the better. It might take a little time and as we get nearer the wire you will find people get more and more desperate, and that aspect of it frightens me too because I see some fairly desperate things going on, I have alluded to a fire or two; I may be completely wrong on these. I do not know, Mr. Chairman. I do not know. But people are beginning to try and cover their tracks, and they have tracks to cover, they have tracks to cover, and that is the issue I would like to see here in Committee. Now we can slough it off, we can pretend to the world that the Public Tender Act works, we can say, as the Premier said on television Friday night, that this is a completely honest government - that is his view - or we can admit, Mr. Chairman, that what we have is a very despicable situation which has gotten very much out of hand. And partisan politics aside, all of us who have any kind of pride in good, decent government, who take any pride from having a government worthy of the name, ought to address ourselves to this particular subject, because the Scrivener enquiry, the Public Works enquiry, the police investigation at the Torbay hangar are all addressing itself to one subject and the same subject. And we would be fools, Mr. Chairman, absolute fools if we ignored that.

AN HON. MEMBER: Is that three enquiries.

MR. SIMMONS: That is three, but there are three others to come, I would think, if they can find enough judges and enough RCMP officers to do the investigating that has to be done.

Mr. Chairman, perhaps we will be able to get back to this in a little more detail later in the Committee.

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

MR. MARSHALL: Mr. Chairman, I have a few words that I want to address in these estimates, mainly directed towards the Public Tender Act itself and adverting to some of the observations that were made by the member for Burgeo - Bay d'Espoir (Mr. Simmons), both now and I noticed a few times in times past, concerning the structure of the act itself. The hon. member mentioned that senior officials of the Department of Public Works have indicated that the act itself did not make one whit of difference.

MR. SIMMONS: Whittle.

MR. MARSHALL: One whit or one whittle of difference since it was passed.

Now, Mr. Chairman, I have no intention at the present time of making any comments with respect to the manner in which this act, which I personally regard as the greatest piece of reform legislation that has ever been passed by this House of Assembly, how this has been implemented. I will withhold my remarks on that until after an enquiry which is taking place does take place, but for what it is worth I assure Your Honour and members of the Committee, that at that particular time, and in another place, perhaps, I shall be making comments with respect to that. But I have a great deal of concern about remarks that have been passed by senior officials of the Department of Public Works, reported in the public accounts, reported in the press, reiterated by the hon. member for Burgeo - Bay d'Espoir (Mr. Simmons) here and on other occasions, to the effect that the Public Tender Act did not make a difference, and the imputation has been made to the effect that you could drive, as the member said, a truck through the act itself, and, you know, it is easy to get around the act. And I am very concerned about this because I feel it is an important act and I am very aware, and I make this statement right here, that since the passage of the act itself there have been vested and powerful interests in this Province, working

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MR. MARSHALL: unceasingly, as far as I can see, to
attempt to negate this positive reform legislation, or indeed
perhaps to even have it repealed.

Now these efforts, in my view,

Mr. Marshall: since 1974 have been concerted, they have been deliberate, and they have been determined, but they are efforts that I know are definitely going to be resisted and will be resisted by this government. And one way to attack a plan, a positive piece, a plan is to attack the legislation itself. And I do not say that the hon. member for Burgeo-Bay d'Espoir (Mr. Simmons), who is the spokesman for the Opposition, does it deliberately, I am not by any means insinuating that he is in league with those people who are, as I say, these powerful and vested interests who have been making concerted efforts to attack and call into question this particular legislation.

But these statements to the effect that you could drive a truck through it, that there are great loopholes in it are statements really that are geared to call the Act into question and to attempt to derogate it. Now I have no doubt - it is not from any pride of authorship as such that I make this statement, because as the Committee will see, as I want to in a few moments, I will mention the source of this Act, and why it is a strong piece of legislation, and why those people who make these statements that there are great loopholes in it and that you could drive a truck through it are really, probably unwittingly, being servants, giving lip service to those people who wish to derogate the Act.

Now this Act itself: what is this legislation, this much-talked-about Public Tendering Act? The Public Tendering legislation of this Province was enacted by this government, not by the previous government. You could certainly drive a truck through the public tendering legislation of the previous administration, Mr. Chairman; there was no problem with that because it was completely non-existent.

AN HON. MEMBER: Hear, near!

MR. MARSHALL: There were no loopholes at all, Mr. Chairman, there were knots. There were knots that would choke a person tied directly to certain vested interest in this Province that we know who were the recipients of contracts in those days. And it was precisely because of this, Mr. Chairman, that the tendering legislation

MR. MARSHALL: was passed. The first piece of tending legislation is to be found in the Department of Public Works Act that was enacted by this government in 1973. It is in part three or four of that Act, and what really it is, is really the same Act that was brought forth in the Opposition when we were in the Opposition an act called the Equitable Purchases By Government Act, an act that was laughed at, and voted down by the then government of the day.

That portion of the Act which deals with the acquisition of personal property - not public works on land as such; supplies, services, what have you - that has not borne the brunt of the criticism of the Public Tender Act itself, so I shall not go into it. It is working fairly well, and fairly satisfactorily. In the event that any supplies less than a certain value are acquired at other than the lowest tender, a report has to be to the Attorney General and the Attorney General reports to this Legislature. There have been very few reports on the working of that aspect of the Act, that is, Supplies and Services, by the Auditor General - not the Attorney General, by the Auditor General. So I think we can assume that that Act is working fairly well.

Now the Public Tender Act, the one that has been greatly questioned, questioned by, as I say, senior officials of the Department of Public Works, to whom I shall be addressing myself much more specifically in another time and another clime when a certain enquiry is over. What is that Act? That Act provides that where there are works to be performed, public works to be performed in excess of \$15,000, public tenders must be called, with certain exceptions. The Act is pretty well word for word, Mr. Chairman, the same as Sections (34) and (35) of the Department of Public Works Federal Act, only in this respect it is a little bit stronger. As a matter of fact, there has been a body of opinion passed to me, contrary to what has been said in this Province, that this particular Public Tender Act

MR. MARSHALL: happens to be one of the stronger ones in any Canadian jurisdiction, including the federal government. But for those of us who like to feel that nothing can emanate with originality beneficially from this Province and love to point to other jurisdictions, I would say to them that the main part of the Public Tender Act is taken word for word from the Federal Public Works Act with certain modifications to strengthen it, and if it can work with the federal government surely it is workable in the provincial government. And, as I say, I shall enquire further from the officials of the Department of Public Works and other people here as to why an act that can work federally and is used nationally cannot be utilized here with the same degree of effectiveness and efficiency.

The other parts of the act, for the information of the committee, Mr. Chairman, the other parts of the act are taken from kindred provisions in other provinces that require if a contract is awarded to other than the lowest tender, because it does not mean under the Public Tender Act that the lowest tender has to receive the contract in all instances. There may be instances where it may be expedient not to grant to the lowest tender—but if you grant to other than the lowest tender it has to be tabled here in the House. And in fact there have been instances since 1974 when other than the lowest public tender has been awarded, have in fact been tabled in this House and I am glad and pleased to see that they have been minimal, they have been few, and the bulk of the contracts given by this government have been done on open public tender since the imposition of this act, probably before, and that that act is working. I do not think it right to take a few instances out of context and say that the act is not working because it has not worked in a few instances. As I say, I think we are falling into the hands of those powerful and vested

MR. MARSHALL: Interests in this Province that would like to see a return to the old situation, not just as it existed before but as it has existed through our history and is exhibited to anyone who has had the occasion to read the Amulree Report and can see the extent of the corruption that occurred in our governments in the years past, ever since we were conferred Responsible Government by the British Crown and, in effect, was one of the major reasons why we lost our government in the 1930's and this is what this act, the Public Service Commission Act, the borrowing powers in Cabinet and these other acts were intended to meet.

So let us not hear any more - let us hear more about how we can strengthen act, I am all for it, Certainly there are ways that - I am not pretending that there may not be ways that an act of this nature or for that matter any act cannot be strengthened, and strengthened it should be if it can be, but let us not fall into the old mistake of listening to these people who say that you can drive a truck through it, that there are loopholes in it, because all that amounts to is an attempt to get back to the old previous situation and to derogate this positive legislation, I think myself the most positive legislation that has been passed by this government and one with which this government can have a large measure of pride.

Now how effective has it been? How effective has this legislation been? First of all, I do not think that anyone would doubt that it is the most talked about legislation, certainly in recent years, in this Province; it is on everybody's lips, it comes up all the time, we hear about it day after day. There would not be any allegations without this Public Tender Act of the alleged contracts without public tenders, the so-called enquiries, what have you; it would not have existed before in the days of the previous administration because there was nothing that the Auditor

MR. MARSHALL: General could report on. Contracts were in fact given out time and time again to private friends of the members of the government — not private friends or private members, but friends of the government, of the previous administration. They went through and they went through pretty well unnoticed without a lot of comment because there was in fact no Public Tenders Act, there was no reason for the Auditor General to report. Now, as a result of this government bringing in this legislation,

MR. MARSHALL: Certainly, people might say that the government is being subject to comment by the Auditor General, but at least give it credit for passing the legislation to enable these comments to be made.

It is also a fact, if anyone wishes to check the papers, that there have been infinitely more tenders called. All you have to do is check the advertisements in the paper and you will see the numbers of additional tenders that have been called, which is proof positive of the effectiveness of that act comparable to the fact that the act did not exist. I might say that the same observation pertains to the Public Service Commission Act where you see jobs being advertised in the papers daily.

Mr. Chairman, I am, as I say, very proud to be part of a government which has passed an act of this nature. As I say, I refrain from making remarks with respect to implementation but have every intention of doing so at the appropriate time. But my main reason for making this particular statement at this time is to point out that this act itself, and attacks that have been made on this act are really attacks that have to be analysed, have to be looked at, and one has to ask oneself if the attack on the act is not really in effect an attack on an institution that has been set up, and what really we should be looking for is not just try to make little points about, you know, there are loopholes in it; you could drive a truck through it and what have you, but let us look to instances and measures that we can take in order to strengthen the act itself.

As far as a permanent Civil Service is concerned, I say this, and I cannot refrain

MR. MARSHALL: from making this particular statement, Mr. Chairman, that I am quite surprised, I am very surprised at the comments that I have read made before the Public Accounts Committee and the reports in the press before the present inquiry that is going on, made from officials of the government of this Province. Now I say this, when a policy is set down by this government, or by any government, it is up to the permanent administration to administer that policy and not to question it, as apparently had been done in the particular instances concerned. The fact is that these certain people, certain permanent employees, have indicated that the act could not be complied with, it was impossible that it be complied with. And my question is; if it is impossible for the provincial Department of Public Works to comply with it, why then and how then is it possible for the federal Department of Public Works, the Government of Alberta, the Government of Ontario and other provincial governments to operate with legislation which is essentially similar to that and to operate with it effectively? I say that it is not - and this is probably the story of this government when its epitaph is written - I hope it is going to be later rather than sooner - that when its epitaph is written it is going to be, you know, legitimate comment really on the way in which there was no differential between policy making on the one hand and implementation of it through the permanent administration on the other.

