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Speaker: Honourable Patrick McNicholas

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The House met at 10:00 a.m.

MR. SPEAKER (McNicholas):
Order, please!

Before calling Statements by Ministers I would like to welcome to the Speaker's gallery His Excellency Sir Derek Day, High Commissioner for Great Britain.

SOME HON. MEMBERS:
Hear, hear!

Statements by Ministers

MR. MATTHEWS:
Mr. Speaker.

MR. SPEAKER:
The hon. the Minister of Culture, Recreation and Youth.

SOME HON. MEMBERS:
Hear, hear!

MR. MATTHEWS:
Thank you, Mr. Speaker.

I wish to inform this hon. House that from May 24, 1986 to June 1, 1986 over 100,000 Newfoundlanders will join millions of other Canadians in celebrating National Physical Activity Week. No other project, Mr. Speaker, involves as many people in such a variety of activities as this unique mass participation celebration.

The basic objective of National Physical Activity Week is to get people involved in physical activity and increase their awareness of the benefits of a healthy, active lifestyle.

Thousands of fitness activities are being held all across the country, and here in our Province we have a very extensive schedule

of events. Throughout Newfoundland and Labrador, provincial health and fitness associations, municipal recreation departments, community groups and town councils are organizing hundreds of special events for the week of May 24 to June 1. These range, Mr. Speaker, from fun runs, family fitnics and bicycle rallies, to square dancing, community challenges and many other unique fitness activities.

This is the fourth year for National Physical Activity Week and community involvement in our Province increases each year. From nine towns hosting their own fitness weeks in the first year, we have twenty-four this year. In addition, fourteen provincial health and fitness associations are actively promoting special projects during the week. Finally, over 100 communities will be involved to some extent, with hundreds of individual events.

The Department of Culture, Recreation and Youth is playing an active role in coordinating National Physical Activity Week. We have worked closely with these groups and have provided organizational and financial assistance along with a host of promotional materials.

In the spirit of National Physical Activity Week, moreover on Wednesday myself and my colleague, the hon. Haig Young, Minister of Public Works and Services, officially opened the Employees' Fitness Centre in the new Confederation Complex Extension. This centre provides the facilities for our employees to take part in physical activity on a regular, day-to-day basis, and will perhaps serve as an example for other employers to follow.

To officially kick off National Physical Activity Week, today has been declared 'Sneaker Day'. As a light-hearted gesture to show appreciation and enjoyment of physical activity, Newfoundlanders, along with all Canadians, are invited to wear their sneakers at work, school, at home, or, of course, even in the House of Assembly, as you can see today.

SOME HON. MEMBERS:

Hear, hear!

MR. BARRY:

You will need your running shoes by the time we are finished with you.

MR. PATTERSON:

You will have no shoes if you come down to Placentia.

MR. MATTHEWS:

Mr. Speaker, I would like to be able to finish this statement in silence. As the hon. the Leader of the Opposition (Mr. Barry) knows, it was very unfortunate that the announcement came yesterday to cancel the pro boxing bout in St. John's. But if he continues, perhaps my involvement in National Physical Activity Week just may be to box the hon. member's ears.

SOME HON. MEMBERS:

Hear, hear!

MR. MATTHEWS:

As minister responsible for fitness in the Province, Mr. Speaker, I challenge all members to join with me in celebrating the benefits of regular physical activity.

MR. FUREY:

Mr. Speaker.

MR. SPEAKER (McNicholas):

The hon. the member for St. Barbe.

MR. FUREY:

Mr. Speaker, I would like to thank the minister for running that statement over to me this morning, in his fancy sneakers. We welcome this statement. It is a very positive statement and worthwhile, particularly the objective of National Physical Activity Week, to get people involved in physical activity and to increase their awareness of the benefits of a healthy and active lifestyle.

We welcome the positive statement and encourage all Newfoundlanders and Labradorians, of all ages, to participate in this very worthwhile and very healthy exercise, this event from May 24 to June 1.

We noted that the minister and the Minister of Public Works engaged in a little bantering for the press the other day to show just how fit they are. I have no problem, Mr. Speaker, ensuring that they are fit, but the question arises, fit for what?

Mr. Speaker, we welcome this statement. I would like to see the minister, though, particularly through his department, try to channel some of the massive tax dollars that are garnished from tobacco and alcohol to point out to people out there in the public just exactly what the dangers are of tobacco and alcohol. I feel we, as fifty-two members of this Legislature, are falling far short of our duties until we start channeling some of these tax revenues to pointing out, especially to young children and high school students, the disadvantages in engaging in the use of these particular items,

tobacco and alcohol.

So I thank the minister for his statement, and I welcome him to a judo match any time with the Leader of the Opposition, I feel confident that he will land flat on the mats.

SOME HON. MEMBERS:
Hear, hear!

MR. BARRY:
On a point of order, Mr. Speaker.

MR. SPEAKER:
A point of order, the hon. the Leader of the Opposition.

MR. BARRY:
I appreciate the spirit in which the minister's challenge was issued and, in recognition of National Fitness Week, I would like to return the challenge. I would like to invite the minister to participate in a series of events, or any member opposite; let us say eight events, and I will pick four and the minister or his colleagues can pick four. I will pick judo, squash, golf and running. Maybe we could participate in the Telegram Ten Mile Run, for example. You can have your four selections. I suspect soccer might be one of them, and another three. But he is going to have to have it a little better than the tiddlywinks he plays with when he is in politics.

MR. TOBIN:
To that point of order, Mr. Speaker.

MR. SPEAKER:
To that point of order, the hon. the member for Burin - Placentia.

MR. TOBIN:
Mr. Speaker, may I suggest that we

also include in the Leader's agenda a game of ping pong, because of the way he bounced around from one side of the House to the other.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
Order, please!

There is no point of order. It might be a dangerous precedent, though, if we established that type of thing.

MR. BARRY:
Maybe the Speaker might like to participate. Tennis, Your Honour.

MR. TULK:
On a point of privilege, Mr. Speaker.

MR. SPEAKER:
The hon. the member for Fogo.

MR. TULK:
Mr. Speaker, this morning I heard on the press what I considered to be one of the most serious contempts of this Legislature that I believe I have ever heard. It was a statement to the effect that the President of Treasury Board (Mr. Marshall) is going to call a press conference this afternoon to give the government's side of the story in the ongoing NAPE dispute. Mr. Speaker, why is that a contempt for this House?

MR. WINDSOR:
A point of order, Mr. Speaker.

MR. MATTHEWS:
We have a Question Period for that, Mr. Speaker.

MR. SPEAKER:
The hon. member is on a point of privilege?

MR. TULK:

Yes, on a point of privilege.

Mr. Speaker, the government's business, the people's business, goes on in this House and it is not to be taken lightly. I rose after Ministerial Statements, because we give the minister, obviously, an opportunity to make any Ministerial Statement in this House that he should make. Mr. Speaker, it is an indication of this government's contempt for this Legislature, the same kind of contempt that they are showing for the NAPE workers in the Province, the same kind of contempt that they showing for the firemen in this Province, and in every other fashion and in every other method of dealing with the public's business.

It is indicative of that minister, the President of Treasury Board, along with the Premier and the member for St. John's East (Mr. Marshall). The contempt that they hold for this Legislature is unbelievable. It is the most cowardly thing that I have ever seen done. The minister this morning, obviously, should have stood in his place, given his statement and then, of course, he would have been held liable by the Opposition, which is the role of the Opposition in this Legislature.

Mr. Speaker, that is not the way they want to operate. We are now seeing them in contempt of this Legislature by saying, 'Oh, no, we will go to the public and we will put out our propaganda'. It is the beginning, I suspect, of another propaganda campaign to try to put the NAPE workers, as they think, in their place, to try to whittle away at the massive public support that they know that the NAPE people have in this

Province. It is a pure contempt of this Legislature for any minister to call a press conference when the Legislature is in session, when he should obviously make that statement in this House. It is ridiculous! It is scandalous! Mr. Speaker, I would ask you to bring the hon. gentleman to order.

MR. MARSHALL:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

What is ridiculous and what is scandalous is the hon. gentleman usurping the time of this House on a point of privilege of that particular nature. Now the fact of the matter is, the President of Treasury Board (Mr. Windsor), or any minister, does not need to ask permission of the hon. gentleman there opposite, or any of them, as to when he wishes to make a statement on public matters to the media of this Province or to the public. It is not a point of privilege. All it is, once again, is the hon. gentleman just trying to make cheap, political points. He is not concerned about contempt of the Legislature. If he were, he would not have used the point of privilege in such a contemptuous fashion before Your Honour.

MR. WINDSOR:

To that point of privilege, Mr. Speaker.

MR. SPEAKER:

To the point of privilege, the hon. the President of Treasury Board.

MR. WINDSOR:

I want to assure this hon. House that whenever there is information that this House needs, they may rest assured that it shall be given to this House. I am assuming that after all of these months of negotiations and public debate with NAPE that the hon. gentlemen opposite would know government's position. I would not insult him by bringing that position forward again.

My press conference this afternoon is for the benefit of the media, to debate the various issues with them, to clarify certain points. But I can assure the hon. gentleman that if he wants further information, if he does not now know government's position, I invite him to come along to the press conference. He might just learn something.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
I think the minister's response puts a different shade on what is taking place. What the Opposition House Leader (Mr. Marshall) has said is absolutely correct. If there is a significant statement, containing new information, it is a statement that should be made in this House. The traditions of this House require that the statement -

MR. MARSHALL:
May be made.

MR. BARRY:
Yes, it does not have to be. Sure, any minister can break with the traditions of this House in the same fashion that the Minister

of Finance (Dr. Collins) tried to break with them yesterday, when he tried to sneak through a piece of legislation in an underhanded fashion. Any minister can break with the traditions.

DR. COLLINS:
I cannot see anything underhanded.

MR. SPEAKER:
Order, please!

MR. BARRY:
Any minister can break with the traditions of the House in the same way that the Government House Leader is permitting the member for St. John's North (Mr. J. Carter) to break with the traditions of the House in not proceeding to call the Committee on Privileges and Elections to deal with the member for Bonavista South's (Mr. Morgan) missing files. That is another break with the traditions of the House.

So any minister, Mr. Speaker, can show contempt, can break with the traditions of the House, but when it is carried to the stage that if significant statements with new information are not made in this House, at some point Your Honour has to say, are ministers giving this House the consideration that they should give? Are they answerable to this House? If a statement is made here, at least we get half the time of a minister to respond.

Now, if I understand what the minister has said, this is merely a propaganda exercise he is engaging in this morning, there will be no new information. I think that is what the minister has indicated. There will be no new information, so I guess the press and the general public and everybody in the Province will

treat that little propaganda exercise with the contempt that it deserves.

The minister is now continuing the propaganda exercise against NAPE that presumably we will see against the firemen in a few days time; we will see the full page ads and the radio advertisements. Because the minister will not negotiate around the bargaining table, he will try to negotiate in public. It is wrong! The minister should go back to the bargaining table, instead of engaging in that silly propaganda.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please! Order, please!

I must rule there is no prima facie case.

Oral Questions

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

I have a question for the President of Treasury Board (Mr. Windsor). Yesterday there was an indication, again in the press, that he was going to binding arbitration in the firemen's dispute. I point out to the minister that we have had arbitration before, as he is well aware, on this issue of 104 hours per year for which the firemen are asking compensation for or time off for. The buck was passed back to the negotiating table by the arbitrator, Mr. Easton in this

case, I believe, and after thirty days we were to revert to the status quo.

I would like to ask the minister, now that he has applied for binding arbitration, what assurances can he give us and to the firemen of St. John's that indeed arbitration will solve the dispute?

MR. SPEAKER:

The hon. the President of Treasury Board.

MR. WINDSOR:

Mr. Speaker, the hon. gentleman is asking me to predict what an arbitration board might say. I would not insult the board. It is an impartial board that has absolute, full authority that is binding on both parties. Whatever their determination of the dispute shall be shall be binding on both sides, and we are prepared to accept that. That is as laid down in the act, Mr. Speaker, the provisions that the firemen have in lieu of the right to strike, and that is not disputed. It is a way of resolving disputes when it is clear that they cannot be resolved at the bargaining table. The firemen in this case have not chosen to exercise that right, but the right is equally available to government, and we can see no more fair way of resolving this dispute than by going to third party, impartial, binding arbitration. They have the opportunity to deal with it. There are several options that are available to them.

The last time that a similar issue was referred to them, they chose not to, they referred it back for further negotiation, but they have the right to make a decision, and we will have to wait and see.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Will the minister indicate whether he agrees with an arbitration decision which basically does not deal with the issue in dispute but merely passes the buck back to the party?

MR. WINDSOR:
Mr. Speaker, it is totally irrelevant whether I agree with the decision or not. The arbitration board is given the authority to deal with a dispute and to make decisions which are binding and we simply accept them. Whether I agree or disagree with them is totally irrelevant.

MR. BARRY:
A supplementary, Mr. Speaker.

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

MR. BARRY:
Is it not a fact that the parties can determine the terms of reference of the arbitration board? Is it not a fact that the terms of reference if properly stated can make sure that the arbitrator brings in a final, binding decision? Why was that not done in the previous case?

MR. SPEAKER:
The hon. the President of Treasury Board.

MR. WINDSOR:
Mr. Speaker, the terms and conditions of an arbitration are very clear in the act as to the rights and authorities and the

powers of the arbitrators. We cannot bind the hands of an arbitrator. They have to determine what in the present circumstances is in the best interest of both parties. They have to adjudge what is fair. They are an impartial tribunal. They have the absolute right to decide what their recommendations shall be. It is not for me or government or anybody else to tell them what their recommendations should or should not be. I would not attempt to tie their hands. Hopefully they will come up with a decision that resolves the issue. I would say, Mr. Speaker, to you this, that I do not think they came back the last time with a decision that was totally a non-decision. What they said was that, 'We refer this back to the parties for further negotiations for thirty days, but in the event of a failure to negotiate something that is agreeable, then it shall stay as it is.' So it was a decision in as much as that if further negotiations could not resolve the issue then their decision was it should stay as it is. So that was indeed a decision.

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Mr. Speaker, I think the minister would have to agree that the parties can determine the terms of reference for the arbitrator within the context of the statute, and if the statute does not ensure that the decision is final and complete, then there may be an inadequacy in that which should be looked at. But even if there was that inadequacy in the act, would

the minister not agree that properly drafted terms of reference could deal with it? In any event, is the real issue not why does the minister not look at the reasonable demands that these firemen are making with respect to these extra hours per week? Would the minister indicate why is it that he has been so inflexible in the course of negotiations on this point?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the President of Treasury Board.

MR. WINDSOR:

Mr. Speaker, I can assure the hon. gentleman I have looked at the demands, I have looked at them at length, and I have discussed them with the negotiating team for the fire-fighters. We have considered the practice in other jurisdictions all across North America. We find out position totally consistent with other jurisdictions in North America and totally defensible.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

My question is also to the President of Treasury Board and it is in a similar vein. It is almost a supplementary. It has to do with the cost of arbitration. When an employer tends to try and take advantage of a local, especially a small local that does not have great financial resources, it tends to push them to arbitration often. These are usually with regard to rights

arbitration. In this case we have a difference case here.

My question to the minister is this: Given the extremely high cost of processing something through arbitration where both your own nominee and half the Chairman's salary has to be paid and your own lawyer's costs have to be paid, is the government willing to look at some additional arrangement so that the costs do not bear that heavily on the locals. In other words, is the government willing to look at paying the entire cost of the arbitration board similar to what it already does with conciliation boards right now?

MR. SPEAKER:

The hon. the President of Treasury Board.

MR. WINDSOR:

Mr. Speaker, in any situation such as this government can be forced into arbitration and are forced to absorb that cost. It is a fact that comes out of the right of the negotiating team for the other side to go to binding arbitration. If they want to have that right of binding arbitration, they must be prepared to bear the cost. I do not think it is right for government to pay the person who is representing the other side. It would seem to me totally improper if the person who is representing the union was on the payroll of government, his costs were being paid by government. It has never been done and we cannot consider that.

MR. FENWICK:

Mr. Speaker, a supplementary.

MR. SPEAKER:

A supplementary, the hon. the member for Menihek.

MR. FENWICK:

I beg to differ with the President of Treasury Board. On conciliation boards, even with the government and its own unions, the government does pay the cost of the union nominee, so it has been done before.

My question is, since you, as the representative of Treasury Board, are the ones that are pushing this to arbitration, and therefore asking the local to incur this additional cost which I understand can be up to \$25,000, it seems to me in these circumstances, as a matter of good faith on the part of Treasury Board, that you should be willing to incur those costs. So I am asking you again, are you willing to incur the costs of not only the union's share of the Chairman's costs but the union nominee's share as well?

MR. SPEAKER:

The hon. the President of Treasury Board.

MR. WINDSOR:

I would agree, Mr. Speaker, if the union would agree that every time they refer something to arbitration they will pay government's costs.

MR. W. CARTER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, my question would normally be asked of the Premier.

MR. TULK:

A supplementary, 'Walter', to the President of Treasury Board.

MR. W. CARTER:

I am sorry. I yield.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, we have seen again this morning in answers to questions from the Leader of the Opposition, myself and the member for Menihek, the total inflexibility of this minister. This is the real issue that we are dealing with here.

MR. MARSHALL:

A point of order, Mr. Speaker.

MR. TULK:

Mr. Speaker, my question to the minister is -

MR. SPEAKER:

Order, please!

A point of order, the hon. the President of the Council.

MR. MARSHALL:

If you want to talk about contempt of the House, I am on a point of order. Mr. Speaker, the hon. gentleman is asking, I believe, a supplementary question. He obviously is. He is not entitled to a preamble. He should be directed to immediately come to the substance of his question.

MR. SPEAKER:

I think that point is well taken. I would ask the hon. member to ask his question.

MR. TULK:

Mr. Speaker, my question to the minister is this: In view of the fact that he has shown so much inflexibility on every question that has been put to him, in view of the fact that he has shown so much inflexibility on every proposal that has been put to him

by the firemen of this Province, will he not now stand in this House and admit that what he is doing is creating another situation - we have seen the minister, through the Fire Chief, threaten sanctions, arrest and everything else - another confrontational situation, put in place by the minister to serve his own political purposes?

MR. SPEAKER:

The hon. the President of Treasury Board.

MR. WINDSOR:

Mr. Speaker, the hon. gentlemen might be impressed with his political theatrics but I can assure him I am not. I can see nothing more flexible and reasonable than putting the issue to third party arbitration, which is provided under the act, and which guarantees protection to the union in lieu of giving up the right to strike, guarantees that there is a fair, third party arbitrator to resolve any dispute. I can see nothing more flexible than that.

MR. TULK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, the member for Menihek (Mr. Fenwick) asked the minister a very good question. Will the minister not show at least some inflexibility to those people to show that he is at least serious about the situation? Is he not concerned about the fact that those people, in a very essential service, have, I understand, a morale problem, that those people feel that they are

being tread on by not only the President of Treasury Board but also feel that the Fire Chief is being used to put them in their place, perhaps by the government itself? Is he not concerned about the morale problem that exists among those firemen? Will he not now show some flexibility and at least come halfway to meet those people rather than forcing them through a process that they do not want to go through?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the President of Treasury Board.

MR. WINDSOR:

Mr. Speaker, I am certainly concerned about any morale problem in the Fire Department. I am also concerned about the taxpayers in this Province and protecting the public purse, which is a responsibility of this government. We have shown a tremendous amount of flexibility. If we saw the same flexibility on the other side perhaps we would not be forced to go to binding arbitration. But in the absence of the ability to negotiate a collective agreement which is acceptable to both sides, then we have no alternative but to use the remedies that are available in the act, under the legislation, and accords with the law, and refer the matter to binding arbitration.

MR. TULK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I am under the

impression that the firemen in this city have proposed a way out where it will not be any extra cost to the government. Is it correct that the three eight-hour shifts that the Chief has proposed will cost the Treasury more in this Province? Will the three eight-hour shifts cost more than the proposals that have been put forward by the firemen themselves? Will the minister check that? Will he show some flexibility in that regard? Is that not correct?

MR. SPEAKER:

The hon. the President of Treasury Board.

MR. WINDSOR:

No, Mr. Speaker. As usual something coming from the hon. gentleman is not correct. We do not have a proposal that allows flexibility to the Chief to operate his department in a manner which is acceptable to him, to provide for all of the duties that are required of the firemen on a regular basis; to provide for regular training, which is an important component of the firefighters' normal work week and still allow us to maintain the amount of funding that is required to meet those salaries. If you reduce the number of personnel by 5 per cent, which is effectively what you would be doing by providing the time off that has been requested, then you either have to replace that 5 per cent, which obviously increases your salary bill by 5 per cent, or you have to reduce the number of personnel on shift at any one particular time.

Now, that can be done, but not without disrupting the normal shift system, training schedules and so forth of the Fire

Department. The eight-hour shift, on the other hand, can provide a certain amount of flexibility because you can give certain time off during the evening hours, when people are on down time, which does not interfere with the normal activities of the Fire Department. In addition to that, when you have persons on sick leave, at the moment somebody goes on sick leave for a day, obviously there is twenty-four hours lost. If you are working an eight-hour day and you are on a day's sick leave, you are only losing eight hours. So there are economies to be gained by being on a eight hour shift. It gives you additional flexibilities and the opportunity to properly the force.

MR. W. CARTER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, in the absence of the Premier I would like to ask the Acting Premier a question concerning the free trade talks. Yesterday in Ottawa, following the preliminary meeting of the free trade talks with the US, Mr. Simon Reisman, Canada's chief negotiator, when asked a question concerning whether or not Medicare would be an negotiable item at the talks, quite emphatically said, no, Medicare will not be a negotiating item. But when asked a question concerning fishermen's unemployment insurance benefits, the negotiator was less emphatic. In fact, he gave the impression that maybe fishermen's unemployment insurance benefits would be an item to be negotiated. Mr. Speaker, my question to the Acting Premier is,

in light of the fact that a First Ministers' Conference has been called for I believe the next week or ten days - I might say at the instigation of the Premier of Alberta and not the Premier of Newfoundland - in light of the fact that that conference is being held, would the Acting Premier, Mr. Speaker, give this House and the fishermen and the people of Newfoundland a firm undertaking this morning that at those talks Newfoundland's position, the fishermen's position with respect to unemployment insurance benefits will be made clear and that the word will go out in no uncertain terms that fishermen's unemployment insurance benefits is a non-negotiable item, is sacrosanct as far as Newfoundlanders are concerned, and must not be negotiated?

MR. SPEAKER:

The hon. the President of the Council.

MR. MARSHALL:

He is not asking a question he is making a political speech. This Province and this government has not been slack in any way protecting the rights of all Newfoundlanders, including the fishermen. I am glad the hon. gentleman asked the question, though, because his leader did not. You will note that there have been a series of questions about consultation. Here we have merely just preliminary trade talks, and what happens? Immediately the Prime Minister of the country calls all the Premiers of the country in to fully consult, so there is full and complete consultation. Nobody is complaining about the consultation that has been given except the Leader of the Opposition, not even the Premier of Ontario.

With respect to that situation it has been clearly stated by the Government of Canada that social programmes are not negotiable in the free trade talks. I think it is clearly known. The hon. gentleman can try to make political points all he likes, but it is not contemplated that the fishermen of this Province are going to be affected in any way by the free trade talks. As a matter of fact, their futures are going to be very much enhanced because it is going to open markets heretofore not available to them.

MR. W. CARTER:

Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, my supplementary isto the Acting Premier. I do not think he fully answered my question. I will put it to him again. I know that the Premier will no doubt be protecting certain social welfare benefits we have. But will the Acting Premier this morning, Mr. Speaker, give this House an unqualified promise or a commitment that at the talks to be undertaken next week in Ottawa, The First Ministers' Conference, that specifically unemployment insurance as it applies to fishermen will not be an item to be negotiated in any way, shape or form?

MR. SIMMS:

That is the same question.

MR. W. CARTER:

No, it is not the same question. The minister talked about, Mr. Speaker, other social problems. I want a specific answer from the Acting Premier that fishermen's

unemployment insurance will be singled out as being at least certainly one item that is non-negotiable.

MR. MARSHALL:
Mr. Speaker.

MR. SPEAKER:
The hon. the President of the Council.