Now this is a strong act, Mr. Chairman. As I say, I am proud to be a member of the government that brought it in, and I say that it must be preserved at all costs. If there is anything to be

MR. MARSHALL: strengthened in it, we can add strength to it, but let us not come along for the purpose of making small political points -

AN HON. MEMBER: Hear, hear!

MR. MARSHALL: - and attempt to attack it, because really, all that we are doing is falling into the hands, as far as I am concerned, of the powerful and vested interests in this Province who are quite aware of the effectiveness of this act and have been working deliberately ever since it has been enacted to see what they can do, if not to repeal it, to negate it and weaken it and dilute it as much as they possibly can.

Those are the only remarks I have to make to the Committee, Mr. Chairman, As I say, there will be other remarks that I shall be making concerning the matters of public tenders etc. at another time when the time is appropriate.

MR. CHAIRMAN: (Dr. J. Collins) The hon. member for Burgeo - Bay d'Espoir.

MR. SIMMONS: The member for St. John's East (Mr. Marshall) obviously could not have heard some of the things I had to say about the legislation. I happen to feel, like he does, that the Public Tender Act was a great piece of reform legislation. I have never at any time scorned the fact of the legislation. I said earlier, I think almost word for word, I would be the first to admit that there was a need for that legislation. Indeed, one of the items in the platform of the administration now in office when it came to power was that it was going to clean this kind of thing up, this business of the expenditure of public funds, and so it was to be expected that the Act would have been brought in. What was not expected was that there would be no basic change. What was not expected was that ministers would come in and give instructions to ignore the legislation. And that, I say to the member for St. John's East, is what happened. And I can understand that he would want to reserve judgement or comment at least on the point. I would say he has not reserved judgement; I would say he has made up his mind on the point already if he has had his eyes open the last few months with the evidence that has been coming out publicly, but I can understand he would want to withhold comment. But the fact of the matter is that instructions were given to civil servants to the contrary, and you can score civil servants for not administering a policy, but if on the one hand they have a policy and then an instruction to ignore a policy, then the question comes, which do they do? Do they administer the policy or do they follow the latest dictate from their superiors. And I submit to the member for St. John's East that the latter happened, that they were following some fairly direct dictates from their superiors including their ministers, the various ministers of Public Works since this administration took office.

MR. MARSHALL: May I ask a question?

MR. SIMMONS: Sure.

MR. MARSHALL: Would not the hon. member feel that it would be much more logical and better to wait until the public inquiry, which is taking place, takes its course and its findings are made before making, ourselves, judgements of that particular nature?

MR. SIMMONS: Well, it is not so much a matter of judgement; it is a good delaying tactic, and I am not suggesting that is why the member is suggesting it, but it is certainly a good delaying tactic. But I think we in this Province, perhaps because of the lack of any tradition of working Standing Committees of the House, are under a bit of a delusion about the role of the House versus the role of public inquiries. And outside our jurisdiction, in Ottawa and certainly in Washington - the one that we see so often, because the only magazine we can get these days is Time, it seems - in other jurisdictions there are all kinds of precedents where on the one level you have a public inquiry, or in some cases a court proceeding in the case of the Washington example I mentioned, going forward, while at the parliamentary level, in the Congress of the United States and the House of Commons of Canada, you had House committees deliberating on the very same subject. And I call to mind two examples, the Judge Serica proceedings into the Nixon tapes in Washington, and at the same time there was a Senate committee deliberating on the same point and going after the same tapes almost on the same day that he was in a court across the street; and in Ottawa, you had the situation of the Polysar hearings, the subject of proceedings outside the House and at the same time the subject of proceedings and questions by the Public Accounts Committee. So we do have many examples and we should not become inhibited as legislators, as parliamentarians here by the fact that there are proceedings ongoing elsewhere about related or even indeed similar or the same subjects.

MR. SIMMONS: Once you get into the area of something being in a court of law that is a different question. Once you get into the area of it being a matter of a police investigation, then, as I mentioned in my earlier comments tonight, you have to use some discretion.

But on the subject of whether or not we should be commenting on it while it is before a public inquiry, there is no doubt in my mind - indeed, we have a responsibility to do it. We may well help direct the inquiry somewhat. Indeed, I understand from the inquiry counsel that one of the first things they have done in preparing for their inquiry was to read everything that took place in the Public Accounts Committee and in this House on the subject at hand. And I think they can take some direction from us on this particular point.

Now, Mr. Chairman, I want to respond to one or two other things that the member for St. John's East (Mr. Marshall) said. He talks about the vested interest. Well, he will be aware that I am certainly not here representing any vested interest on that subject. And the twist he puts on it is a new one - I am certainly willing to entertain it, it is a new one - I had not heard it that way before, because I was rather than glorying or gloating in the size of the loopholes in the Public Tender legislation, I have been one of those hard at work suggesting some improvements. And indeed, two improvements that have been suggested - and these have been funnelled through the Public Accounts Committee - one is that the matter of leases be included in the Public Tender Act, which is not the case now. You can go out and if you buy

Mr. Simmons: a building for \$15,001 on behalf of government you got to tender for it, but if you want to rent that same building that is valued at \$15,001 for twenty years at \$500 a month, \$6,000 a year for twenty years, say, at \$120,000, you can commit government to \$120,000 in rentals under the present Act, because the Act does not address itself to leases. There is a loophole. And if the member suggests that is a small one, I suggest otherwise: it is a very large loophole. The whole matter of leases has been looked over - not looked over, but left out of the legislation. The matter of extensions to highway contracts: now there is a good reason for it. If you got six miles of pavement you are doing now and you discover that it would be expeditious and efficient and cost saving to pave another mile or so here, that is one matter. But when you stretch it to this point that you are paving ten miles here on a contract and you find that seventy miles away you have got another twenty miles that need to be paved, when you do as was done a year or so ago, when you extend a contract for a different area of the Province and for an amount larger than the original contract, I do not think that was the spirit of the legislation. I think that is a loophole, but I think it is a fairly large loophole.

AN HON. MEMBER: You could drive a truck through it.

MR. RIDEOUT: A truck full of pavement.

MR. SIMMONS: When you can take an expense like I mentioned just now, \$15,000 or \$20,000 or \$30,000 to do some repairs for a fire down in the Fisheries College Annex and at the end of \$616,000 no tenders, you know, that is a loophole. That has got to be a loophole; if that is not a loophole then I never heard of a loophole. When you can take \$2 million and lash off up to Montreal McConnell Advertising with no tenders called, and bypass people in the Province who can do the job and perhaps do it better, because all I have seen from McConnell at the moment are some T.V. and radio spots, and if we do not have people in this Province who are not capable of producing that, God help us, we should not even admit it. We should plead we are

Mr. Simmons: an inferior people if we have not got a bunch of fellows who can put together those PR spots that we have heard and seen on television and radio.

And still without any benefit of a tender, any option for the local people in the PR industry to apply or to make a bid on that stuff, it is farmed off to Montreal over a fifteen or a sixteen month period. From January of 1978 up until the following March of 1979 they are going to spend \$2 million without tenders for PR work in Montreal, That is not a loophole?

Mr. Chairman, I have just mentioned the \$2 million in PR, I just mentioned the potential in terms of highway tenders, in terms of leasing buildings without public tender, in terms of work orders - \$616,000 in the Fisheries College; \$307,000 with no work orders down in the Torbay hangar job; \$115,000 over on the LeMarchant Road building; \$70,000 or \$80,000 down in the fire hall down here in St. John's. These are just four of the examples. I could tell you about the one in St. Anthony where they flew a fellow from St. John's to St. Anthony to put a fuse in. I can tell you about examples on the Burin Peninsula where work was done without public tender.

Mr. Chairman, I am talking not about the little points that the member for St. John's East (Mr. Marshall) mentioned. I am talking about a lot of taxpayers' dollars totalling millions upon millions and millions of dollars, and I am saying to the member for St. John's East, before he dismisses these as little point, I am saying to him, did he ever imagine that the loopholes in the legislation, as good as it is, would be so big as to allow these things to get by? And I would like him at some point to address himself to this because we are talking fairly large amounts of money.

Now he says it is a strong piece of legislation. And, Mr. Chairman, I said that first too. It is a strong piece of legislation. I said that earlier tonight, but I said something else too; I said if you have people in positions of authority who are intent on

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Mr. Simmons: breaking the law or intent on getting around the law, then you could write all the laws you want. The first thing that a piece of legislation assumes is some goodwill, it has to assume goodwill. If I am intent on breaking a law of the land I can break just about every law of the land tonight if I do it in a certain way, without the surety of getting caught - I may get caught if I handle the job and that kind of thing.

MR. J. CARTER: Which one are you talking about?

MR. SIMMONS: Pardon?

MR. J. CARTER: Which laws?

MR. SIMMONS: Well, I mean any of the many laws. I would not break them all one night just for variety. But if I were to take it upon myself to break any law, the fact that I was not caught does not mean the law is no good. It means that it is predicated on some good will and if you have an absence of good will then you are in trouble with it from the beginning. If you have an absence of good will in this Public Tender Act you are in trouble, or if you have other motives operating. And I say, Mr. Chairman and I say very clearly, there are other motives here, there are other reasons. The member talks about vested interest; well, I say to him when he talks about vested interest he had better call to mind what the vested interests are and who they are. And I say to him they are not all contractors. There are some politicians in those vested interests he is talking about as well. And perhaps that will be part of his comment when the time comes. There are vested interests, Mr. Chairman, there is no question about that.

Now a couple of ways that the act can be tightened up is by putting leases into the act, by clarifying what the policy objective is in terms of highway contract extensions. But the only real way to make that act worth the paper it is written on is to put in government people who have something more than a lip service commitment to it. That is the only way you are ever going to do anything to make this act workable in any sense of the term.

Mr. Chairman, I seem to have mislaid one of my notes here. Okay. Mr. Chairman, the member for St. John's East (Mr. Marshall) says a number of things that I find myself in agreement with, and I am not sure, I am a little puzzled as to why he appeared to have gone out of his way to be on the opposite end of the argument from me. Because the Public Tender Act is needed. It was not there before, no question. It is not a matter of conceding these points; I think I said them first, before he said them. That is not the wave length on which I want to have our exchange tonight. The concern I have is that we can become so

MR. SIMONS: impressed with how good the act is, and it is good on paper, that we are going to overlook the abuses, the very real abuses that are taking place, abuses which have brought on the public enquiry under Mr. Mahoney where you have literally millions of dollars being expended with no tenders. How it could have gone on for two or three years, God only knows! It went on in the year '76-'77, a year after the one that the Public Accounts Committee addressed itself to. It would have been still going on, Mr. Chairman, if the Committee had not zeroed in on the subject. How can it go on so long if the Public Tender Act is so strong? That is what I ask you. How can you have two or three fellows standing around, Mr. Walsh being chief among them, Mr. Noel, and the others, and these names are not names that I am wanting to bandy around but they are public information now and I mention them so that it is not construed that I am talking about some other people. I am talking about Walsh and I am talking about Noel and I am talking about Cahill, and I am talking about Gaulton. I am talking about those guys in particular. How come that in spite of the legislation we could have a kind of situation where literally millions of dollars are being farmed out to three or four fellows with no public tenders. Now if that is not a loophole, Mr. Chairman, if you cannot drive a truck through that you have got an awful big truck. That is what we are talking about. I have heard no satisfactory answers yet. I heard the member say just now, "Why do we not wait until the public enquiry is over?"