MR. MARSHALL:
All the hon. gentleman is doing, in his usual way, is trying to get headlines tomorrow in the paper to read that fishermen's unemployment insurance benefits are in jeopardy. And the only person who has said that the unemployment insurance benefits for fishermen in this Province are in jeopardy is the hon. member. So all I can tell the hon. member is that this government has acted foursquare with the people of Newfoundland in every area, in Corner Brook, on the offshore and specifically with the fishermen of this Province, we stood shoulder to shoulder with them and we will continue to do so. There will be no diminution of any benefits to the fishermen of this Province as a result of anything that this government does. And I would think that the hon. gentleman would better serve his fishing district of Twillingate and his constituents up there if he concentrated and tried to explain to them the benefits that will be derived to them from free trade being established rather than to try to sow in their minds, in an unwarranted fashion, that somehow or other their unemployment insurance benefits are going to be affected. Because the only a Liberal can get in power in this Province is to sow the seeds of doom and gloom, and the hon. gentleman is reverting to his

former type in 1960 very quickly when he makes statements like that.

SOME HON. MEMBERS:
Hear, hear!

MR. W. CARTER:
That is not worthy of you, 'Bill'.

MR. BUTT:
He will probably run for the leadership of British Columbia now. He will go after Bill Bennett's job.

MR. LUSH:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Bonavista North.

MR. LUSH:
Mr. Speaker, I have a question for the Minister of Justice (Ms Verge).

Mr. Speaker, in addition to being tainted and embarrassed in the industrial world by having unfair and unjust labour laws, we have now added insult to injury, we have compounded the situation and become the laughing-stock of the sporting and athletic world by the shockingly precipitous decision by government to cancel the professional boxing card this weekend. My question then, Mr. Speaker, to the Justice Minister is why is it after weeks of preparation, large expenditures of money by the promoters and the purchasing of tickets by fans throughout this Province, why after all of this visible activity was this professional boxing card so expeditiously and inexplicably cancelled for this weekend?

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

MS VERGE:

Mr. Speaker, not only does the member opposite have his facts wrong, he is a day late in asking the question.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MS VERGE:

The city of St. John's evidently, with a professional boxing promoter, made plans for a professional boxing match in St. John's tonight. A couple of days ago the Justice Department received an enquiry, a complaint from a citizen about the plans. In this way the department became officially notified of the plans and investigated; lawyers in the Justice Department consulted with officials of the city of St. John's, informing the officials of the city of the Criminal Code of Canada requirements. Now, Mr. Speaker, the Criminal Code of Canada applies right across Canada, from sea to sea. Presumably any professional boxing promoter in the country would have knowledge of the Criminal Code requirements. The Criminal Code says specifically the only kind of professional prize-fight permitted is one that has been permitted by a sport commission which is established by provincial legislation. Now, Mr. Speaker, there is that same Criminal Code of Canada requirement in every province of the country, not just Newfoundland, but also Nova Scotia, New Brunswick, Prince Edward Island, all the provinces of Canada, the whole country. Mr. Speaker, after being alerted of the Criminal Code requirements and possible criminal legal problems, the officials of the city of St. John's made the decision to cancel

the fight.

MR. LUSH:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Bonavista North.

MR. LUSH:

Mr. Speaker, why is it that with the battery of legal expertise that we have in the Department of Justice, and I assume there are solicitors with the city, why is it that we had to have some opinion from a private citizen to alert the Department of Justice to these regulations? Mr. Speaker, do we not have sufficient competence within the Department of Justice and within the city of St. John's? Why is it that it took a private citizen to make the minister aware of this regulation? Absolutely ridiculous!

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, what a foolish question! It is a question which shows absolutely no understanding or appreciation of the system of criminal law that we have had in Canada since this country was founded. Mr. Speaker, the Department of Justice does not go around this Province snooping and enquiring into the plans and affairs of private citizens and organizations trying to second-guess what they might do. Mr. Speaker, I think that question should more properly be directed at the professional boxing promoter and the city of St. John's which made plans for the fight.

MR. LUSH:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Bonavista North.

MR. LUSH:

Mr. Speaker, it appears that the Minister of Justice is blaming the city of St. John's. Now I quite clearly heard the Minister of Culture, Recreation and Youth (Mr. Matthews) -

MR. MARSHALL:

On a point of order, Mr. Speaker.

MR. SPEAKER:

A point of order, the hon. the President of the Council.

MR. MARSHALL:

The hon. gentleman is asking a supplementary question but in characteristic fashion he is making a speech. Now he should be ordered to come to his question or else sit down and allow somebody else to pose a question.

MR. SPEAKER:

Order, please!

To that point of order, I would ask the hon. member to please pose his supplementary.

MR. LUSH:

The question, Mr. Speaker, is: Can the minister rationalize or can the minister explain why it is that she is blaming the city of St. John's when clearly this morning the Minister of Culture, Recreation and Youth did not blame the city of St. John's? Now who is correct? She is blaming the city of St. John's and the Minister of Culture, Recreation and Youth clearly this morning said he would not blame the city of St. John's.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, I simply laid out for all hon. members the facts of the matter, the facts of the matter being that the Justice Department, after having received a complaint from a private citizen, investigated what was happening, found out that there were plans to have a professional boxing match in St. John's sponsored by the city of St. John's with the involvement of a private boxing promoter, and lawyers in the department contacted officials of the city of St. John's, told those officials about the Criminal Code of Canada requirements and alerted the city officials of possible legal problems, leaving it up to the city, which had initiated the business with the professional boxing promoter, to deal with the situation. Evidently, as we all now know, the city decided to cancel the match. The whole thing is more unfortunate.

MR. LUSH:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary.

MR. LUSH:

Mr. Speaker, I am wondering whether our laws are different with respect to sponsoring an amateur fight, because just a short while ago -

MR. MATTHEWS:

What do you know about boxing?

MR. SPEAKER:

Order, please! Would the hon. member please pose his final supplementary?

MR. LUSH:

Mr. Speaker, I am putting the question. I prefaced it by saying 'can the minister explain.'

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please! Order, please!

This is a final supplementary. I ask the hon. member to please pose his question?

MR. MARSHALL:
On a point of order, Mr. Speaker.

MR. SPEAKER:
A point of order, the hon. the President of the Council.

MR. MARSHALL:
If the hon. gentleman wants to operate in the House he must operate by the rules. Quite frankly, in Question Period you are not allowed to ask a minister a question with respect to the interpretation of a statute. He is asking the hon. minister a question with respect to the interpretation of the Criminal Code of Canada, so he is completely and absolutely out of order.

MR. LUSH:
Do not be so silly.

MR. SPEAKER:
To that point of order, I was not quite clear what the supplementary question was. I ask the hon. member to pose his question.

MR. LUSH:
I started my question with 'can', and to my knowledge can is an interrogative word. I said can the minister explain why it was a couple of months ago we had an amateur fight in this Province and now we cannot have a professional

fight? Is there a different set of regulations? And if so, how come? Why?

MS VERGE:
Mr. Speaker.

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

MS VERGE:
Mr. Speaker, I would refer the hon. member to Section 81 of The Criminal Code of Canada which does indeed distinguish between amateur fights and professional fights.

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please!

MR. EFFORD:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Port de Grave.

MR. EFFORD:
Thank you, Mr. Speaker.

Mr. Speaker, my question is to the Minister of Justice also. She just made reference a short time ago to my colleague being a day late in asking his question. Over a week ago we asked the minister a question pertaining to the bomb threat at Exon House, and we have not yet received a reply to date.

I would like to ask the minister why she has taken so long to reply to that question concerning the search at Exon House? What are the police guidelines in such an emergency as that?

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

MS VERGE:

Mr. Speaker, I have had senior officials of the Justice Department check with the Royal Newfoundland Constabulary on the event of the evening in question. I have been assured that the police followed proper procedure and acted professionally in that situation. If the member wants more details I can supply them to the House on Monday.

MR. EFFORD:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Port de Grave.

MR. EFFORD:

Is the Minister of Justice telling this House that the proper procedures were followed when Exon House was not evacuated, and when the staff at Exon House were required by the administrator, by the authorities there, to also take part in searching for the bomb? Is that proper procedure?

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, I have been assured that the police exercised good judgement in the situation. Every situation is different. That particular case had its peculiarities. It had, as every situation does, certain features which led to a professional judgement by the police who were on the scene, who were dealing with the staff at Exon House, who consulted the staff at Exon House, and they exercised good judgement, I am satisfied of that. And as I said, I can supply any more details about how they handled that investigation on Monday. I have delved into the matter with

senior officials of the Department in some detail. I had not realized that the member was expecting me to supply any of this information to the House, since I simply assured him, when he posed the question in the first place, that I would check into it with my officials, which I did promptly the same day.

MR. EFFORD:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Port de Grave.

MR. EFFORD:

What the Minister of Justice is saying is that the proper procedures were followed and she is satisfied with the situation because it was a hoax. I would like to ask the Minister of Justice is, had it not been a hoax, would she take the full responsibility of any loss of life or any danger to Exon House?

MR. SPEAKER:

That is purely a hypothetical question.

MR. EFFORD:

Is the minister not going to answer the question?

MR. SIMMS:

The Speaker ruled it out of order as hypothetical.

MR. FUREY:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for St. Barbe.

MR. FUREY:

Mr. Speaker, I have a question for the Minister of Justice.

I would like to ask the Minister

of Justice what are the guidelines for police in emergency situations, such as forest fires, with respect to convoys being led by police where fires are very near the highways? I ask this, Mr. Speaker, because we have had complaints from people about a convoy led on the Bay d'Espoir Highway where no counts were done of the vehicles by the police, no counts of the people in those vehicles, and it looked like just a symbolic convoy down through Bay d'Espoir. So what are the guidelines for police in these very serious situations?

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, if the hon. member has a concern about a particular incident, I suggest that he bring that to me privately and I will have it looked into by senior officials of the police. Obviously, my job is not to accompany the police on all their missions throughout the Province.

SOME HON. MEMBERS:

Hear, hear!

MS VERGE:

Mr. Speaker, it is interesting to see that the member for St. Barbe has asked his first question to me about Justice. When he held the Justice critic role for the Opposition he did not ask me a question.

SOME HON. MEMBERS:

Hear, hear!

MR. FUREY:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for St. Barbe.

MR. FUREY:

Mr. Speaker, my Leader asked me not to ask too many questions because he and the Party pitied the Minister of Justice in her sea of incompetence.

MR. SPEAKER:

Order, please!

MR. FUREY:

Mr. Speaker, if the minister is going to deal specifically with that question, could she tell us generally, in situations where the police have to deal on the highways where fires are overlapping, are there specific guidelines for police to deal with convoy situations?

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, our two police forces have their internal rules and regulations for handling these kinds of situations. Obviously their primary concern is always protecting the safety and health and well-being of members of the general public. Now, I reiterate, if the member has reason to believe that there was a problem with a police convoy in a forest fire situation on the Bay d'Espoir Highway recently, he should alert me or officials of the department, or senior officials of the police, of his concern and have it looked into in a proper way.

MR. BARRY:

Mr. Speaker.

MR. SPEAKER:

There is just time for a short question and answer.

The hon. the Leader of the Opposition.

MR. BARRY:

Mr. Speaker, it seems that wherever the minister turns she leaves the system of Justice in a shambles in her wake.

MR. TULK:

She did the same with Education, by the way.

MR. BARRY:

Would the minister indicate whether she has taken action to appoint members of the appeal board of the Legal Aid Commission? For a long period of time, because that appeal board was not in place, it was difficult for ordinary individuals to avail of their rights under the legal aid system. Has that now finally been done, and as of when?

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Yes, Mr. Speaker. As of April 15, 1986, the Legal Aid Commission was brought up to full strength. The Commission comprises seven members. The new Chairperson is Alan Caule, QC, an experienced St. John's barrister and solicitor who has been a member of the Province's Legal Aid Commission for several years. He has already made an outstanding contribution to the Commission and I expect that he is well-equipped to lead it to continue its good work. There are six other members, two are ex officio, the Deputy Minister of Justice and Deputy Attorney General, and the Legal Aid Commission Executive Director. Then there are three other lawyers from different parts of the Province and a lay person. So, Mr. Speaker, as of April 15, 1986 the Legal Aid Commission was brought up full strength and a new Chairperson was appointed, Alan

Caule, QC.

MR. SPEAKER:

The time for Oral Questions has elapsed.

I would like, at this stage, to welcome to the visitor's gallery fifty-four Grade V and Grade VI students from Newville Elementary School, in Twillingate, with their teacher, Ronald Hamlyn. I would also like to welcome Sean Power, the Mayor of Buchans.

SOME HON. MEMBERS:

Hear, hear!