Mr. Chairman, look! We are a House of Assembly. We take our direction from this particular House. Why is it suddenly that we cannot sort out this particular item? We are talking about a budgetary item. We are talking about a contravention of legislation passed in this House and yet we are saying we have to look to an outside body, a judge and

MR. SIMMONS: whoever to give us the findings on that particular issue. Let us investigate ourselves. Let us find out what went on. That is what we are here for.

MR. NEARY: We rely too much on judges.

MR. SIMMONS: Let us stop sloughing it off on somebody else. I am prepared to ask the questions if the ministers are prepared to give us the answers. We can do it either as a full committee or a Committee of the Whole House, as the House itself, or as a Standing Committee or Select Committee. I think we sloughed this one off long enough already, long enough. And I was one of the members of the Public Accounts Committee who wanted to continue with this item in Committee, despite the fact that it was before a police investigation,

Mr. Simmons: because time is an important element here and with the passage of time, here we are now just about a year after the time we were taking it up in Committee, and a lot has happened. The public enquiry, I am not scoring it, but because of preparation it had to do was many was many months before it could get set up. What has happened in that time? How many documents were destroyed? How many tracks were covered in that time? How many stories were rehearsed in that time? If you got six or eight months to practice your lines, Mr. Chairman, you will have them down cold, will you not?

AN HON. MEMBER: You should. That is true.

MR. SIMMONS: You can anticipate all of the questions you are going to be asked, you can have it down cold in that time.

So there was a matter of urgency last Spring when we were into the Public Accounts Committee on this very issue. The House had the instrument in a Standing Committee, the Public Accounts Committee, had the instrument, Mr. Chairman, to investigate the thing fully. And it abdicated its responsibility, Mr. Chairman. It abdicated its responsibility. It sloughed off the responsibility I do not know why it happened. The government members on the Committee voted to stop the investigation on it. Now I have been against that from the very beginning. I think we should have investigated it, and I think we would be a lot nearer to the truth today. But anyway there is an inquiry looking into it. The Public Accounts Committee is not finished with it. There is a police investigation looking into a part of it. There is another police investigation now looking into the Scrivener racket. And they are all the same, Mr. Chairman, they are all part of a pattern. I predict, Mr. Chairman, they are part of a pattern. I see that people directly involved are getting more and more desperate. I think they are going to do more desperate things. That kind of frightens me in a way because what else can be done? You get panicky, try and cover your tracks: you make mistakes - perhaps people get hurt. Desperate men do desperate things. It is a sordid a pattern, Mr. Chairman.

The member for St. John's East (Mr. Marshall) reminds us of the pre-Commission days, of the corruption that was part of our

Mr. Simmons: government. Obviously we preserve our traditions. Obviously the corruption of the 1920s and 1930s that he talks about is still with us. That is my impression from what I see. I repeat, Mr. Chairman; you can write all of the laws you want, you can pass all of the Public Tender Acts you want, you can have all of the public service legislation you want, but if you have people in authority who are intent on breaking law and then covering their tracks, it is going to happen. That does not surprise me. You will always have in any barrel you have, a few rotten apples. In any group at all you have a few people who should not be there, who do not have the basic integrity to be there. That does not surprise me.

What does surprise me, Mr. Chairman, particularly in recent weeks with the uncovering of ever new indications of scandal, what does surprise me is that some of the people who I had expected to stand on principle are not standing. They are not standing. They are saying, "Wait. Let us put it off another while." And in so doing, Mr. Chairman, they, not me, they are playing in the hands of vested interest, because they are buying, unwittingly they are buying time for those who need time desperately, for those to whom every day matters, and every day they can put off the inevitable is another day, thank God! That who is playing into the hands of the vested interest; the people of principle, whom we on this side have been looking to to make a move - not necessarily to come over here, Mr. Chairman, it is fairly crowded over here now. It matters not where they sit; it matters where they stand, though. It matters where they stand.

AN HON. MEMBER: You have been looking hard for them.

MR. SIMMONS: And, Mr. Chairman, I have been looking hard in the last few days and I do not see them standing. I do not hear them saying anything except, "Let us wait. Let us comment later; Let us hold our fire!" And there are people, Mr. Chairman, some of the rotten apples, are counting on them to just do that, to hold their fire.

AN HON. MEMBER: They are talking more and more.

MR. SIMMONS: You can see now that the campaign takes on a new aspect. It has become a an outright, gloves-off, smear campaign now, Mr. Chairman. But I happen to believe, perhaps because I am a naive believer that -

AN HON. MEMBER: Unlearned.

MR. SIMMONS: Yes, unlearned too. Unlearned, yes, yes.
- such a naive believer in that the truth will have its day,

MR. SIMMONS: that one of those days she is going to really come out in the wash, one of those days! It might take a little time. I hope it does not take too much time because it is costing the taxpayer too much money. And we have two choices in this House, Mr. Chairman. In this Committee we can lull ourselves to sleep by talking about all the pretty documents we have and the nice Public Tender legislation, which should be strong, and the nice Public Service legislation and all the other nice legislation and all the nice ministerial statements and all the nice coy answers we get to questions. We can lull ourselves to sleep on that one; or we can face the music - we can realize that we are into a very desperate period. We are dealing with a group of people who have only one interest in mind and that is filling their own pockets at anybody's expense and doing it as fast as they can and as ruthlessly as they can. Mr. Chairman, I believe that is the issue.

MR. JOHN CARTER: Name names.

HON. MEMBER: The minister earns his salary.

MR. SIMMONS: The Minister of Public Works earns his salary. Well, the member for St. John's North (Mr. J. Carter) asks me to name names. In time, if we have to, we will.

MR. CHAIRMAN: (Mr. Young) Order, please! The hon. member's time of twenty minutes is up.

MR. SIMMONS: So brief.

MR. CLAIRMAN: The hon. the Minister of Mines and Energy.

MR. PECKFORD: Mr. Chairman, I happen to agree somewhat with what the hon. the member for Surgeo - Bay d'Espoir (Mr. Simmons) had to say. I think, in referring to the events of the last couple of weeks as it relates to the Scrivener affair, contracts or no contracts, tenders or no tenders, that there is a vested interest

MR. PECKFORD:

around as mentioned by the hon. member for St. John's East (Mr. Marshall). I do not know where the vested interest is, Mr. Chairman. Sometimes one would be led to believe that it is South of the border, perhaps even South of the United States. And somewhat - I do not know what way to describe it - to listen to the hon. the member for Burgeo - Bay d'Espoir (Mr. Simmons) talk with such great, white virtue about good government, honest government when this hon. gentleman obviously condones and supports one of his own people on that side of the House who is being financed by people outside this country to bring forward certain allegations which have not been proved; and hence, you know, I do not see where the hon. the member for Burgeo - Bay d'Espoir can have his cake and eat it too.

Well, Mr. Chairman, if one looks back over the last several years in this Province and puts things in a reasonable perspective, I think you will see - and we all recognize, as everybody has said, that there have been certain deviations from the spirit of the Public Tendering Act, and hence, why we have an inquiry, why there is an inquiry underway which will hopefully be able to properly present what did happen.

Now the member cannot have it both ways, again. He cannot on the one hand pretend that he has the sole right or one of the rights to question and interrogate, make observations and almost impute motives on people unnamed, and at the same time, as the Opposition did at the time, demand a public inquiry. Now you cannot have it both ways. Now a public inquiry is a pretty comprehensive way to go about investigating any breaches of legislation or whatever that are in place as it relates to government. And that is what this administration has agreed to do. And as the hon. the member for St. John's East has pointed out, let us wait until the

MR. PECKFORD: inquiry reports, and if there is wrongdoing by senior civil servants, by ministers or whoever, well then let the chips fall where they may, but let us not by phraseology which is coyly put together, constructed, to try to imply certain wrongdoings before all the evidence is in. I mean, that is completely, in my view, not the way to go. And to suggest that because there

MR. PECKFORD: was a legislative enquiry and simultaneously a judicial enquiry in the United States into certain allegations of wrongdoing by the President of the United States, and that there were certain legislative enquiries and certain judicial enquiries going on in Canada simultaneously doing with Polysar and other things, which were enquiries, that somehow that gives somebody in this Province the right to make a judgement about certain doings that happened within government before an enquiry is in. What does that have to do, Mr. Chairman, with judgements? What does that have to do with making value judgements before all the evidence is in?

In my view it is quite in order for there to be two or three enquiries under way simultaneously. I do not think that is the same thing as saying that there is not one enquiry and somebody else who wants to make judgements. Where is the parallel, Mr. Chairman? Where is the parallel? Where is the validity in trying to make a comparison between two enquiries in one jurisdiction and one enquiry in another jurisdiction and a value judgement? There is no parallel and that kind of argument just does not hold water. That kind of conclusion is not valid. And whilst one can from time to time go to other jurisdictions and try to maintain or give some credibility to an argument, the greatest credibility anybody can give to an argument is to use his own head and his own reason and give a reasoned argument for what he contends, forgetting all about other jurisdictions and trying to throw red herrings in over it.

Now, Mr. Chairman, this administration has a pretty good record when it comes to public tendering, when it comes to enquiries and so on, and when all the facts are in, and when the enquiry reports then we shall know and then we can make our value

MR. PECKFORD: judgements. Before that we are trying to do things indirectly which we are not allowed to do directly and I say that is not in the best interest of this House, it is not in the best interest of the public of this Province, it is not in the best interest of this government or anybody else so to do: Do not try to do indirectly what you cannot do directly because an enquiry is already underway.

Now, Mr. Chairman, I have been in the Cabinet for three or four years now. I was Minister of Municipal Affairs and Housing for a number of years in which a lot of money was expended. A lot of public money was expended on water and sewer projects all around the Province, on housing developments all around the Province and other developments as well to do with Municipal Affairs and Housing, and anybody is free to go down in that portfolio, I am sure, and look over all the contracts that have occurred, millions and millions of dollars, I would think, for the couple of years I was there in the capital budget, the Newfoundland Municipal Financing Corporation. We are talking about \$40 million to \$60 million in water and sewer projects alone. And it was with the utmost care, long before anything came up about enquiries in Public Works or anywhere else, it was with the utmost care that senior officials, both in the Municipal Affairs part of that portfolio and in the Housing aspect of that portfolio, adhered to the Public Tendering Act. It was unheard of and with great fear and trembling that anybody even gave any consideration to anything but the lowest bid unless the consultant came in strong and hard indicating that the lowest bidder was incapable of performing the service and whose bid was way, way below what even the estimate was by the department engineers.