Orders of the Day

Motion, the hon. the Minister of Public Works and Services to introduce a bill, "An Act To Amend The Pippy Park Commission Act," carried. (Bill No. 40)

On motion, Bill No. 40 read a first time, ordered read a second time on tomorrow.

Motion, the hon. the Minister of Municipal Affairs to introduce a bill, "An Act Respecting The Assessment Of Property For The Purpose Of The Imposition Of Real Property Taxes By Councils Of Municipalities And School Taxes By School Tax Authorities," carried. (Bill No. 14)

On motion, Bill No. 14 read a first time, ordered read a second time on tomorrow.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Remove Anomalies And Errors In The Statute Law," carried. (Bill No. 10)

On motion, Bill No. 10 read a

first time, ordered read a second time on tomorrow.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act To Amend The Motor Carrier Act," carried. (Bill No. 23)

On motion, Bill No. 23 read a first time, ordered read a second time on tomorrow.

Motion, third reading of a bill, "An Act To Revise And Reform The Law Respecting Corporations." (Bill No. 20)

MR. BARRY:
Mr. Speaker.

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

MR. BARRY:
Before reading it the third time, I think there is an opportunity for debate on third reading but we do not particularly want to debate it if we get the information we asked from the minister yesterday and which she said she would supply.

MR. MARSHALL:
Mr. Speaker.

MR. SPEAKER:
The hon. the President of the Council.

MR. MARSHALL:
I realize the minister said that and the minister will. The fact that third reading is going through, the minister will get that information. She indicated she would yesterday.

MR. BARRY:
Yes, but there may be something in that that we should raise a question on. Could the minister

consider delaying that third reading just for a short period.

MR. MARSHALL:
All right. It is not a big matter, Mr. Speaker. We will wait and do that later.

On motion, a bill, "An Act To Amend The Justices And Other Public Authorities (Protection) Act," read a third time, order passed and its title be as on the Order Paper. (Bill No. 8).

MR. SPEAKER:
Bill No. 13, "An Act To Amend The Queen's Counsel Act," there was an amendment to that which was not read a first and second time yesterday, I omitted to do it.

On motion, amendments read a first and second time.

On motion, a bill, "An Act To Amend The Queen's Counsel Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 13)

On motion, a bill, "An Act To Amend The Department Of Justice Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 7)

On motion, a bill, "An Act To Amend The Department of Environment Act," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 3)

MR. MARSHALL:
Mr. Speaker, have we read four to eight? We did the Law Society Act and the Queen's Counsel Act.

MR. SPEAKER:
Did we do No. 6?

MR. MARSHALL:

Okay, Order 6, Bill No. 11, because I want all of them out of Third Reading except the Corporations Act.

On motion, a bill, "An Act To Amend The Law Society Act, 1977," read a third time, ordered passed and its title be as on the Order Paper. (Bill No. 11)

On motion, that the House resolve into Committee of the Whole to consider certain bills, Mr. Speaker left the Chair.

MR. CHAIRMAN:
Order, please!

MR. MARSHALL:
Order 9, Bill No. 15.

MR. CHAIRMAN:
Shall clause 1 carry?

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

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

MR. FENWICK:
When we adjourned the Committee yesterday, you were about to make a ruling on whether my amendment was in order and I am not sure whether you should be bringing back a ruling on that now. Are you ready to have a ruling on it now?

MR. CHAIRMAN:
I will make that ruling when the bill is called again.

MR. FENWICK:
Oh, okay.

MR. MARSHALL:
I think I can explain for the hon. member. I was out of the House during Committee yesterday, but I understand that when we adjourned

from Committee, we were considering the Real Estate Trading Act but, for some reason or other, Motion No. 9, The Farm Development Act, which is ahead of it, was overlooked, so I want to put that through first.

MR. FENWICK:
Okay.

A bill, "An Act To Amend The Farm Development Loan Act," (Bill No. 15).

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

MR. MARSHALL:
Order 10, Bill No. 25.

MR. CHAIRMAN (Greening):
At this time, I would like to rule on a point of order raised by the hon. the Minister of Consumer Affairs and Communications (Mr. Russell), questioning whether the amendment proposed by the member for Menihek (Mr. Fenwick) to Clause (1) of Bill No. 25 is in order.

In my opinion, the amendment is in order and, consequently, there is no point of order. I do not believe that the amendment proposed by the hon. member affects the principle of the bill, as settled at second reading. The principle of a bill is determined by examining its long title. The long title of Bill No. 25 is as follows: "An Act To Amend The Real Estate Trading Act To Provide For The Establishment Of The Real Estate Foundation". The amendment proposed by the hon. member would affect the funding of the Foundation established by the bill but not the establishment of the Foundation itself.

I also note that in the proposed Section 54, the funding of the Foundation is derived from four sources only, one of which is funds derived from interest-bearing accounts.

DR. COLLINS:

On a point of order, Mr. Chairman.

MR. CHAIRMAN (Greening):

On a point of order, the hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, just for clarification. I think yesterday there was some doubt when the Committee sat, as to whether an amendment in Committee needed to be seconded. I think the hon. member for Menihek brought up the point. I think he said, 'I am going to propose a motion. I do not have a seconder at this time.' And then he went on from there and I just forget what he said after that. But, anyway, it raised a doubt whether a seconder was needed.

I wonder if Your Honour would be in a position to guide the Committee as to whether it is in order for the hon. member to propose a motion and that motion be on the floor for debate, even though there is not a seconder for the motion?

MR. FENWICK:

To that point of order.

MR. CHAIRMAN (Greening):

To that point of order, the hon. the member for Menihek.

MR. FENWICK:

I believe it was raised. I did raise it at the time because I was not sure of the ruling, and at the time I believe the Opposition House Leader (Mr. Tulk) indicated,

or one of the members anyway, that there did not seem to be a necessity for a seconder in Committee and I believe that by continuing to accept and deliberate on the resolution itself we had accepted that as being the case. But I am still not sure on the issue itself, so I leave it up to the Chair.

MR. CHAIRMAN:

Before making a ruling, we will recess for a couple of seconds to get clarification on this question.

Recess

MR. CHAIRMAN:

Order, please!

To the point of order raised by the hon. the Minister of Finance (Dr. Collins), I refer all hon. members to Standing Order 44 (a) which clearly states you do not need a seconder with reference to a motion being presented in Committee of the Whole - 44(a) of the Standing Orders.

The hon. the member for Menihek.

MR. FENWICK:

So I am now, I believe, speaking to the amendment. Am I correct in saying that?

MR. CHAIRMAN:

Yes.

MR. FENWICK:

It is now before the Committee. The other question I had is exactly how much time do I have? Is it ten minutes or twenty minutes? Is it ten minutes or twenty minutes in introducing an amendment? I am not sure.

MR. CHAIRMAN:

Ten minutes.

MR. FENWICK:

Mr. Chairman, thank you very much for what I consider two exemplary rulings and, in our process of learning more about the procedure of the House, I think these will be landmark rulings as well.

First of all, I would like to indicate that I am not opposed to the act itself, to the establishment of the Real Estate Foundation. I think it is important to realize that, in that I believe there is certainly a role to be played by the real estate industry in training its agents so that they can properly discharge their functions, so that they can more quickly expedite the transfer of real property from one individual to another, from corporations to individuals and vice versa. If they want to do that with their own funds, then I am perfectly in agreement with it and that is why I wanted to make that clear at this point.

When the bill went through second reading I did vote against it, and I voted against it because I thought it was basically flawed by this interest grab, I guess is probably the best way to put it, so that I felt it was important not to.

The revenue sources: If you look at the legislation itself, you will see it has a series of areas that it can draw money from. "The fund of the Foundation shall be comprised of", (a), the monies from these interest bearing accounts that they hold in trust; (b) interest accruing from investments that they might make; (c) monies received from the Foundation by way of gifts, bequests; and, (d), monies

resulting from the use, disposal, or investment of property of the Foundation or received by the Foundation from any other source.

I think (d) is a very important one to look at. Because if the real estate agents are serious about this Foundation, if they really want it there, they want it to have the funds to do its job, then I suggest that (d) is the area that they can use at this point in order to get their funds.

For example, if you buy a house and the house is \$100,000, there is a commission that the real estate salesman gets on it; it may be 5 per cent or 6 per cent or whatever the numbers are, and I am not sure what they are currently, but it is a significant amount of dollars, it is several thousands of dollars. I think it would be much more appropriate for the Real Estate Foundation to, among themselves, in a convention called for that purpose, decide if they want a portion of those commissions to go into this particular foundation to carry out their own training. I think that would be a more reasonable and less objectionable way of getting the revenue for it.

A number of people have pointed out that the Law Foundation does essentially the same thing as the Real Estate Foundation, and I want to address that for a moment. Because although it is correct in assuming that the Law Foundation does also fund its operations out of interest from accounts that they hold in trust, the fact of the matter is, there are some substantial differences between the two foundations. I would like to point them out, because I think they are important.

Having said that, I would also like to say that I find it somewhat objectionable that the Law Foundation is also funded in this manner. Last year, by the way, the Law Foundation collected something in the range of \$220,000 from interest on funds that lawyers were holding in trust in terms of real estate transactions back and forth, and other funds they were holding in trust. This amount is considerably more, by the way, than the Real Estate Foundation is expected to have.

At this time, I would like to indicate that a lot of the figures that I am using here come from Mr. Ken George who is the President of the Real Estate Dealers Association? Anyway, he has a responsible position with an association of real estate agents. I found him, by the way, very civil in terms of discussions on the merits of the bill. I believe he is very well-intentioned in trying to get this legislation through, and I do not want to hold that the intentions of the real estate agents are anything but honourable in trying to get it through.

But what he indicates is that the legislation that we are passing here, if it goes through the way it is, will gather something like \$40,000 to \$60,000 on an annual basis for the Real Estate Foundation, to be used in their training. It will come from, what has been pointed out by the member for Bonavista North (Mr. Lush) in a particularly comprehensive press release that he issued several weeks ago, primarily from the good faith deposits, so that we can get the nomenclature correct here. These good faith deposits sometimes are \$500, sometimes \$1,000, sometimes more, depending

on the size of the transaction, and they are held in trust by these real estate agents for a period of time, never or very rarely less than thirty days, more often coming up to sixty days, and, in some instances, ninety days and longer because of the complexity of some of these real estate transactions. Anyway, this is where the money comes from for the Real Estate Foundation. The legal foundation gets theirs from another area.

However, there are substantial differences in the purposes of the Law Foundation and the Real Estate Foundation. The Real Estate Foundation will use its money to train its own agents to do their job. The Law Foundation does not use its money to specifically train its own lawyers to do their own job. The lawyers themselves must pay for this, and must pay for it out of their own pockets and their own time. It is not supported by the Law Foundation. The Law Foundation's primary purposes: One-third of its revenue goes to Legal Aid. Last year, I think, something in the range of \$80,000 or \$90,000 was pumped into the Legal Aid system by the Law Foundation. A laudable objective. Not a huge amount when you compare the \$1.6 million budget for Legal Aid in this Province, but still a substantial amount of money and I do not think anybody would argue strenuously that that is not a good purpose for the money.

In addition, it is used to pay for the law books in all the courts around the Province and that is an area where, I believe, we have slightly less noble motives. Because the lawyers, themselves, if they did not have access to these libraries paid for out of

interest on clients accounts, would obviously be in a position where they, themselves, would have to pay for the law books, and I am not sure that that is a good idea. Most of the rest of the money goes into public legal education. For example, some of it is used to pay for the Law Day celebrations that are held each year, and some for the Legal Aid Education programmes that go on. On radio, for example, one of the award winning programmes that the CBC has carried was funded, as I understand it, through this particular juncture. So there is a difference in the quality of the approach for the money from the Law Foundation and from the Real Estate Foundation. The Real Estate Foundation is directly used to educate real estate agents. It has no public education function at this point, and I would argue that a strict reading of the bill would show that there is no way in which they could use it.

I understand the Liberal Opposition is going to introduce an amendment later on which will allow them to broaden the use of their money and, assuming that the House is unwise enough to vote down my amendment, I would be quite willing to support the Liberal amendment, as well.

So there are specific purposes for this money, they are self-interest and, in my opinion, therefore, on those grounds we should not allow them to use interest on money that does not belong to them. That, I think, is the important kernel of the point here.

There is one legitimate objection that has been raised, primarily by Ken George, the representative of the industry, and I wish to deal with it. He argues that the

amounts of money we are talking about are small, negligible on the individual basis, it is only in the aggregate they amount to a reasonable amount of money. Now, he says that, in some instances, a \$500 deposit held for only a month may be only \$3 or \$4 or \$5 in interest. It is not much more than that. And that may be the case. To continue on with his argument, his argument sums it up by saying that it would be administratively impossible to return the interest to the actual depositors themselves, because the banks would not be able to keep track of it.

My argument to him is twofold. First of all, even if you steal one cent from a person whom you do not have a right to take it from, and I think 'steal' may be a bit of a strenuous word, but even if we established legislation that allowed people to take a cent of money that does not belong to them, then that principle is wrong. So even if it was one penny, I think we should object to it. But, more appropriately, is it possible to return it? Well, I have seen bank advertisements, as I think all hon. members have, that show a daily interest calculation system; they actually say that 'on the balance you have, we can calculate interest on a daily basis.' They obviously do it with computers. But if they can do it in that instance, on deposits, surely they can find a way to do it on deposits and trust accounts. So my argument is that the technology is there to be able to return the money to the individuals and, therefore, it should be.

So in summary, Mr. Chairman, I agree that the legislation itself is laudable, it is well drafted

and it is needed. I do object to one of the sources of funding, and that is the source of funding that takes it from interest bearing accounts, money, of which, belongs to other people. So, Mr. Chairman, I urge all members of the House to get up and endorse the amendment that I have made to the particular section so that we can put together a better bill, which does not have the onerous implications that it now has.

Thank you very much, Mr. Chairman.

MR. MARSHALL:
Mr. Chairman.

MR. CHAIRMAN:
Before recognizing the President of the Council I would like to welcome to the visitor's gallery sixty primary and elementary students from Assumption School in Avondale, with teachers Mary Power, Gus Flannigan, Sheila Crawley and Pat Doyle.

SOME HON. MEMBERS:
Hear, hear!

MR. CHAIRMAN:
The hon. the President of the Council.

MR. MARSHALL:
Just a brief comment. Unfortunately, I was out of the Committee when the bulk of the hon. gentleman's comments were made, but, as I was coming in to get some material, I thought I heard him say that the bill was laudable. Now, that is nice to hear, but it is contrary, really, to what the hon. gentleman said in second reading. Has the hon. gentleman changed his position with respect to the bill?

MR. TULK:
No, he did not say that.

MR. FENWICK:
I cannot hear you, 'Bill'. I cannot hear you. Say it again.

MR. MARSHALL:
Has he apologized to the real estate agents? The only thing I would like to know is whether the hon. gentleman has apologized to the real estate agents, many of them fine people who work hard to earn a living, for having used the unfortunate expression that all this bill would do would result in the real estate agents - words to this effect now - lining their pockets, I think were the words that were used. I wonder whether the hon. gentleman, being a good spirit as he is, feels that he ought not perhaps to couple his endorsement of this bill now with an apology to those people, as I say, who work very hard and find it very difficult sometimes to make a living in very difficult circumstances.

MR. TULK:
'Lush' took care of him.

MR. WARREN:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the member for Torngat Mountains.

MR. WARREN:
Mr. Chairman, I would like to say a few words on this bill, particularly the amendment by the hon. member for Menihek (Mr. Fenwick).

Mr. Chairman, having some experience in the real estate field and knowing the member, I was quite surprised that the member came in yesterday and today and did not do as the House Leader has said, apologize. I understand that the member did have

conversations with officials of the Real Estate Board and the member has admitted to those officials that he did not know what he was talking about. He admitted to officials of the Real Estate Board, he apologized, and he said that he did not know what he was talking about.

Before the T.V. On Camera interview with him and Ken George, they agreed that he was going to take a different approach and was going to apologize. But, the reason the hon. member never apologized related to the comment he made to some real estate agents. He said, 'Look, I am a politician and I have already said that much. I cannot go back on my word. I cannot correct what I did wrong'. Mr. Chairman, this is what the hon. gentleman has done. He knew he made a mistake.

MR. TULK:

A point of order, Mr. Speaker.

MR. CHAIRMAN:

Order, please!

A point of order, the hon. the member for Fogo.

MR. TULK:

Mr. Chairman, the member for Torngat mentioned that he has had some extensive experience with real estate. I wonder if he could tell us if that was in the selling or the buying?

MR. CHAIRMAN:

To that point of order, there is no point of order.

The hon. the member for Torngat.

MR. WARREN:

Mr. Chairman, I should tell the hon. gentleman, both in selling and buying.

Mr. Chairman, I would like to continue by saying to the hon. gentleman from Menihek that he has downgraded some 350 real estate agents on the Avalon Peninsula alone. I think there are something like 500 or 600 in the Province. The hon. gentleman should have read the bill more carefully before he went and made a very, very uncomplimentary remark about the real estate agents in this Province.

I believe, Mr. Chairman, they are a bunch of honest, intelligent individual men and women. Mr. Chairman, they are full of integrity. I believe what the hon. member has done is ridiculous.

MR. FENWICK:

A point of order, Mr. Chairman.

MR. CHAIRMAN:

A point of order, the hon. the member for Menihek.

MR. FENWICK:

Mr. Chairman, I understand under the rules of the House that when you stand up to make a speech and you have a particular conflict you are suppose to announce that at the beginning. I know that the member has been a real estate agent and I just want to know whether he still is a real estate agent and if, on that grounds, he should have announced at the beginning that he did have a conflict of interest in this particular debate?

MR. CHAIRMAN:

Order, please!

Does the hon. gentleman want to speak to that point of order?

MR. WARREN:

No, Mr. Chairman.

MR. CHAIRMAN:

I declare there is no point of order. The hon. member for Menihek provided us with some information.

MR. WARREN:

If the hon. gentleman wants to find out the answer to that question, I am sure he knows the number of the Real Estate Board. All he has to do is call the Real Estate Board and they will give him whatever information he needs.

Now, Mr. Chairman -

MR. EFFORD:

A point of order, Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Port de Grave.

MR. EFFORD:

Mr. Chairman, this Real Estate Bill that we are speaking to is very important and the hon. member for Torngat Mountains (Mr. Warren) has given us reason to believe that he had quite a bit of experience in the selling and buying of real estate. I would like to ask the member if he had any experience in buying a very profitable deal for himself from Newfoundland and Labrador Housing Corporation?

MR. CHAIRMAN:

Order, please!

MR. WARREN:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Torngat Mountains.

MR. WARREN:

I probably should speak to that point of order.

MR. EFFORD:

I guess you should.

MR. WARREN:

I should respond to the hon. member by saying that the House that I bought from Newfoundland and Labrador Housing did not have a stove in it.

MR. CHAIRMAN:

I declare there is no point of order but obviously a difference of opinion between two hon. members.

The hon. member for Torngat Mountains.

Is the hon. member finished his remarks?

MR. WARREN:

No, Mr. Chairman, I hope the hon. member for Port de Grave (Mr. Efford) got my message.

MR. EFFORD:

I do not think so.

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

Order, please!

MR. WARREN:

Mr. Chairman, I would like to continue further by saying that Bill 25, which amends the Real Estate Act, is a good Bill and the amendment is completely out of order.

MR. TULK:

A point of order, Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fogo.

MR. TULK:

Mr. Chairman, the hon. gentleman has again indicated that he had

all this experience in buying and selling houses. My friend asked him a very legitimate question because if he has all that experience, we would like to know how to make those kind of deals.

DR. COLLINS:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, yesterday there was a bit of a kerfuffle in the House because the hon. members opposite were not minding what they were doing. Now, they are bringing up all sorts of spurious points of order and interfering with the good speech that the hon. member for Torngat Mountains is engaged in. He is bringing forward some very good points and they are rising on spurious points of order which have nothing to do with the issue at all. I would strongly suggest they should put their finger on where we are in Committee so that they will not lose track again and not get up on their feet in this manner.

MR. CHAIRMAN:

Order, please!

There is no point of order. Obviously there is a difference of opinion. I would caution hon. members that they should be a little careful about making sinister remarks or using this particular time to raise questions which they have a right to raise during Question Period.

MR. TULK:

Mr. Chairman, a point of order.

MR. CHAIRMAN:

A new point of order, the hon.

member for Fogo.

MR. TULK:

Mr. Chairman, a point of order in relation to what the Minister of Finance (Dr. Collins) just said. The kerfuffle that happened in this House yesterday, I can tell him, happened because of his own carelessness and his lack of knowledge about what he was doing. The President of the Council (Mr. Marshall) this morning gave him a reprimand for that because yesterday he happened to skip a bill on the Order Paper that we had formerly agree that we would do before we did the real estate one. It was his own problem that caused the kerfuffle yesterday.

MR. CHAIRMAN:

Order, please!

There is no point of order.

The hon. the member for Torngat Mountains.

MR. WARREN:

Mr. Speaker, I would just like to say in the last couple of minutes I have left, I am going to vote against this amendment. I believe the real estate board, which will set up this foundation, does have the integrity and the honesty to use this money very wisely, whether it is for scholarships or whether it is for conferences or whatever it is for, and they will be educating the general public. I am very satisfied with the integrity and the honesty of those individuals. They will know how to use the money wisely that will be garnished in this real estate foundation. I, for one, will go completely against the motion by the hon. the member for Menihek. As he has said to real estate agents, he did not understand the

bill, even after it was explained to him.

So I believe now the hon. gentleman does know more about the bill. But he will not come out and say it publicly and apologize to the real estate agents in this Province who he has tarnished by his remarks in the public media.

MR. FENWICK:
Mr. Chairman.

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

MR. FENWICK:
Thanks very much, Mr. Chairman.

In replying to some of the scurrilous comments from the last two speakers and some of the legitimate comments from them, I would suggest to the Government House Leader (Mr. Marshall) that he should stay in the House a little bit more often and hear the entire text of comments I made since he asked questions which were answered in the previous part of it. If he wants to spend only part-time here, well, that is his problem. I certainly do not intend to go back and to rehash what I have said before. I suggest to the Government House Leader that he have a look at Hansard when it is published on Monday and he can have a closer look at what I said.

There is a germ of truth in what the hon. member for Torngat Mountains (Mr. Warren) has said in the sense that he said I had conversations with officials of the real estate board. Well, I am afraid the 's' is incorrect. I have had a conversation with one official of the real estate board, Ken George, which I fully admitted in my initial comments to this

particular amendment. I, quite frankly, enjoyed the conversation because he did fill in a lot of the details that were left out by the minister when he introduced the bill.

If the minister had done a better job of introducing the bill, we might have had a more complete picture of the actual amount of revenues being raised. The \$40,000 to \$60,000 figure comes from nothing the minister said. It comes from conversations with the President of the board who, himself, indicated that was the amount.

I looked back on Hansard and the minister's statements when he introduced it and he did say that it was \$5 million in the aggregate total for a year. I agree that that was correct and I bear one part of the responsibility for not getting that right at the time. But the fact of the matter is that after I talked with Mr. George on Monday morning, which was after the Friday when it was introduced, we had a long conversation. It lasted about half an hour or forty-five minutes and we were able to clarify exactly what the intentions of the bill were, exactly where the revenue was coming from and I had, at that point, a very clear picture of it, probably clearer than most members of the House would judging by the incompetent way in which the minister himself introduced the bill at the beginning.

The fact of the matter is you can read the bill and you have no idea of the volumes of money that are involved. The bill itself says what the revenue sources will be but says nothing about what amount of revenue is and, as a result, it becomes very difficult.

Mr. Speaker, what I would like to go back to at this point and indicate is that the real estate officials, I think, are quite sincere in what they are trying to do. I think it is an inappropriate place for them to get the revenue. I think that they have other sources that are available if they want to do the kind of work that they are doing and they should get it from there.

I personally believe that it is inappropriate for us as a Legislature to ever look at other people's money as something we can play with. That is what we are doing in this legislation. We are looking at house buyers who are putting down a good will deposit, anywhere from a couple of hundred dollars to several thousand dollars, and we are saying that we are allowing that money to accrue interest to another group that they do not particularly want to support. And I think that that is a very important point. I think it is wrong here for the Real Estate Foundation. It is wrong in the case of the Law Foundation. It would be wrong if anybody did it. I think that we have to be very careful with the trust that has been given to us.

It is obvious that the real estate people needed this legislation in order to access these funds and it is only through our intervention that they will be able to do that. I think that we should be very, very careful if we ever decide to establish this as the kind of precedent for funding other laudible objectives as well.