There are some people who have made a case very often for a public tendering system which

MR. PECKFORD: does not say that you award to the lowest bidder, but that you also bring in a formula of having somewhere the average of all the bids that are in and then assessing the capability of all the contractors and awarding it that way. It is a far more subjective thing unless you have extremely severe guidelines to go by. But there is a case to be made for that. Because I am sure all hon. ministers or most who have been in departments where there has been a lot of public works on the go, know of times when contractors, new contractors in the field came in with - like, for example, I know of estimates of a \$400,000 water and sewer system and somebody came in for

MR. B. PECKFORD: \$135,000. Somebody came in for \$135,000 and all the other bids are \$380,000 to \$450,000 and you have this low bid of \$135,000 and this happens from time to time. But in the \$40 million to \$60 million-and on the housing side in that portfolio during those couple of years,I imagine there was another at least another \$40 million or \$60 million-more than that,I guess it was closer to \$100 million of housing projects that were undertaken and was scrupulously followed, so that on the one hand whilst we have an inquiry underway in public works it did not take - I think this point should be made for the record if nothing else;it is highly unlikely it will be covered. It should be made, and I want to put it in the record, that long before there was any great outcry about certain things being alleged not to be going properly in the Department of Public Works, long before that ever happened and right after the inception of the Public Tendering Act there was strict adherence to it by the department that I was minister of,absolutely strict adherence to it all the way down the line. All the way down the line that this Public Tendering Act be followed and if there was any deviation at all from it, without there being any great hue and cry that somebody was doing anything wrong, without there being any great sensitivity towards to it because of certain revelations or lack of them,that was the situation on tens of millions of dollars of public works through water and sewer and housing developments that I was involved in. Absolutely strict!

MR. J. NOLAN: Would the member permit a question?

MR. B. PECKFORD: Yes.

MR. J. NOLAN: Was the procedure in the department - I am assuming this has not changed - were not the tenders opened by the deputy minister and his secretary and so on? The minister was not even present, was not present normally?

MR. B. PECKFORD: That is right. That is right. And was never present for any of them. Never present for any of them. And the Deputy Minister-or whoever,or the chief engineer-who held the public opening and all representatives - as happens now-representatives,all the contractors would be sitting down,if they so wanted,or representatives of the contractors. Everybody's name-who is attendance would be taken and all the bids would be recorded as the envelopes were opened up. And then

MR. B. PECKFORD: I would get a report on my desk the next day of what the bids were. Nothing was done then; it was all sent to the consultant who did an assessment of all the bids and then he came back in with his recommendation. 9.9 times out of 10 it was the lowest bidder. And if there was some irregularity with the lowest bidder, then the consultant would point that up and usually then the minister would go to Cabinet and get advice from his colleagues before even awarding it, and have that assessed up through the system - the planning and priorities secretariat - have that assessed have second or third opinions on it in Cabinet and through Treasury Board or whatever was necessary.

But I think it is important to point out that millions - hundreds and hundreds of millions of dollars of public funds have been expended in Province over the last several years since the Public Tendering Act which has been strict adherence to that act. Strict adherence! And the report is not in on the inquiry in the Public Works Department. I do not know what the report will be and nobody else does and I am willing to wait. And I am not shirking my responsibility as one minister and I am not just holding on by my tentacles. I am not foolish enough or silly enough to just be trying to cling on here as one individual to stay in government for the sake of having power. Mr. Chairman, I can get a job tomorrow morning wherever I want one, if it comes to that, across this country. I do not need it financially or any other way, but I am willing to allow the proper inquiry route to be followed and then when the report comes in whoever is guilty or innocent is guilty or innocent. But we have pursued - and I have never been under any pressure by anybody in this government. Never! Absolutely never, and I would swear, Mr. Chairman, on a stack of Bibles ten miles high, under any pressure to award a contract to somebody else who was not the lowest bid or get strange phone calls or whatever. As a matter of fact, Mr. Chairman, I was down in the department for quite a few months and never even thought about it until somebody brought it to my attention one day, or I heard it in the media or something, that this kind of thing might occur or something. And I can say without fear of contradiction anywhere that I never, ever had any kind of influence by anybody. There

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MR. E. PECKFORD: were on a number of occasions a couple of small contractors that came in and who were the second lowest bidders or something and said they heard that the lowest bidder had something irregular in his bid so that therefore they had a good chance of getting it, "would you please make sure." You look at the lowest bidder's bid to see whether there was something irregular

MR. PECKFORD: so that they would get a chance at it. But not even by the contractors, not even by the consultants, by nobody, never did. I cannot remember one incident where that ever happened in all the housing contracts, or all the Municipal Affairs contracts and there were, like I say, hundreds of millions of dollars passed through that department. To me that gives a bit of balance, That is not to forgive anything that might be wrong in Public Works. Do not get me wrong, that is not to forgive it. But we live in an imperfect world, we live in a finite world, we live in a world that is relative and some balance should be put into it. Some balance should be put into it. And as one citizen, as one member, as one Cabinet Minister, I can testify to the fact that in my dealings with this particular government and in the portfolios that I have held and now hold I see no irregularity. The Public Works enquiry must go on, must report, and if there is wrongdoing, whoever did the wrongdoing must answer for it. Whoever he or she may be, if there is any wrongdoing must answer for it. That I would demand. That I would demand. But I shall not let somebody say that I am on this side of the House clinging on to the tentacles of power just for the sake, and right ready to fall, that I am compromising my principles as a person, or as a Cabinet Minister, or as a citizen or whatever, I am not. I am not. And when I am aware that there is wrongdoing and the evidence is irrefutable, or the judgements are in from an independent group, then I will be as aggressive as any member of this House to ensure that right is right and wrong is wrong, Mr. Chairman.

Secondly, under the heading for this department is the Public Service Commission and albeit it has come under some attack again in recent weeks, the Public Service Commission has done a pretty good job in the last couple of years. They are presently - and I know this to be - they are doing some training. They are doing some pretty

MR. PECKFORD: good training and right now I think they are involved to some degree into training seminars for municipal administrators around the Province. They have been holding seminars and meetings for all the town clerks and town managers around the Province and I think just recently awarded some certificates to some. And I told from people not in the Municipal Affairs Department at all, I have not even been talking to them, but to town clerks and town managers around this Province that it is an excellent course, a tremendous course, that they are getting a real cross section of the way government operates, the way the department operates.

You take the little town clerk, you know, in Cow Head or the town clerk in

AN HON. MEMBER: St. John's.

MR. PECKFORD: Wherever, in some of the more isolated parts of the Province, in Roddickton, in Main Brook, somewhere down on the Great Northern Peninsula even or in Mary's Harbour, Labrador, or in Port Anson, Green Bay, you know, the town clerk there who works part time and so on and has not got the wherewithal, who has to take up an act, the Municipal Act or the Local Government Act or the Department of Municipal Affairs Act and make some sense out of it but they learn it just by what went on before and by hints or suggestions that was given by somebody else.

And secondly, not only doing that kind of training situation but there is a fair amount of refinement now into the way public servants are hired and that there is a fairly detailed process that everybody gets a fair hearing, and that ninety-nine per cent of the time, as far as I know, and I can only speak as one minister, as far as I know the people who are hired are the most qualified people that come before it. In the end analysis, after all the scrutiny is done, interviews are done, everybody is looked at and so on, three names come to the minister in the order in which the Public Service Commission recommends them.

MR. PECKFORD: And there is very little difference between those three individuals, very, very little difference usually in their qualifications. It gets pretty subjective when you get, and usually today now, when anybody applies you usually get thirty or forty people applying anyway because of the unemployment situation and you have a lot of fairly highly skilled people in clerk stenographers, not only that but in almost every field.

We had a number of positions in

Mr. Peckford: the Department of Mines and Energy, fairly technical positions as the department name implies in any case, and I do not know but thirty-five or forty people applied for it. But, you know, we have come a long way in improving that kind of a situation as far as I am concerned in hiring people and the Public Service Commission are doing a bang-up job from my experience, from my exposure to them over the last two or three years. I have got a minute and a half left.

The third point I wanted to make, Mr. Chairman, was that I think the Department of Public Works has to move towards building up its engineering and design capability for the government. I do not think we should spread out the engineering and design capability to three or four different departments. I think it would be far better done if it were centralized. And we could get a lot of the smaller design things done in-house and still provide sufficient jobs for the consulting engineering business to keep them going as well, to give them some government jobs as well. But I think the Public Works Department as it grows has a responsibility to enlarge its mandate so that it becomes the main engineering arm of government and does some of the work now that has to go out to outside that can be done, small jobs that can be done internally to provide government with a very valuable service on those small kinds of jobs which will save the citizens' or the taxpayers' money and at the same time be able to set proper guidelines for consulting engineers, to ensure that we are getting a good dollar when we do go out to the private enterprise sector to get other engineering work done.

After saying those three points, knowing my time is elapsed, Mr. Chairman, I thank you.

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

MR. SIMMONS: Mr. Chairman, the Department of Municipal Affairs has been mentioned by the minister in the way that it awards tenders. He could also mention the Department of Fisheries, the Department of Forestry and Agriculture, the Department of Health, a number of the departments of government. If he was responding to any comments I made,

Mr. Simmons: I did not mention any of these departments, I was talking about two departments only, the Department of Public Works and the Department of Transportation, and for a very good reason. Anybody who knows government knows that these two departments, and particularly these, are the two departments that have the most potential for becoming what I shall call the slush fund departments of government: if you want to abuse, if you want to look after your friends these are the two departments of government you can do it through, because once you get into the Department of Health or the Department of Municipal Affairs you are dealing not so much directly with contractors or private individuals as with corporations, hospital corporations, boards, councils, that kind of thing.

But the minister stands there and he talks about how there is a proper procedure in Municipal Affairs - I do not argue with that - how there is a proper procedure in the various departments of government. Let me say for the record, Mr. Chairman, that I do not know of any instance offhand, any instance where the Department of Municipal Affairs has been involved in the expenditure of public money without tenders; there probably are a few instances in terms of emergencies, but by and large I do not know of them. But to hear the Minister of Energy talk about those is like saying, 'Well because it only happens in one department therefore it is okay. I suppose if he were a newsman, if he were a journalist, Mr. Chairman, if that minister were a journalist, judging from the way he has reported the events tonight, if he were a journalist and he had the story of a murder to report he would not write it, 'John Jones has been murdered tonight,' he would write, '559,000 Newfoundlanders were not murdered tonight.' The fact that the others are still alive does not make poor old John any less dead, and the fact that several departments of government are doing it right does not make it any less of a crime that there are one or two departments doing it very wrong. And I do not care what red herrings they bring into this one, Mr. Chairman, Talking about Municipal Affairs! If he wanted to laud Municipal Affairs, why did he not do it when we discussed the Municipal

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Mr. Simmons: Affairs estimates? If there are some good things he wanted to say with various departments of government, let him say them, it is his right, but it has nothing to do with the issue we are talking about now. The issue now - and we are not waiting, let us be clear, This public enquiry is not a court; we are not waiting for any verdict or any judgment or any sentence, We are waiting for a compilation of certain truthful facts, we hope, and certainly the inquiry will serve that purpose and I hope serve it very well given the person they have as commissioner and the staff that he has around him.