You should only work with our own money. You should be very careful about that. You should never allow other people to have access to other people's money when they

have no right to it. And that, Mr. Chairman, is my objection to it.

As for apologizing to the real estate industry, I do not really feel that I should. I look at the legislation and I see that legislation doing something that I honestly, in principle, do not think it should do. On that basis I oppose it and on that basis I propose this amendment.

MR. CHAIRMAN (Hickey):
Order, please!

MR. RUSSELL:
Mr. Chairman.

MR. CHAIRMAN:
The hon. the Minister of Consumer Affairs and Communications.

MR. RUSSELL:
Mr. Chairman, if there ever was a wishy-washy member in this Legislature it has to be the member for Menihek (Mr. Fenwick).

First of all, he came out completely against the principle of this bill without any qualifications whatsoever. Now he is backtracking. He accused the real estate industry of something bordering on criminal activity in lining their own pockets. Now he says he does not feel he owes them an apology.

MR. TULK:
He should.

MR. RUSSELL:
Sure he should, Mr. Chairman. The hon. the member for Menihek (Mr. Fenwick) owes the real estate industry of this Province a complete and unqualified apology. It is almost, Mr. Speaker, unforgiveable for any member to stand in this Legislature with

immunity and accuse somebody outside of lining their own pockets as a result of a piece of legislation and then, using that immunity again today, saying that he feels he does not owe them an apology.

Mr. Chairman, the member for Menihek accused me of not explaining this bill properly or clearly. Now, Mr. Chairman, I feel that I did explain the principle of this bill clearly. Certainly if the member for Menihek does not know the difference in \$5 million as the value of all the deposits and the interest accruing from that, then he should go back to school.

Mr. Chairman, it is the member for Menihek who does not understand this bill. The member has said that the interest accruing from these deposits should be returned to or be the property of the consumer. If the hon. member for Menihek, Mr. Chairman, would read Section 61 (1) of this bill he will note the following: "Nothing in this Part affects an arrangement in writing, whenever made, between an agent and another person as to the application of that person's money or interest thereon, or applies to money deposited in a separate account for a person bearing interest that shall be and remain the property of that person."

So, Mr. Chairman, if the hon. the member for Menihek had read this bill, as he should have, and not accused the real estate industry of this Province of criminal activity, it is he who would have had a better understanding of this bill, Mr. Chairman. On this occasion the member for Menihek, as he does quite often, leaped before he looked and leaped very

badly. Now he is trying to find some way to save face. He now agrees with the establishment of a foundation, something he did not agree with in second reading. He did not read the bill to see that that kind of protection for the consumer was already there.

So, Mr. Chairman, the member for Menihek, as I said, indeed does owe the real estate people of this Province an apology, and the people of this Province, because the word is out that once something is said in this Legislature and gets out over the airways a lot of the general public, perhaps half of them, will believe it and half of them, will not believe it. So there are possibly people out there in this Province at the present time who are foolish enough to believe the member for Menihek that the real estate industry is lining their pockets as a result of this piece of legislation. So as the hon. member for Bonavista North (Mr. Lush) just indicated, the member for Menihek not only owes the real estate industry an apology, he owes the people of this Province an apology as well.

Mr. Chairman, those of us on this side of the House will not be voting in favour of this amendment or, indeed, the other amendment to be proposed by the hon. member.

MR. FENWICK:
Mr. Chairman.

MR. CHAIRMAN:
Order, please!

The hon. the member for Menihek.

MR. FENWICK:
Thank you very much, Mr. Chairman.

To get the last part first on the

Minister of Corporate Affairs there - I am going to call him the Minister Corporate Affairs because quite frankly I agree entirely -

MR. CHAIRMAN:

Order, please! Order, please!

The hon. member is not permitted -

MR. FENWICK:

- that I have never seen a minister responsible for Consumer Affairs who so blithely ignores his responsibility to the consumers of this Province and goes in and -

MR. CHAIRMAN:

Order, please! Order, please!
Order, please!

MR. FENWICK:

Sorry.

MR. CHAIRMAN:

The hon. member is not permitted to refer to an hon. member or a minister by anything other than the title which that minister or member holds.

MR. FENWICK:

I take the admonishment to heart, Mr. Chairman.

MR. CHAIRMAN:

Whether it is in fun or joke or anything else, it is not permitted under the rules.

MR. FENWICK:

Mr. Speaker.

MR. FUREY:

It was permitted by previous speakers.

SOME HON. MEMBERS:

No, no, no!

MR. TULK:

Mr. Chairman, a point of order.

MR. CHAIRMAN:

The hon. the member for Fogo.

MR. TULK:

The Chair is absolutely right, of course, but perhaps what we should do is give the hon. gentleman leave because he is going through a conversion, he is now coming around to the Liberal policy on this bill bit by bit. The member for Bonavista North gave him a few flicks in second reading on the bill and through the press, and now he is backing up. So perhaps we should be lenient with the hon. gentleman and let him backpedal to where he gets to a sensible position on this bill.

MR. SIMMS:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

Order, please!

To that point of order, the hon. the Minister of Forest Resources and Lands.

MR. SIMMS:

That is a very, very unusual approach from the member for Fogo to take, in view of the fact that my understanding is that his party opposes the amendment being presented by the member for Menihok. Now he is sort of getting up and siding with the member for Menihok. Now is that not a very unusual kind of activity to be taking place? Mr. Chairman, I think you should consider that when you rule on this.

MR. TULK:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

To that point of order, the hon.

the member for Fogo.

MR. TULK:

I have to correct the hon. Minister of Forest Resources and Lands. No, I am not agreeing with the amendment, but the amendment and the whole process of the member for Menihek's speech is a backpedalling to where he is trying to get to the very sensible position that was being proposed by the member for Bonavista North. That is my point of order and I think we should let him backpedal, Mr. Chairman.

MR. CHAIRMAN:

Order, please!

The Chair is always amazed at the collaboration between various hon. members. There is no point of order. I interjected and interrupted the hon. member, quite helpfully, I hope, to just say to him that for precedence sake it is not permitted to refer to an hon. minister by anything other than his appropriate title.

Order, please!

The hon. the member for Menihek.

MR. FENWICK:

In that case, Mr. Chairman, I think we should introduce legislation to change the name of his department, because he certainly has acted as a representative of corporate interest and certainly not on behalf of the consumer. I think that is shameful the way he continues to always come down on the part of the corporation.

Mr. Chairman, just to get on the substance of what was said, and I know it is unusual to stand up and debate the substance of an issue rather than to tear a part the

minister, but Section 61 (1), which the minister points to, is the one where it says you can make a special arrangement to keep your money in there. Well, quite frankly, Mr. Chairman, how many average house buyers are going to look at this legislation? I would suggest to you zero average house buyers. Maybe a couple of companies going into it might know the legislation because they got the corporate lawyers for it. They may then escape from the foundation taking the money that they would normally get, and they would be able to take it. So there is an attempt there.

Getting back, Mr. Chairman, to criminal activity, if any real estate agent in this Province or any real estate foundation in this Province went to a trust account and took the interest off it today, it would be criminal activity because they would be taking money they did not own. That would be criminal. It is criminal here. It would be criminal virtually in every country in the world. We do not allow people to go and access the funds that somebody else has, or even the interest on it. We do not allow that to happen. What we are asking to be done to decriminalize the idea that persons can use somebody else's money advantageously to themselves, remember, to provide real estate training for their own agents that normally would come out of their own pockets, the same way as the training for lawyers and everybody else has to come out of their own pockets. It is not public education, this is educating themselves. I think it is important to remember to change that.

The other thing that I would like

to point out here is the reason I think that there is only one person speaking in favour of this and that is myself and the rest of you are not, is that more and more you are becoming the representatives of special interest groups.

MR. RUSSELL:

Who do you represent? What interests have you got?

MR. FENWICK:

I represent the workers of this Province, the people of this Province, and I happened to be supported by some of their organizations. But you are representing the corporate interest here, you are representing the Real Estate Foundation, you are representing the Bar Society and

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

Order, please!

MR. FENWICK:

- you do not even see that what you are doing is wrong. You cannot even see beyond that. This is not your money. You do not have the right to give them the interest on the money.

MR. SIMMS:

Have you read this?

SOME HON. MEMBERS:

Oh, oh!

MR. FENWICK:

Mr. Chairman, could I have a little bit of silence here while I am making my peroration?

MR. CHAIRMAN:

Order, please!

MR. FENWICK:

So, Mr. Chairman, all I can say is nothing can be done if members here cannot see that this is wrong, if their basic values have been so warped by the pressure from these special interest groups that they have consistently acted against the interest of the people of this Province. For example, we had Bill 37 within the first month or so that I came into this House, which stole close to \$1 million from constituents in my district by saying that you could change the Labour Standards Act, and you could change it retroactively so that the claim that they legitimately had, because the mining company did not give them proper notice, was wiped out. You cannot tell me that you are not special interest representatives.

I listened to the Premier stand up there a while back and say, 'We meet on a regular basis with the representatives of the mining companies and the paper companies in this Province.' The fact of the matter is he has not met with the head of any labour unions in this Province for years. They have come in and presented their brief once and that was about the extensive of it, but he does not consult with them.

I claim to talk to people who represent unions. What is wrong with that? You talk to your corporate interests, you are in bed with your corporate interests.

MR. SIMMS:

What is wrong with that?

MR. FENWICK:

Then do not go and tell me it is wrong to be where I am. But I thing is you cannot see beyond those corporate interests. The Minister of Consumer Affairs, soon

to be renamed the Minister of Corporate Affairs, has been taken in by the Real Estate Foundation, this foundation to be financed out of our money. He does not even see that it is wrong. He is supposed to represent consumers, not real estate agents.

Anyway, Mr. Chairman, this amendment that I have made is a proper amendment, it is a good amendment. It would recognize the fact that you do not play with other peoples money and I think it is appropriate that these members wake up from the way they have been lulled by real estate agents within their ranks and without their ranks.

MR. SIMMS:

Before you sit down, would you tell us how much it would cost to send back this \$3.25?

MR. FENWICK:

How much does it cost to figure out interest on a daily interest account for a bank? Obviously they can do it.

MR. SIMMS:

How much would it cost to send back this \$3.25?

MR. FENWICK:

It would be no problem at all with the computers they have. No problem at all. Just spit a check out.

Anyway, Mr. Chairman, because I can see there are other members opposite who wish to entertain themselves in this debate, I will sit down and allow them to make a few comments.

DR. COLLINS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Minister of Finance.

MR. BARRY:

A point of order?

DR. COLLINS:

No, not on a point of order. Just a few remarks. I mean, one cannot let the member for Menihek make statements such as he just made. The problem with the member for Menihek is he is not a practical person. He lives in clouds. He lives in theory.

What the hon. minister is doing is recognizing there is a small amount of money in the individual item in an account. What the minister is doing is to say, 'How can we usefully use this money?' It is not useful, it is not practical, to take these small individual amounts and dispose of them in a certain way, such as the hon. member for Menihek wants. In other words, it will cost more to mail it out than the sum that it comes to in many instances. That is a totally impractical, theoretical pink castle type of approach to life, which is what the hon. member for Menihek lives in and deals with. But he is not a practical person whereas the hon. minister is a practical person, so he is trying to get the best value for the most people out of what is available to him.

Now the hon. the member for Menihek also said, 'You have no right to do it this way: The hon. member does not realize that every time we pass a law we compromise someone's rights. That is what laws are all about. You compromise people's rights for the common good. When we pass a labour law in this Province, we compromise an employer's right but we do it because it is for a greater good. When we pass a

corporate law in this Province, we compromise a labour's right, but we do it because it is in the major common interest.

When we pass a traffic law, we compromise someone's right to do a certain thing that was legal up to that point but is no longer legal after that point. That is what law is about. You come to an arrangement that is sensible and practical and workable. You do not go on airey - fairey, theoretical, pink castle, cloudy, foggy-minded notions.

MR. TULK:

Mr. Chairman.

MR. CHAIRMAN:

Order, please!

The hon. the member for Fogo.

MR. TULK:

I wonder if the hon. gentleman could answer a question for us while he is speaking? In view of his poetic description of the member for Menihék, I wonder if he could make this commitment to us in his speech, that his next budget will be in poetry. The bitter pill would be a lot easier to swallow if it were poetic.

MR. CHAIRMAN:

The hon. the Minister of Finance.

DR. COLLINS:

I do now know if you want to rule on that point of order, Mr. Chairman.

MR. CHAIRMAN:

There was no point of order, obviously. It was a point made by the hon. member for Fogo.

The hon. the Minister of Finance.

DR. COLLINS:

I am very impressed with the hon. the member for Fogo. Any suggestion he makes I will give serious study and I will look up Hansard and we will certainly look at this and I hope I can accommodate his desires.

But getting back to this substantive thing here, the hon. minister is trying to put in a workable arrangement. The hon. member for Menihék wants to get off onto some sidetrack that is a totally impractical thing to do and then he is also bringing forward arguments that are specious, that are untrue, and he is bringing forth arguments saying that this House cannot legislate in a practical way, we do not have the authority to do it.

Legislation is not an easy matter. It is something that has to be done very carefully. This House is doing things in a careful way, and for the hon. member for Menihék to say that we are taking away people's rights by bringing in laws which compromise the freedom that some people have but for the common good, that is such a foolish argument that we just cannot let it stay on the records of this House. So I would say that the question should be called on this foolish amendment and we will get on to some substantial matters.

MR. LUSH:

Mr. Chairman.

MR. CHAIRMAN:

Order, please!

The hon. the member for Menihék. We have to go back and forth.

MR. FENWICK:

Thank you very much, Mr. Chairman.

MR. CHAIRMAN:

Did the hon. the member for Bonavista North ask to be recognized?

MR. LUSH:

Yes.

MR. FENWICK:

You already recognized me, Mr. Chairman.

MR. CHAIRMAN:

I have not recognized him before. Would the hon. member yield?

MR. FENWICK:

No. I only have a few comments I want to get in. I have a feeling I will have some comments after him anyway, so I might as well do it.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

One of the things that I really like about this debate is the fact that I have now united hostile enemies for the first time since I have been in this House. Now we have the Liberal caucus in bed with the Tory caucus, one of the few times we have ever seen them in an actual love-in occurring here. This is a remarkable accomplishment.

Mr. Chairman, I think I should get a medal for it. I am going to put my name in for the Nobel Peace Prize, I think.

MR. TULK:

A point of order, Mr. Chairman.

MR. CHAIRMAN:

A point of order, the hon. the member for Fogo.

MR. TULK:

As I understand the hon. gentleman

just now from the few remarks that he was making, he said that eventually he was going to vote for the amendment that we were going to propose. Now that would suggest to me that if there was anybody in bed with anybody, then it is the member trying to get in bed with the Liberal Opposition.

MR. FENWICK:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

To that point of order, the hon. the member for Menihek.

MR. FENWICK:

If the member had heard my comments correctly he would have realized I said if this House was unwise enough as to vote down my amendment, then I would be willing to vote for the second best, which is the Liberal amendment. Mr. Chairman, by the way, when you are in bed with somebody else the very important question to ask is who is doing what to whom?

MR. SIMMS:

Mr. Chairman, to that point of order.

MR. CHAIRMAN:

Order, please!

The hon. the Minister of Forest Resources and lands.

MR. SIMMS:

Members on this side of the House could not care less who the member for Menihek gets in bed with as long as it is nobody on this side of the House, so that leaves him one option, right? And what they do to each other is up to themselves. It is what they are doing to the people that I object to.

MR. FENWICK:

A point of order, Mr. Chairman.

MR. CHAIRMAN:

Order, please!

The hon. the member for Menihek.

MR. FENWICK:

There is not a single bed in this entire Province that can take us all so I have a feeling we had better end that line of argument.

MR. CHAIRMAN:

Order, please!

I am not going to rule on who is in bed with whom. There is obviously no point of order, there is just a very serious difference of opinion between a number of hon. members.

The hon. the member for Menihek.

MR. FENWICK:

Mr. Chairman, just to go on now, referring to the pink castle in which I allegedly live, unfortunately my pink castle is a basement apartment on Torbay Road right now and even though the walls are not pink, I reject that. But I would say to the member that it is better to live in a pink castle than be a member of the blue bandits, which as far as I am concerned is what we have on the other side here.

MR. TULK:

How about the red scourge?

MR. FENWICK:

The red scourge?

MR. TULK:

Yes.

MR. FENWICK:

It is more like the red tide actually. I believe it is

something that gets on your skin and causes a rash, if I am not mistaken, and the member for St. John's North (Mr. J. Carter) referred to it.

MR. CHAIRMAN:

Order, please!

MR. FENWICK:

But getting back to the substance of the amendment -

MR. CHAIRMAN:

Yes, that is a good idea.

MR. FENWICK:

- the hon. the Minister of Finance indicated that it was a small amount, that it was not practical to return it. Mr. Chairman, that is the most serious indication I have heard that he does not understand the basic principle behind it. If it were a penny it is still taking something that does not belong to you and giving it to somebody else, and that is what we are doing in this Legislature. The amount does not matter, it is the basic principle of it.

DR. COLLINS:

We do it all the time.

MR. FENWICK:

I know, and that is the horrible thing about it; you do it all the time and you do not care how many times you do it.

Look at all the special interests groups in this Province. I went out and bought a used care last Friday because I need one that can take my whole family, and I ended up paying something like \$1200 or \$1300 in sales tax. But if I were Abitibi-Price I would have paid none, if I were Kruger I would have paid none, if I were one of those mining companies I would have paid none.

DR. COLLINS:

We took money away from you. We passed a law, we do it all the time.

MR. FENWICK:

The point is you do not do it to the large corporations and you do it to me and every other ordinary person in the Province. The point I am trying to make is that there is a bias to your legislation, not because you are evil people, I do not believe that, but because you live, breath, act and stay around real estate people, corporate lawyers and other big businessmen and you are starting to think like they think all the time. You do not even see when you are biasing the legislation. Bill 37 was put in here as a means of saving jobs, when the fact of the matter is there was not a demonstrated ounce of proof that it ever saved one single job or threatened one single job. It was scare tactics. Because the mining companies came over and said, 'We want the legislation changed; the government said, 'How quickly do you want it changed?' and went ahead and did it. It shows the bias that you have there.

MR. SIMMS:

It is possible you could be wrong, 'Peter'.

SOME HON. MEMBERS:

He is always wrong.

MR. FENWICK:

All I am saying to you is that you are representing corporate interests, you are representing real estate agents, you are representing special interest groups and I represent another group.

MR. CHAIRMAN:

Order, please!

SOME HON. MEMBERS:

You represent unions.

MR. FENWICK:

No, I do not. I happen to talk to them, I happen to have support from unions. There is nothing wrong with that. I would argue to you that they are more of a people-based organization that Abitibi-Price is, or IOC or Wabush Mines. Labour unions in this Province more represent the average interests of people than do the corporations that you represent.

Mr. Chairman, all I can say is that there are a number of remarkable accomplishments that I have achieved with this amendment, not the least of which is to define more clearly the philosophical difference between these two parties which is nil, and between myself, which I admit it is substantial, and to also put them in bed with each other for one of the few times that will ever happen because they will probably vote the same way on this particular amendment. The fact of the matter, Mr. Chairman, is that it is wrong. It is wrong if it is a penny, it is wrong if it is a \$1 million, and it is important that we stand up and state clearly that we do not agree with people taking money that does not belong to them, which is what this particular legislation will do. I will continue to argue against it as long as I am in this House.

MR. J. CARTER:

Mr. Chairman.

MR. CHAIRMAN:

Order, please!

The hon. the member for St. John's North.

MR. J. CARTER:

Mr. Chairman, before we award the Order of Lenin to the member for Menihek, I think the moral issue can be addressed. What we are talking about is option money. In other words, if I want to buy a piece of property and I make a legitimate offer, that does not become an offer unless I am prepared to put up some money. It is money that is my own, it is money that I will get back, but for the period during which that option is considered, or that option is in force, I must surrender that money, all right and title to it and all benefit from it and when the agreement is processed that money comes back to me. But for that period, while the option is in force, I must forgo all right to that money because that is part of the deal. I have to put my money where my mouth is. If you just accepted every written offer without any money attached to it, you would be wasting your time dealing with frivolous offers.

In order for an offer to be serious, some money, and the penalty of losing it if you try to back out, has to be there, for any expensive deal. In fact, I will give you an example, and we can stay away from real estate for the time being. Let us suppose you decide to buy a car from a company. Now, it does not happen locally, that is true, but if you try to buy a car from a foreign manufacturer so that they are not in the same province, or especially if they are not in the same country, there is no way that you can make a legitimate offer on that vehicle unless you accompany that offer with some money. It has to be a fairly substantial amount, \$500 or \$1,000, and you must then forego all right, title

and use of that money until the company either accepts or rejects your offer. Now, that is straightforward, that is a business dealing that has been in force, I suppose, for thousands of years, if we accept the fact that some of the ancient civilizations had what we would today consider money. This is as old as the hills. It is nothing new. It is probably older than the institution of Parliament itself. And for anyone to suggest that there is something wrong with this is quite out of order.

Now, it is very nice for the gentleman to come down from Ontario and tell us all about how to manage our affairs. It is very nice of him. We appreciate his attempt to enlighten us but we do not appreciate his coming down here, and we would like to see him go back where he came from and take his nutty ideas with him. That is for openers.

SOME HON. MEMBERS:

Hear, hear!

DR. COLLINS::

Why do you not get insulted now, 'John'?

MR. J. CARTER:

Now, by the way, I perceive some procedural difficulty for the Chair. This act has been passed. It has been ruled by the Chair that this act has been passed and we are now speaking by leave. We are all speaking and debating on this by leave.

MR. FENWICK:

Unanimous consent.

MR. J. CARTER:

Same thing as leave.

MR. TULK:

You can withdraw leave any time.

MR. J. CARTER:

That is right. But I think that might be the way to pass this act, just withdraw leave and it is automatically passed. Any one of us can pass this act at any time.

AN HON. MEMBER:

Then why do you not?

MR. J. CARTER:

Well, I am not in the Chair and I am glad I am not.

MR. FENWICK:

Mr. Chairman, on a point of order.

MR. CHAIRMAN:

On a point of order, the hon. the member for Menihek.

MR. FENWICK:

I thought the member for St. John's North was addressing the actual issue itself but he sounds like he is raising a point of order. If he is raising it, would he say he is raising a point of order rather than just skirting around it?

MR. CHAIRMAN:

Order, please! There is no point of order.

The hon. the member for St. John's North.

MR. J. CARTER:

This is absurd!

MR. FENWICK:

So you are not raising one?

MR. J. CARTER:

Now, by the way, I think this it was very unfair, and I do not know who was responsible for it but I am inclined to place the blame on the member for Menihek, because when this act first came up some

weeks ago, a number of the general public thought that this applied to the down payment for a house and not to the option. But, fortunately, that has been sorted out and I think the general public are aware of what this source of money is. They are not afraid that the down payments are going to be attached.

I would like to say a word about real estate agents and the very difficult time they have. I realize that profit is a dirty word to the member for Menihek. I realize that according to his absurd philosophy, no one should make a profit. I do not know how he expects anything to progress. He does not recognize market forces, just foolish governments passing out money on social programmes and nothing else. There is no way that any society can do that. Societies that have tried to work like that have been dismal failures. All he has to do is go to Russia and look around where lineups for matches and lineups for bread are regular occurrences, and that in a part of the world that was once the bread basket of that whole continent.

So, it is just an absurdity. Fortunately we have examples of his nutty theories so that we can reject them. Anyway, that is beside the point.

I would like to say a word in favour of real estate agents. I think they have a very hard time. Most people who put their houses on the block overprice it. There is a price for which I suppose everyone would sell their house, and frequently when they put their houses on the block they put on excessively high prices for them.

MR. TULK:

That is part of the market.

MR. J. CARTER:

Yes, market forces dictate they will not sell. That is just it. The market forces at work bring them down to a sensible level, but in the meantime the poor real estate agent has to scurry around with an overpriced house that is hard to sell. Now, one of the important things for a real estate agent is to be able to assess the value of a house very quickly. This comes with experience, but I would suggest it can also come with a measure of training. I think that training for real estate agents is very important, and if a small fund, a small otherwise neglected fund, can be used for training real estate agents, I submit that we will all be better off.

Another trick that happens to real estate agents is they might take someone out and show them thirty houses and then all of a sudden some moonlit night this particular customer sees a house that he likes not represented by this agent, makes a phone call and buys the house. The poor soul who showed him thirty houses is left out in the cold and there is not a cent of commission, not even a share.