MR. SIMMONS:

But let us not be under any delusion that somehow the inquiry will make a final pronouncement and sentence people to death and that kind of thing. This is not what we are talking about at all. The inquiry will assess certain bits of information and arrive at some conclusion. But, Mr. Chairman, I am not, as a member of this House and a member of this Committee, going to barter away my obligation, my responsibility to bring to the attention of the Committee facts that I am aware of, facts which appear to be at the very least in contravention of the law. When I see huge sums of money spent without public tenders being called, where no emergency existed, then I have to at the very least ask a question of this Committee. When I am getting contradictory information - the Minister of Public Works, as he was then, the present Minister of Labour, tells me one thing on March 10th; I go to the Committee three or four weeks later and I get very different information - I have to question, I have to report it to the House. The minister since has never given us any explanation of why he gave us wrong information at that particular time. The minister is the minister who was the minister of that department for most of the time since the 1972 election, since January, 1972 when this administration took office. He, I understand, has been there.

AN HON. MEMBER: (Inaudible).

MR. SIMMONS: About two and one-half years. Yes, he has been there longer than any other minister. He has not held most of the term, but the member for Humber East (Dr. Farrell) was there for a while and the Premier was there for a brief period, and the member for Harbour Main-Bell Island (Mr. Doody). Was there another individual?

AN HON. MEMBER: Mr. Earle?

MR. SIMMONS: Mr. Earle was there for some time.

MR. SIMMONS: So there were four other ministers including the Premier for a brief period, so that the member for Menihek (Mr. Rousseau) was there for a longer period, I am suggesting, certainly as long a period and perhaps a longer period than any other minister. He was there for about two and one-half years. And in view of the controversy swirling around this particular item, I think the minister would be well advised to give to the House an update of his statement, considering the fact - and to his credit - that he is the only minister who has seen fit to comment on the 1976 report of the Auditor General, the only person who ever gave a ministerial statement to the House. And to my knowledge, no minister has given any statement to the House in respect of the 1977 report.

MR. ROUSSEAU: The now minister will say what is being done (inaudible).

MR. SIMMONS: Okay.

Mr. Chairman, I get very disturbed when I hear people make light of what is going on in Public Works, or what was going on. I am aware there is an inquiry and I am aware they will arrive at certain conclusions, but how people can stand in this Committee and make light of the hundreds of thousands of dollars that have been blown without raising some questions puzzles me. Now I hear the Minister of Mines and Energy say that he has never been under any pressure. I believe that. I know the man. I know him well, I believe that. I believe it for two reasons; one, because I know him and I know what he stands for and, two, because I know what he stands for, he was never allowed to be part of the clique. I am not surprised. We will do it by a process of elimination.

MR. J. CARTER: What a thing to say.

MR. SIMMONS: I will tell you three who are not - the Minister of Mines and Energy, the member for St. John's North (Mr. J. Carter) and me.

MR. SIMMONS: And we have forty-eight to go by a process of elimination. The Minister of Mines and Energy is not part of the clique. He has never been under pressure - of course he has not. He does not know the scheme or he has never been let in on the scheme, Mr. Chairman.

Mr. Chairman, it is too bad the Minister of Justice skipped out of the House because another issue that is very germane to our discussion tonight is this police investigation which has been going on now since the end of May. It has now been going on, Mr. Chairman, for eleven and one-half months.

Now it is not a big, messy area. You are talking, as I understand the terms of reference, about one building for which all the accounting had been done prior to May, 1975. Hear what I said: All the accounting, all the entries for that building had been done before May, 1975. Indeed, I have

MR. SIMMONS:

a copy of the expenditures down there. I have a copy of some of the invoices but I certainly have a totalling of the items. This was done as recently as March or April of last year. The work has been done. Now we are not talking, as I say, about all the expenditures of government or all the expenditures of a department; we are talking about one particular job or set of jobs involving one building, that is my understanding. Indeed the Minister of Justice has been quick to point out that that is the case when I referred to it as an investigation into aspects of the Department of Public Works spending. He points out that it is not that at all, and he is right. It is an investigation, a fraud investigation into the spendings at the Torbay hangar Number three. Now that is a fairly tidy item - \$305,000 or \$307,000 were spent there during the period, a fairly tidy item. And we are told that it has taken a year. I mean, how stunned are the police? Are they that stunned? Eleven months, Mr. Chairman -

MR. HICKMAN: Could I interrupt the hon. gentleman?

MR. SIMMONS: By all means.

MR. HICKMAN: In the Mifflin enquiry there was a finding against two gentlemen and instructions that charges be laid. The police investigation, even though all that work had been done, took three years before they could be laid.

MR. SIMMONS: Well, Mr. Chairman, that returns me to another of my pet themes which I said briefly during the presenting of petitions yesterday, namely, that perhaps what we need is a complete look at how well the RCMP are serving us in this Province.

MR. HICKMAN: Very well.

MR. SIMMONS: No. The minister said something different the other day. He did not say reasonably well, he said they were perfect is about what he said.

MR. HICKMAN: I did not say reasonably now, I said they are serving us well, very well indeed, exceptionally well.

MR. SIMMONS: In terms of turning in money to the public treasury for fines, yes, they are serving us very well. In terms of some larger areas, I would like to discuss it but this is not the place to do it.

Now, Mr. Chairman, my point is that for eleven months the police have had a fairly routine item. All right? Now I know, and the minister, I believe, knows - if he does not he should talk to some of his officials - I know that whatever the semantics of whether the investigation is complete or the file is closed or whether we have an interim report or a penultimate report, whatever the semantics are, the fact is that since before Christmas the department has had the information needed to lay certain charges, since before Christmas, since before Christmas of this past year! Now this is May, so we are talking April, March, February, January, and December, because it was well before Christmas, well five months anyway the department has had the necessary information from the police to lay the charges.

Now, Mr. Chairman, I would not be pursuing this in the normal course of events, but I feel strongly, Mr. Chairman, I feel strongly that the issue is not that the police are busy, the issue is not that the police have had other preoccupations, the issue is that the information has been available to the Department of Justice and the Department of Justice has not acted on that information. You can call it what you want, Mr. Chairman, you can say they did not have the time, you can say they had other priorities, and I find that difficult to believe, or you can say that there was a deliberate effort not to move on the information by someone in the Department of Justice.

MR. HICKMAN: Let me tell you this is totally untrue.

MR. SIMMONS: Says the minister.

MR. HICKMAN: Says the minister.

MR. W. ROWE: When are charges going to be laid?

MR. HICKMAN: That is up to the Director of Public Prosecutions and he is not ready to lay them yet because he has not finished.

MR. W. ROWE: He is not ready to lay them, is he?

MR. HICKMAN: That is right.

MR. W. ROWE: Did you communicate with him on this?

MR. HICKMAN: I asked him after the questions and I told this House last week that he has more meetings scheduled for Friday of this week with witnesses.

MR. FLIGHT: After eleven months.

MR. HICKMAN: A prudent way to approach the case, as the hon. Leader of the Opposition knows.

MR. W. ROWE: When your witnesses are all passed on to their ultimate reward, not the kinds of rewards they already got

MR. HICKMAN: No. No. Do not worry.

MR. SIMONS: Now, Mr. Chairman, why would anybody want to delay such a tidy little item, the investigation into the spending on one building, the money

MR. SIMMONS: paid out to one particular contractor without tenders, only \$305,000? Only \$305,000! Not a large amount of money if you are well-to-do. It is only \$305,000 altogether, why would you want to delay on such a tidy little item as that? Only one contractor involved, just one. Did not have any tenders called on the project, had no firm contractor- it was all on a work order basis, sixty-six separate work orders. Why would you want to delay on an item that tidy? Why did you not just proceed with it and dispense with it and have it over?

Well, there are several possibilities, I suppose. If one of your star witnesses is visiting all the bars in town saying, If I am taken into a court of law I will sing, others will go down with me. That is what he is telling his friends in every bar he visits.

MR. HICKMAN: Is the hon. gentleman saying that as fact? Because if he is, he must tell the police right away, tonight, so that we can get that star witness, whomever he is.

MR. SIMMONS: But hold on now! Hold on now!

MR. HICKMAN: Are you saying now that that is so?

MR. SIMMONS: Hold on now. The minister -

MR. HICKMAN: Come on!

MR. SIMMONS: The minister assumes that everybody is as procrastinating as he.

MR. HICKMAN: On a point of order, Mr. Chairman. This was ruled on the other day, there is no procrastination. Mr. Speaker in the Chair ruled that that same comment by the same hon. gentleman implied or indicated motive and he was ordered to withdraw it, and I ask him to withdraw it right now. And I state categorically, there has been no procrastination and there has been no

MR. HICKMAN: interference on my part in any way and there has been no procrastination on the part of any hon. gentleman in the Department of Justice.

MR. SIMMONS: Mr. Chairman, to his point of order; let the minister hear my comment in context. He said something about something I should have told the police, and my retort to that statement, the statement that I should have told the police, was he presumes that everybody is as procrastinating as he; the implication being that I may have already told the police. I do not put things off like the minister does, Mr. Chairman.

MR. HICKMAN: I am delighted to hear that is so.

MR. CHAIRMAN: Order, please!

The point is whether there is an implication of procrastination directed against the hon. minister. From the comments made I think this is a reasonable interpretation and I am sure the hon. member would not want to leave that impression if this was not what he had in his mind. So I would ask him to just clarify that if he had no intention of impugning motives of the hon. minister in terms of procrastination.

MR. NEARY: The Minister of Justice is uptight.

MR. FLIGHT: Blood pressure.

MR. NEARY: His blood pressure is up.

MR. SIMMONS: Well, Mr. Chairman -

MR. HICKMAN: I just cannot sit here hour after hour and hear a man's name muddied.

MR. NEARY: The blood pressure, look! Look! The hon. gentleman is going to have a stroke.

MR. SIMMONS: Mr. Chairman, perhaps the minister ought to do as he said earlier, perhaps he ought to talk to the officials in his department. Because the information I am getting is very different from what the minister is giving the House, very different.

MR. HICKMAN: (Inaudible) and I told the hon. gentleman the other day he has my authority to go down and talk to any of these senior officials without my even knowing he was there.

MR. SIMMONS: But I know I have that authority, Mr. Chairman. I am not going to ask the minister for that kind of leave, I can do that whenever I want to in respect to any government employee. Some of them have had instructions not to talk to me, but they have broken these instructions and talked to me anyway, not in Justice, but in other departments, two other departments.

Mr. Chairman, you see -

MR. MORGAN: (Inaudible) the fact.

MR. SIMMONS: Ah, the Beer Baron burps again.

MR. NEARY: Ocean Breeze.

MR. SIMMONS: Mr. Chairman, there should be a law against beer commercials in the House.

MR. MORGAN: Are you jealous because you do not have a beer tavern?

MR. SIMMONS: I am not jealous because I do not have a beer tavern. No, I am not jealous. I am not a bit jealous because I do not have a beer tavern.

MR. MORGAN: You are jealous of your colleague, the real leader over there.

MR. SIMMONS: I am a little jealous I cannot service my business with a helicopter and have somebody else pay for it, but that is another issue.

MR. MORGAN: A point of order, Mr. Chairman.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please!

MR. MORGAN: Mr. Chairman, the little shrimp who just sat down -

MR. CHAIRMAN: Order, please!

MR. CHAIRMAN: Is the hon. minister
rising on a point of order?

MR. MORGAN: On a point of order.

Mr. Chairman, the hon. gentleman
just made a statement referring to, possibly, it was not
said directly, a member of the House of Assembly regarding
the use of a helicopter -

AN HON. MEMBER: If the cap fits you, wear it!

MR. MORGAN: looking directly at me, making a statement -

MR. NEARY: He must have a strong stomach to be able to look at you.

MR. MORGAN: Mr. Chairman, could you keep these gentlemen quiet over there?

MR. CHAIRMAN: Order, please! Order, please! On a point of order. Order, please!

MR. MORGAN: Mr. Chairman, the point I am making is this; I am getting a little fed up with these innuendoes and charges across the House of Assembly by people who cannot defend what they are saying, who cannot verify what they are saying, and I want these statements, if they are referring to any person in this House of Assembly, retracted. I want it retracted.

MR. NEARY: Get the Premier in to try to get this crowd under control. Do not be making a fool of yourself!

MR. CHAIRMAN: On a point of order?

MR. SIMMONS: No, Mr. Chairman, I did not hear a point of order, but if Mr. Chairman wants to make a ruling.

MR. PECKFORD: To that point of order, Mr. Chairman, as I understand it -

MR. NEARY: Gabby Hayes.

MR. CHAIRMAN: The hon. Minister of Mines and Energy.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please!

The hon. Minister of Mines and Energy.

MR. PECKFORD: Mr. Chairman, as I understand the point of order, it is that the hon. member for Burgeo - Bay d'Espoir made certain changes that the hon. member for Bonavista South (Mr. Morgan) was utilizing a public helicopter to service a business that the hon. member for Bonavista South owns, and that is how I understood it and I think it is fairly clear that is what the hon. member was saying and I think on those grounds, and given that being the point of order, that it is out of order.

MR. W. ROWE: Mr. Chairman, may I speak to the point of order -

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

MR. W. ROWE: - Two having spoken on that side I notice the Government House Leader is too embarrassed to get up to defend his hon. colleague. He has to rely on somebody else knowing full well, Sir, that a specious point of order has now been raised again by that hon. member.

I heard what my hon. colleague said, Sir, to my right. He got up and he said he does not use an aeroplane or a helicopter to fly around to his establishment, something to that effect. I am prepared to vouch for that. I have known him for a long time. I never heard tell of him using a helicopter through public funds or private funds to visit any of his establishments.

MR. NEARY: Beer taverns -

MR. W. ROWE: He owns one over there in Kona Beach somewhere. Have you ever used a helicopter? He has not misled the House, Mr. Chairman. He has not lied to the House, so there is no point of order.

MR. MORGAN: I did not take off to Paris either.

MR. W. ROWE: If the hon. member, Sir -

MR. MORGAN: (Inaudible) I did not take off for Paris either.

MR. F. ROWE: (Inaudible) did not have to leave the Province.

MR. W. ROWE: What is this now, Sir?

MR. CHAIRMAN: Order, please! Order, please!

MR. F. ROWE: Ante up or shut up!

MR. CHAIRMAN: Order, please! Order, please!

MR. NEARY: What does that mean? What does that mean?

What does it mean?

MR. MORGAN: I did not have to go to Paris either for a certain length of time.

MR. CHAIRMAN: Order, please!

MR. NEARY: What does that mean?

MR. CHAIRMAN: Order, please! Order, please!

MR. NEARY: Name him! Name him, Sir.

MR. CHAIRMAN: Hon. members on each side in Committee are distinctly out of order. When a point of order is being discussed, other hon. members should not interject, should not interfere and this has happened on both sides of the House. I would ask the hon. Leader of the Opposition to continue his remarks.

MR. W. ROWE: The hon. member seems to be very touchy over there.

MR. NEARY: They all are.

MR. W. ROWE: If he can draw from what my hon. friend said about the use of aircraft and visiting establishments and so on, something which hurts his feelings or which cuts him to the quick, Sir, he has a good imagination, probably bears some investigation. He should tell the House what he is worried about.

MR. NEARY: We have not got enough policemen or enough judges now to carry out all the investigations.

MR. W. ROWE: Sir, I will just resume my seat. It little behooves that hon. gentleman, Sir, who is constantly yelling and screaming and bawling and disturbing the House, Sir, from his seat without having the decency to get up, it little behooves him, Sir, to get up and try to stand on his dignity now and try to assume or try to convince the House that my hon. colleague in some way breached the order of the House. There is no point of order, Sir. It might have hurt his feelings or maybe he has got something which he is trying to hide from the House which he is afraid might come out. I do not know. But there was no point of order, Sir.

MR. CHAIRMAN: Order, please! Order, please!

MR. MORGAN: Mr. Chairman, to that point of order -

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: The hon. Minister of Tourism.

MR. MORGAN: - which I raised. Mr. Chairman, the fact is

MR. MORGAN: that if an hon. gentleman speaking in debate in committee stage of the House is going to make innuendo, whether it be vague innuendo or direct innuendo, surely the member who made the innuendo would have the courage to speak out clearly what he means, what he is saying. Have the courage to do that.

SOME HON. MEMBERS: Hear, hear!

MR. MORGAN: And no innuendo any more.

MR. SIMMONS: I take it is courage that needs to be proven, is it? My courage, not the minister's innuendo in talking about why one of my colleagues went to Paris. How is that for innuendo! Let the physician heal himself.

MR. MORGAN: (Inaudible).

MR. SIMMONS: Let the physician heal himself. I made no innuendo, I made a statement. The statement is that I am a little jealous of the minister; I am a little jealous that I do not have a helicopter at somebody else's expense to visit my establishment. That is what I said.

SOME HON. MEMBERS: Oh, oh!

MR. HICKMAN: Mr. Chairman, I have to get up because if I do not get up the hon. gentlemen opposite are going to say that I am not up supporting my friends on this side, and I do not want that to be said.

MR. CHAIRMAN: Order, please!

MR. HICKMAN: May I, Mr. Chairman, to that point of order. The comment just made by the hon. gentleman for Burgeo - Bay d'Espoir (Mr. Simmons) is totally out of order. There is a motive imputed there that would not be accepted in any parliament anywhere, and I would ask,

Mr. Hickman: now that the hon. gentleman for Burgeo-Bay d'Espoir (Mr. Simmons) has corroborated and confirmed what the Minister of Tourism has been suggesting was there by innuendo, and he has now made it clear and beyond any innuendo categorication, that he now be directed to withdraw it without equivocation, and not because the rules say so.

MR. CHAIRMAN: Order, please!

I feel that further discussion now will not help in settling the point. The point of order at issue here is that the hon. member did imply quite directly latterly that the hon. minister had used services available to him for other than the use to which they would be expected to be put. I think this was quite clear. And this does impugn the motives of the hon. minister. I will therefore call on the hon. member to withdraw that remark in full.

MR. SIMMONS: Mr. Chairman, if that is the interpretation that the Chair places on it certainly I will withdraw it. I say that I will withdraw it humbly for the sake of the member for St. John's North quite humbly, even more humbly than he is capable of indeed.

Mr. Chairman, having withdrawn it I will also rephrase and say, "I said I am jealous." Let me change it and say, "I am not jealous." I am not a bit jealous of anything about the minister. Let him have it, Mr. Chairman. He is - well, I do not know why we should pursue that one. It is a subject that we will have out -

MR. CHAIRMAN: I have to point out you have a half minute left.

MR. SIMMONS: Well, Mr. Chairman, a half minute is hardly enough to get steamed up again on the subject. It is a subject that I would like to have some answers on. We were on the subject when I got waylaid by the waylaying member for Bonavista South (Mr. Morgan) on the subject of the police investigation. And I was saying, why would you want to procrastinate? Why?

MR. MORGAN: Are you drunk or what? Are you drunk?

SOME HON. MEMBERS: Oh, oh!

MR. SIMMONS: What kind of reason?

MR. MORGAN: Sober up, boy!

MR. SIMMONS: You will see who is sober before it is all over!

MR. NEARY: Mr. Chairman, on a point of order.

MR. CHAIRMAN: A point of order.

MR. NEARY: Mr. Chairman, that remark, Your Honour knows, and I should not have to raise a point of order, Your Honour should interrupt and ask the gentleman to retract that, Mr. Chairman.

MR. MORGAN: Mr. Chairman, to that point. My question was quite valid. The hon. gentleman was acting in such a manner that I had to ask him is he drunk.

MR. F. ROWE: How low can you get!

MR. CHAIRMAN: Order, please!

MR. SIMMONS: To the point of order, Mr. Chairman.

MR. CHAIRMAN: The hon. member for Burgeo-Bay d'Espoir.

MR. SIMMONS: Mr. Chairman, it is quite clear that the minister does not like it when I asked why his colleagues may be procrastinating on a police investigation report. I can understand he would not like that. And he can delude himself into thinking I am drunk or insober or any of the other terms that come to mind, having in mind his other career. All right!

MR. NEARY: A goutsnipper remark.

MR. SIMMONS: But, Mr. Chairman, the fact of the matter is that as intoxicating as the statement may sound from me, I am telling him that he had better beware himself because he may need more than booze to drown his sorrows when the real story comes out about why this police report is being sat on.

MR. CHAIRMAN: Order, please!

I feel I should rule on this point of order and dispose of it. I might point out that the hon. member who was standing, his time has now elapsed, so the ruling will end that part of the proceeding. The remark by the hon. minister I think was clearly out of order and I would ask him to withdraw it without equivocation.

MR. MORGAN: Mr. Chairman, of course, I am in your hands as the Chairman of Committee and I have no hesitation in withdrawing any unparliamentary remarks made.

MR. CHAIRMAN: The hon. the Minister of Public Works.

MR. DOODY: Thank you, Mr. Chairman.

I would like to -

SOME HON. MEMBERS: Oh, oh!

MR. DOODY: You are not starting now.

MR. PECKFORD: Remember the (inaudible)

MR. DOODY: Mr. Chairman, I would like to address myself to some of the comments that have been made by some of the speakers on both sides of the House during the past minutes. First of all, I would like to comment briefly on -

MR. MORGAN: An innuendo problem! That is all your are, an innuendo problem!

MR. DOODY: This vested interested allegations. There was quite a little bit of conversation about vested interests, and it was suggested that there may have been some politicians who might have some vested interests in some of the activities of the Department of Public Works.

Since I am the minister currently responsible for -

MR. FLIGHT: The minister is going to settle for a black and white radio.

MR. DOODY: Pardon? I missed that. I am sure it is hilarious.

MR. FLIGHT: The Minister of Tourism has settled for a black and white radio,

MR. DOODY: Oh, did he? I see.

Since I am the minister who is responsible currently for the Department of Public Works and Services, I would like to make it abundantly clear at the beginning that

MR. DOODY: I am not a part of any vested interest, I am not a member of any particular clique who may have benefited in any way whatsoever from any activities of the department -

MR. NEARY: Car wrecks was the hon. minister's speciality.

MR. DOODY: - nor have I, Sir, benefited in any way from any car wreck business in this Province.

MR. MORGAN: More innuendo, see! More innuendo.

MR. DOODY: The last business in this Province that I benefited -

MR. PECKFORD: The Panama Kid.

MR. MORGAN: The Panama Kid, yes. John Doyle's buddy.

MR. DOODY: The last business in this Province -

MR. J. CARTER: The Panama Pooh!

MR. CHAIRMAN: Order, please!

I believe the hon. Minister is having difficulty in making his remarks. I would ask each side of the House to give him his rights.

The hon. minister.

MR. DOODY: Sir, the last business that I had an interest in in this Province that I benefited from was a business which my hon. friend referred to from time to time about the pickle barrel and the grocery business, right into the pickle barrel and no hesitation about it at all. Prior to that I was also in the pickle barrel business except it was pickled fish export.

MR. NEARY: And now the hon. gentleman is in the pickle himself.

MR. DOODY: But now the hon. gentleman is not in pickle in any way, shape or form. This hon. minister has been responsible for various ministrys during the past

MR. DOODY: five or six years or more and I can say without hesitation or fear of contradiction that I am not, and have not been involved in anything that is in any way a conflict of interest or a benefit outside of my government income.

I wanted to make that perfectly clear, Sir, because the situation-

MR. SIMMONS: The last fellow who said that was Nixon.

SOME HON. MEMBERS: Oh, oh!

MR. DOODY: Well, you know, if it is really that funny then the Province really does have a problem. I do not think the situation before the Mahoney enquiry is particularly funny. I do not think the situation, generally speaking, on the various investigations that are ongoing is particularly funny. I do not think the mood or the atmosphere around the Province at this present time is particularly funny.

MR. NEARY: Some of your colleagues do.

MR. DOODY: Well, if they do, then at least they have had the courtesy and good grace not to make a little snide remark and laugh and comment to that particular point. If they do find it humourous in some way they certainly have not passed the joke on to me. I have not heard it as yet.

MR. MORGAN: Some joke.

MR. DOODY: The hon. member suggested that the Public Tender Act does not make one whittle of difference. I do not know what a whittle is but I suggest that it is probably a very small amount of difference, a little bit of difference. I suggest that it does, it makes an incredible amount of difference. Without that Public Tender Act we would not have had access to the information, to the enquiries and to the resultant activities that are going on to try to clear up these situations.

MR. DOODY: It has been said that we have been making light of \$100,000, light of a few hundred thousand dollars; I do not think we are making light of anything, Sir. I think if this government were of a mind to make light of this sort of thing they would not have instituted these enquiries, they would not have invited these police investigations, they would not have taken steps to see that the truth was brought to light. And if anybody has broken the law, Mr. Chairman, then the law will take its course.

As long as I am the minister responsible for that department or, indeed, any department, if there is anybody, whether it be in private business, whether it be an official of the government or a minister or a member, if it is demonstrated that he has broken the law then the law will take its course, of that you may have no fear; that is a fact.

Now the hon. member for Burgeo - Bay d'Espoir (Mr. Simmons) mentioned that he is a little bit nervous about the various fires that have taken place recently and he feels that there may be some connection there: If this is so, if the hon. member feels that it is so, if he has cause to believe that it is so, if he thinks that there is some evidence or cause or guilt of arson, then I think he should let the police, or let the appropriate authorities have that evidence or that suspicion as quickly as he

MR. DOODY: possibly can and let us get to the bottom of it. It is not going to help by throwing out that sort of thing in an offhanded sort of way. It is a sort of thing that, if there is some substance to it, it should certainly be followed up because these are very serious matters and very serious charges. And I think the hon. member -

MR. S. NEARY: There are no charges. If they were charges, the member would be out of order and the Chairman would have had to rule him out of order. They are not charges.

MR. DOODY: If the hon. member feels or has evidence or cause to believe that these charges -

MR. S. NEARY: Questions.

MR. DOODY: - questions, charged questions, questions charged with innuendo, questions charged with association of guilt -

MR. S. NEARY: That is your opinion.

MR. DOODY: - he should let the police have the substance and let them get to the bottom of the matter.

MR. S. NEARY: But then when they put the reports in the minister sits on them.

MR. DOODY: Now the minister has made it perfectly clear in this House on numerous occasions, time and time again that he is not sitting on any reports.

MR. S. NEARY: No, not that minister; the Minister of Justice.

MR. DOODY: The Minister of Justice has made it perfectly clear on numerous occasions in this hon. House, to the hon. Committee and to the House in full session that he is not sitting on any reports. The hon. Minister of Justice has made it perfectly clear that as soon as the Director of Public Prosecutions feels that he is ready to proceed then he will take the appropriate action, the Director of Public Prosecutions I understand.

MR. S. NEARY: He was last Fall.

MR. GOODY: He was not at that time, I have been told by the hon. Minister of Justice, and he is not today. I am also told, as indeed all members of this House have been told, that when the hon. minister's Director of Public Prosecutions is prepared and ready to go to court with sufficient evidence to bring before a judge, then the appropriate action will be taken. I certainly take the hon. minister's word for that. I have no reason to doubt that it is otherwise.

The member has mentioned the fact that senior officials of the Department of Public Works and Services did certain things on direct orders on instructions of various ministers, some things that are contrary to the Public Tenders Act. If that is so then that indeed is a serious matter and one that should certainly be brought to light. I do not know that it so. I certainly hope that it is not. I do not believe it is. If it is so then Justice Mahoney and his inquiry will certainly bring it to the fore.

The member for St. John's East (Mr. Marshall) has talked about the amount tendered during the past years and the amount of alleged breaches of the Public Tenders Act and the amount of circumvention of the Public Tenders Act. It was brought to the attention of the Committee by the member for Green Bay (Mr. Peckford), the hon. Minister of Mines and Energy, of a number of hundreds of millions dollars worth of work done in Municipal Affairs and so on. This was not accepted as germane or pertinent to the conversation because we are really dealing with Public Works and Services and the fact that the Public Tenders Act had not been circumvented in some of these other departments and that everything, hundreds of millions of dollars worth of work had been done properly and through the proper system, was not taken as been pertinent because we are dealing with omissions or commissions of wrongdoing or imperfections in following the Public Tender Act rather than in demonstrations of hundreds of millions of dollars worth of public funds that were properly spent.

Mr. Chairman, during the years 1971/72 through to 1977/78, and naturally 1977/78 is not final, there is something in excess of \$222 million worth of public works tendered through the Department

MR. WOODY: of Public Works. These were all - this amount of money was done all through public tender. During that same period of time there was an average of perhaps \$5 million a year which was spent through that vote of 1803. Buildings. Of that amount some funds were spent through these infamous work orders, other funds were spent through public tender. Now I say this not to make light or to brush aside or to ignore the fact that in some instances

MR. DOODY: there were obvious, or there appear to be, circumventions of the Act. Whether this was done for good and sufficient reason or whether it was done with intent to circumvent the Act deliberately remains to be seen. That will be brought forward during the course of the various investigations, and as I have said, if guilt there is, then the guilty will pay.

 The purpose of my quoting these statistics was to demonstrate that it is not a case of the Department of Public Works over the past five or six years being totally, completely rotten, throwing money around, throwing it up in the air for scrambles, looking after the vested interests, making the rich richer and so on and so on and so on. By far the major amount of public money spent through the department's votes, as I go back through the records, demonstrates clearly over and over again that the vast amount of that money was spent through the public tender system without reservation or without any question at all. There are some items which had been questioned in the Public Accounts Committee and questioned properly; whether they were, as I said, done through wrongdoing, impropriety was associated with these relatively small amounts. And I do not mean small in trying to dismiss them, I mean small relatively in relationship to the large amounts of money spent, then the truth will out and if there is guilt then the guilty will be brought to justice.

 To date, to the best of my knowledge, there is no official, no employee of the Department of Public Works to whom guilt has been attributed or associated. I sincerely hope that that continues to be the case. I believe it to be the case, but we look forward to the hearings of Justice Mahoney and his committee to tell us these things in detail and properly.

 There is no suggestion that the government has sloughed off, as was said, the responsibility

MR. DOODY: for this matter, that they are burying it under a rug, that they are hiding it away, that it has been pushed in the background. Quite the contrary, Mr. Chairman. It is this government that has commissioned the Mahoney Commission and have asked them to look into these allegations, because it is important that we find these things out and it is important that the public be told the entire truth and all the facts. And I might say at this time, Sir, that the Mahoney Commission, the terms of reference of that Commission are sufficiently broad in looking at the spending practices of the Department of Public Works as to cover a number of things, not simply the Alec Walsh matter which was mentioned earlier, but I have also been informed that the Secretary of the Mahoney Commission has informed us that the Commission has interpreted its mandate to inquire into the Department of Public Works in such a manner as to include inquiry into certain aspects of the Health Sciences project. Specifically, the Commission will be looking into change orders issued from April, 1974 on, to determine if there was compliance with the Public Tender Act. So there is in effect at the present time an inquiry into the Health Sciences project.

MR. NEARY: (Inaudible) contractor (inaudible).

MR. DOODY: If there is reason and cause to go beyond that matter, then so be it. The so-called Scrivener affair that has been raised here - this is a quotation from one hon. member. I would like to go into that in some detail. I have spent considerable time during the past week researching the information in the files on the history of the Health Sciences project.

MR. NEARY: The Carbonear Hospital?

MR. DOODY: I have not spent much time on that. Does that one need looking into too?

MR. NEARY: That is the one we are saying was contracted without public tender.

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MR. DOODY: I do not know what that is all
about. We can have a look at that as well.

MR. NEARY: Okay.

MR. DOODY: the Health Sciences Complex was the one that I heard booted around here all of the time.

MR. NEARY: It was not only one, there were two, the Health Science Complex and the Carbonear Hospital.

MR. DINN: He just wants the facts on that now.

MR. DOODY: I remember the previous Minister of Public Works, Mr. Earle, who was the then member for Fortune Bay, answering quite a number of questions on the Carbonear Hospital.

MR. NEARY: It was built without public tender.

MR. DOODY: Is that so?

MR. NEARY: But he would not tell us why.

MR. DOODY: I see.

MR. NEARY: Can the minister tell us why?

MR. DOODY: Sure you are just telling me all about it now.

MR. NEARY: No, but I would like to know why. Can the minister tell us why?

MR. DOODY: I neither concede the fact that the things that you say are so, nor do I acknowledge that I know anything about them, it was not my area of expertise at the time.

MR. NEARY: But the minister just said that Mr. Val Earle -

MR. DOODY: But I have absolutely no hesitation in looking into it and looking it up and finding out what there is about it.

MR. NEARY: Can you give us the reason why they went out without public tenders?

MR. DOODY: I do not know why they were not,

MR. DOODY: I am not even saying they were not, but I am saying that you are just informing us that they are not and I will certainly check it out.

MR. NEARY: The minister just told us that his former colleague, Mr. Earle -

MR. DOODY: Answered various questions.

MR. NEARY: - and admitted -

MR. DOODY: No, I said he answered various questions.

MR. NEARY: Well, he did. It is in Hansard.

MR. DOODY: And having -

MR. DINN: Why are you paying attention to that?

MR. DOODY: I have to. The hon. gentleman has been elected to the House of Assembly and as such has the right to ask questions and have questions answered.

MR. NEARY: That is right.

MR. DOODY: What has been done down in the Department of Public Works during the past year to try to plug some of what would appear to be loopholes in the Public Tenders Act? The hon. member for St. John's East (Mr. Marshall) has pointed out, and quite properly so, the Public Tenders Act in Newfoundland is one of the stronger documents of its kind in force, in effect, in any of the provinces of Canada and, in point of fact, some of the more important clauses were taken directly from the federal government's act, the Government of Canada.

There were some areas of concern that were raised as to what areas should be looked at and suggestions made as to how they could be tightened. One of the items that was raised was the leases for building space and that is an interesting and a very proper question. The member for Burgeo - Bay d'Espoir raised the question.

He pointed out quite properly that if government purchased a building for \$15,000 we would

MR. DOODY: On the other hand, we do not want to go to a complete and utter final public tender for all space because there are small offices, Social Service offices in outside areas of the Province where it would not be sensible or reasonable to go to the tender system when you have to lease a small amount of space. In many cases it is the only office space available in that community and so we are trying to find a solution to cover that loophole and at the same time give us the flexibility that was asked for.

MR. NEARY: What about Atlantic Place?

MR. CHAIRMAN: Order, please! I am sorry to interrupt but the hon. minister's time has elapsed.

MR. DOODY: Thank you, Sir.

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

DR. KITCHEN: Mr, Chairman, just a few short questions really. One is prompted by the questions that my colleague from Burgeo-Bay d'Espoir (Mr. Simmons) directed toward the Minister of Justice concerning the investigations that are presently underway into the Department of Public Works and wondering whether five months was long or short. Certainly there is no hint of procrastination, but I am just wondering if the House could expect the minister to be a little less passive in his role as Minister of Justice and a little more active in the role. I would expect that such an important portfolio as Justice would carry an obligation, not just to be passive but to be active from time to time, particularly when investigations are underway.

The other remarks concern the Pippy Park Commission. I have been perusing this document, the Annual Report for 1976-'77 and it seems that they do all sorts of interesting things there, from putting up government buildings, from building roads across it and putting in picnic shelters for travel, golf courses, camp sites and all sorts of interesting things; senior citizens homes, computer

DR. KITCHEN: centres, corridors for Newfoundland Light and Power, a parking lot for the College of Trades, botanical gardens and so on, and they get various grants from Canada Works and LIP grants and all that sort of thing. What bothers me about the whole thing, and perhaps the minister could enlighten me here, is whether or not there is any philosophy or any planning behind the whole thing. Originally I seem to remember that the Pippy Park Commission was set up to make sure that developments in this very significant part of the city area would be in a controlled and thought-out fashion, instead of just being done in a helter-skelter way. And it seems to me now that helter-skelter has taken over in the Pippy Park, and I am sure if they get any more LIP grants there will not be a tree left up there at all. Everything seems to be getting chopped down and cut out and buildings seem to be going up all over the place. I am just wondering what is the plan that the government has, and the Pippy Park Commission has for development of this area. Are there going to be no controls? Is it all going to be ad hoc? Whenever the government wants to put up a toilet or a computer centre they go up there. They put up both these things by the way, outdoor toilets up in Pippy Park, someone has done it, and I am just wondering what the general purpose is. What can we expect in the next five years, or the next two or three years? Is this beautiful part of the city of St. John's, is this going to become another badly planned area.

I would hope that the development would be in a controlled fashion and that it would be done in co-operation with the city and also, looking at the composition of the - perhaps the minister could enlighten me as to the composition of why certain people are on this Pippy Park Commission. I notice, for instance, that they all seem to be representatives of various organizations who have a vested interest in the park itself and I am just wondering. There seems to be all men on it, no women on it, and half the

DR. KITCHEN: population of the city would be women, I suppose. And I am wondering also, for example, are the picnic sites that we see up there ever used? Are all those trails used or are they just there to provide people work chopping down trees?

MR. CHAIRMAN: The hon. Minister of Public Works.

MR. DOODY: That is quite a list of questions that arrived very, very quickly. I will try to deal with them as adequately as I can in

MR. DOODY: the time allotted to me. Perhaps I should deal with the most important and pressing matter first, and that is the matter of the toilets. They were disallowed. They were not allowed to put the outdoor toilets in at that particular time.

AN HON. MEMBER: Did they put the indoor toilets out of doors?

MR. DOODY: They did not put the indoor toilets out either so I do not know really how that is going to affect the operation of the park during the coming year.

MR. MURPHY: Neighbours in the area.

MR. DOODY: The composition of the Commission itself: Mr. Butler, the Deputy Chairman, is the Assistant Deputy Minister of the Department of Public Works and Services. I think the present representative of the city of St. John's is Deputy Mayor O'Neill, although I may be in error on that, but I understand that he was presented by the city to fill the space vacated by Mr. Murphy. Mr. John R. O'Dea is obviously there as the Chairman of the Metro Board, Mr. Corban Noel of the University, Mr. Jim Finn, who is the Controller with Newfoundland Tractor, representing the Pippy family. What Mr. Pye's function is, or Mr. Matthews' - I think they are members at large and I really cannot tell you what the rationale was behind their particular appointments. Why there was no woman on the board I really cannot tell you. It does seem to be quite an oversight and one that should be corrected. I think that that could be a very useful and helpful addition to the Commission and I would sincerely hope that if there is a vacancy, and if there is not, as soon as one arrives, that a woman will be persuaded to take a position on the board.

The Pippy Park Commission itself were following a five-year master plan which was reviewed

MR. DOODY: by a group of consultants last year and has been constantly updated. They are still following it and co-ordinating the various developments that are taking place in it by its participating partners. The Computer Centre that was put in place there was obviously put in place by the Government of Newfoundland, the provincial government, through its Crown corporation the Computer Services Limited. That, of course, was done in consultation with the city and with the Pippy Park Commission. Similarly with the other structures that are put in place, they are all thought of in terms of the plan. One of the areas of concern, of course, as the hon. member has indicated, is trying to follow the master plan and still keep into consideration the needs of the University in terms of expansion and the needs of government services in terms of expansion. We have the Howley Building back there now, the Computer Services Building, which is already mentioned. We have the Avalon Baptist Senior Citizens' Home, which is obviously not put in there either by the Pippy Park Commission nor by government, but was done as a public service to that particular group whose objective was to provide a senior citizens' home in that particular area. The Botanical Garden in that area I am sure the hon. member has visited and seen. It is a very impressive, although relatively simple and inexpensive recreation area, one that I was quite surprised at finding to be in such a state of excellence when I visited it last summer with my family, and I think it is a very, very welcome addition to the Province and one which

Mr. Doody:

we have been badly in need of for some time. I do not know if my hon. friend the member for St. John's North (Mr. J. Carter) would agree with me on that because it sits very close his property.

AN HON. MEMBER: The savoury patch.

MR. DOODY: That is right. It is very close to the savoury garden.

The various picnic sites and trails and so on that are in place: I do not think that - the trail have certainly been used, and have been used extensively and have been in use for the past number of years. I know that my family have been using them quite extensively over the past year, and as they are extended further and further back into the country they are becoming more and more used, particularly during this past month or so when we our Winter, the cross-country skiers used it very extensively. The trailer park and the picnic sites and the picnic tables and the area that was cleared out, as the hon. member has suggested and correctly so, partially through the help of a Canada Winter Works grant or a LIP grant or some sort of a grant, were not really completed in time to be used very effectively or very efficiently or very much during the last year, during the season just passed. But I have no doubt it will be used quite extensively during the coming year. The trailer park itself and the picnic gardens in that particular area, hopefully will be looked at and perhaps administered by the Department of Tourism in conjunction with its other parks and so on. That is not an accomplished fact nor a fiat; it is just a suggestion and a thought. We are having the Department of Tourism look at it and to see if there are economies and efficiencies to be enjoyed by the Province if such a course of action is taken.

On the question of the golf course, I am afraid that is very much in the conceptual stage and nowhere near completion. I myself feel very strongly that I think a lot of us will be a lot older before we see a major, expensive golf course built in the middle of or in the Pippy Park area unless of course we happen to come

Mr. Doody: into some great request or some great amount of capital funds which we do not have available now nor do we see in the immediate future. The Pippy family's commitment to the park, which was, as I remember it, to be \$1 million over a period of some years, has developed into something considerably less than that and they are presently suggesting to government that government might be willing to agree to a somewhat lesser amount over the next several years and government is now looking at that option. Since the Pippy family are under no obligation and have no contractual or other obligation to the government or to the city or to the Province or any of the people involved, we may very well be in a position to accept their particular offer and thank them for it. The option of course is to - there is no option at all - it is simply to refuse the contribution however smaller it might be than the original concept of \$1 million over, I think it was supposed to be ten years, but I do not have the detail nor is it documented. That original agreement, as I understand it, was a verbal agreement between the late Mr. Pippy and the previous Premier, and there was no documentation and we have no recourse nor right to pursue it beyond that point. I think that covers most of the questions on the Pippy Park that were raised.

There was one other question that was flicked across from the hon. the member for LaPoile who asked how we were going with the Atlantic Place situation. The answer to that is, as of this date we have not gone anywhere with Atlantic Place. We have no commitment to lease, rent, buy or otherwise acquire space in Atlantic Place. Various

MR. DOODY: discussions have been held between government and with the owners of Atlantic Place but we have not been able to reach any conclusion as to a reasonable arrangement for the leasing of space from that organization or in that building.

So, Your Honour, I do not really know that we can go much further through all this this evening. I would like to spend some time on the Health Sciences Complex, but it a long and involved item and I would like to do that, perhaps, tomorrow when the Committee meets again.

I would also like to bring to the Committee's attention some of the improvements that have been put into place in the department during the past year in terms of tightening up the Public Tender Act and the department's approach to it and to bring to the Committee's attention and, perhaps, if the Committee so desires, to table some of the directives of the Deputy Minister. Mr. Whelan, to the department, on work authorization, on procedures, on public tenders, on emergency work, on the administration branch, on various policies and procedures and purposes, the sort of thing that one would expect from a gentleman of the calibre of Mr. Whelan. But with your permission, Sir, we will rise the Committee.

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

MR. SPEAKER: The hon. Chairman of Committees.

MR. CHAIRMAN: Mr. Speaker, the Committee of Supply have considered the matters to them referred and directed me to report having passed items of expenditure under Heading IX, Rehabilitation and Recreation all items without amendment and to have made further progress and ask leave to sit again.

On motion, report received and

adopted, Committee ordered to sit again on tomorrow.

MR. SPEAKER: The hon. Minister of Justice.

MR. HICKMAN: Mr. Speaker, I move that the remaining orders of the day do stand deferred and that this House on its rising do adjourn until tomorrow, Tuesday, May 2, 1978, at 14:00 of the clock and that this House do now adjourn.

On motion, the House at its adjourned until tomorrow Tuesday, May 2, 1978 at 2:00 p.m.