Also, frequently commissions are split. They have to be split because one company is selling the house and an agent from another company may be trying to buy it. Now that commission is split down the middle and further subdivided by the real estate company itself. So while we talk about 5 per cent, real estate agents very seldom get 5 per cent of what they sell. Frequently it is shared, split and subdivided. It is part of the risk they take, but

frequently they are forced to waste their time, and it is a hard life. It is certainly not a life that hon. members in here would like to take on full-time, I can assure you.

I do not know if there is much else to say or many other points left to cover, except that we are doing this, I submit, Mr. Chairman, by leave. The whole thing is an exercise in leave and Your Honour may very well like to consider how, when the time comes, this will be passed. Because I think it is something quite new. We have never yet, in my experience, ever gone through an entire debate on a bill by leave, so when we all speak we are speaking by leave. Any member may withdraw it and it is automatically passed.

So I will sit down with those few comments.

MR. LUSH:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Bonasvista North.

MR. LUSH:

Mr. Chairman, I had not planned to speak at this juncture in the debate but the hon. member from Menihek (Mr. Fenwick) made some strong and motivating remarks, or I should say, possibly, I was going to use a stronger term and suggest that the remarks got me a little angry but it is not that strong. However, they did bring me to my feet.

I cannot allow the hon. member to claim ownership to that great vast group of people out there commonly referred to as the ordinary Newfoundlander and Labradorian,

Mr. Chairman. I cannot allow any member to try and remove that ground from me. Mr. Chairman, a son of Bonavista North, of Gambo, of a logging town never, never, ever involved in my life with any kind of corporate entity, never involved with a business in the slightest way but always involved with loggers and the ordinary workers of this Province, no hon. member is going to take that ground from me. No hon. member is going to take that ground from a bonafide Bonsvista Bay man let me tell you.

Mr. Chairman, let me further assure the people of Bonavista North, if I thought that they were being ripped off and being gouged by this bill, I would have been the first to stand in my place, Mr. Chairman, I would have been the first. That was the language used by the member for Menihek, 'That the consumer of this Province was being ripped off and gouged by this bill.' Mr. Chairman, when he came to his senses and saw that he had over-exaggerated the position and put it out of all perspective and all context, then he tried to backtrack.

Mr. Chairman, if the consumers of Bonavista North or of any part of this Province were being ripped off and gouged, I would have been the first to stand in place and I would not have needed any prompting from the member for Menihek or any other member, let me assure you.

But, Mr. Chairman, I reminded the hon. member when he made those remarks that he was being politically dishonest or he did not understand the bill or he was being mischievous or a combination of all three.

SOME HON. MEMBERS:

All three! All three!

MR. LUSH:

Mr. Chairman, the member mentions that he obtained some achievements by introducing this bill, namely, to unite the Liberals and the Tories. Again, the hon. member is not going to have that honour of placing me in bed with any political group. The people of Bonavista North and the people of Newfoundland and Labrador, for that matter, will measure me by my production and what I say, Mr. Chairman. I tell you what the hon. member achieved. He has achieved some political points because of the lack of understanding of the consumer of this Province about what we are talking about. It is going to be pretty hard to reverse it. The people of this Province do not understand what we are talking about here and the member for Menihek has taken advantage of that ignorance, Mr. Chairman, to get the consumer worked up, to get them excited, to make them believe that they are being exploited, ripped off and gouged. Mr. Chairman, nothing could be further from the truth.

Mr. Chairman, let me talk about how the bulk of these monies will go to the foundation. They will go to the foundation through what we call, or what people call in real estate, an offer to purchase or a purchase offer which can range sometimes from as little as a dollar on up, depending on the good will between the real estate agent and the purchaser. It can be as little as a dollar and, again, the sky can be the limit. There is no limit. You can pay the house out in full, if a person is foolish enough to do it, but the monies will come back.

The offer to purchase does two things. One, it establishes a bond between the purchaser and the vendor, the purchaser as being serious so that the real estate agent can go to work for him. He might just get somebody who is trying to float a balloon or something. So just to show you are serious in purchasing this particular property, you make an offer. And, as I said, the offer can be as little as \$100. It can be \$200. I have talked to real estate agents who have told me they have taken as little as a dollar. I said it does two things. One, to establish the confidence of the purchaser, that he intends to buy or she intends to buy. Secondly, it is partial downpayment. Whatever has been paid is deducted from the total cost of the house or the property or business, whatever it happens to be. If it is \$300, it is deducted from the total price.

Whoever heard of anybody getting interest on money that you are using to pay in part on something you intend to buy in full? Next thing we are going to be asking Ayre's and Bowring's to give interest on layaway plans. When you go in and make an offer to pay fifty dollars on an article costing \$500, you are going to ask them to pay you interest on your fifty dollars when it should be vice-versa, that your interest is normally charged on the amount that is owing, depending how long it is owing. How silly! It is absolutely silly to expect the real estate foundation to set up a foundation to pay consumers interest. Absolutely ridiculous, Mr. Chairman. As I said, it is taking advantage of the ignorance of the consumer of this Province at the expense of trying to make a few political points. As I said,

the damage is done. I do not know that we can reverse it.

Mr. Chairman, the member would be much wiser to listen to the amendment that we have here which is an honest amendment and which is a sensible amendment. I would hope that the government would agree with it. If I can be convinced that is already taken care of within the various clauses, fine. But I do not think it is at the moment.

Mr. Chairman, to suggest that the consumer is being ripped off and being gouged and being exploited by these little sums of money that we are talking about is certainly mischievous. It is certainly verging on political dishonesty. Either that or it is a total misunderstanding of what is taking place in this bill.

So, Mr. Chairman, it is an attempt to bluff and deceive the consumers of this Province. It is also an undermining of the real estate agents and an undermining of the whole real estate industry in this Province of Newfoundland and Labrador. As I have said, nobody expects to get interest on money that they have offered as a partial downpayment. It is going to be subtracted from the total cost and nobody in their right mind goes to Ayre's, for example, and puts down fifty dollars on a layaway plan on some piece of furniture, an article costing \$300 or \$400 because they cannot afford to buy it at this moment and expect to get interest on that fifty dollars while they are trying to get the money put together to buy it in total. This is the same principle, Mr. Chairman. It is too idiotic, it is too silly and it is too stupid to comment on.

I certainly hope we can get this out of the way and get on to a substantive amendment that we have here.

MR. CHAIRMAN:
Order, please!

MR. FENWICK:
Mr. Chairman.

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

MR. FENWICK:
I would like to go back over the last two speakers. The member for St. John's North (Mr. J. Carter) indicated that I should be awarded the Order of Lenin, was that it? I was not quite sure on it.

MR. J. CARTER:
Yes.

MR. FENWICK:
He also referred to the fact that I was born in the Province of Ontario, and also suggested that I - actually he never suggested I go back to Russia, but I think if you had not used up going back to Ontario, perhaps you would use going to Russia. Maybe you should think ahead when you bring up those things.

I think if I am going to get the Order of Lenin perhaps the member for St. John's North should perhaps receive the Order of Rockefeller, since Rockefeller is probably one of the best capitalists of the nineteenth century, and since the thinking of the member for St. John's North seems to more adequately reflect the nineteenth century capitalist's principles than anything else that I have ever seen, and anyone else I have seen in this House, quite frankly. I think that that is appropriate.

I would like to deal with the question of Ontario. I know the member for St. John's North calls this an ad hominem argument and it has nothing to do with the substance here. Yes, I was born in the Province of Ontario, Mr. Chairman. I am quite proud of been born there. I had really no input into the whole situation, quite frankly. My parents were there, that was where my mother went into the hospital and that is where I was born. I would also like to say, Mr. Chairman, that I had the question raised when I have talked to high school audiences. I said the same thing to them. I was quite proud of being born there. I indicated to them that if for some reason the government of this Province is incapable of producing enough employment for you and, therefore, you have to leave to go to another province to look for a job, I hope you are treated as well in Ontario as I have been in this Province, even though, I was not fortunate enough to be born here.

I mention that because we have at this point something like 80,000 Newfoundlanders, that is, people who are born in this Province, are living in the rest of the country. By and large, I think they are treated quite well. I think, on a reciprocal basis, we should not hold that against people who had really no control over it.

MR. J. CARTER:
We do not try to tell Ontario how to run their province.

MR. FENWICK:
The other question is, of course, if you are born in another province, do you have a right to participate in public life? Again, in that same high school I

told the individuals that if you do move to another province and you are trying to make your life there, I would hope that you would be willing to go into public life and to contribute to the life of society in general.

So, Mr. Chairman, there is nothing wrong with being born anywhere in this world because that is really one of the few decisions that you have no control over. It is amazing to me that the member for St. John's North should be so bigoted as to raise that as an issue in a debate like this. It is unfortunate that he does, but I am not willing to be apologetic for it.

I would also tell the member that I lived for a sum total of a year and a half in Ontario in my entire life and, actually, I lived in Quebec for twenty-three years, something which the member has never asked about because usually the place of birth is the most important question. But I am not ashamed of being born in one of those provinces and raised in the other. I have now lived for virtually all of the discretionary part of my life in the Province of Newfoundland and Labrador, for something like eighteen years, and I see no reason to be apologetic for what occurred before that particular time.

I am hoping that we have disposed of that particular argument, if it has any relevance whatsoever.

DR. COLLINS:

On a point of order, Mr. Chairman.

MR. CHAIRMAN:

Order, please! A point of order, the hon. the Minister of Finance.

DR. COLLINS:

Mr. Chairman, I rise on a point of order. The hon. member used the word there in relation to the hon. member for St. John's North. I think he used the word 'bigot'. But I am not going to rise on whether that is parliamentary or not.

What I want to rise on is that the hon. member suggested that the hon. member for St. John's North's attitudes and his statements are as they are because he belongs to the nineteenth century or something of that order, in other words, old-fashioned and out of order. The point I want to rise on is I would ask the hon. member about his political philosophy. Does he not feel that that relates back to tribal days or perhaps even to stone age days where no owned anything but the tribe, the group owned everything and it was a sort of sharing of simple produce and that type of thing? Is that not the basis for NDP philosophy?

If that is the case, if he does admit that that self-evident fact is the case, will he not say that it would be quite improper to say that the hon. member for St. John's North (Mr. J. Carter) is old fashioned when he goes back to the stone age in his own political philosophy.

MR. FENWICK:

To that point of order, Mr. Chairman.

MR. CHAIRMAN:

Order, please!

The hon. the member for Menihek.

MR. FENWICK:

To that point of order, actually the philosophy behind the New Democratic Party, which is a

co-operation rather than competition, goes back to the origins of Newfoundland as a Province and as a country. Indeed, we have looked at most outports that had to rely on co-operation in order to get through the very tough circumstances they were in. So I would suggest to you that my philosophy is rooted in the very fabric of this Province. As a matter of fact, it is rooted in the fabric of the provinces of most of the country of Canada.

I would suggest to him that I am not maligning the member by saying he has nineteenth Century ideas. He has admitted very often that he prefers that century.

MR. CHAIRMAN:
Order, please!

There is no point of order. One's racial origin or where they were born or anything else has nothing to do with this resolution.

Will the hon. member continue with the debate?

MR. FENWICK:
Thank you very much, Mr. Chairman.

Getting back to the substitutive arguments raised by the last two speakers, one of which was, if I could paraphrase the member for St. John's North, he was talking about money that one puts in. He said that if you put money into a good safe deposit on purchasing a house, that you get the money back if the transaction does not go through. But I would like to ask him to think of it another way. Say that you had to put up \$1,000 and you did not have \$1,000, surely you would have to go to a bank. When you went to this bank,

you would have to borrow the money for thirty, sixty, maybe even ninety days or longer. I ask you, who in that time period is going to pay the interest on this loan. Surely the house purchaser. Why then should he not receive some of the interest back on an interest bearing account to write against this? That is my argument.

AN HON. MEMBER:
Do you have to (inaudible)?

MR. FENWICK:
No, not particularly. If you wish to get up next, you can get up next.

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

The hon. member has about a minute left.

MR. FENWICK:
Okay. Just getting back to the other substantive arguments, especially the ones from the member for Bonavista North. By the way, I wanted to ask the member for Bonavista North if he had ever been a worker in a real estate field, if he had ever been a real estate agent.

MR. LUSH:
Yes.

MR. FENWICK:
Okay. I was wondering why he did not bring that up in his debate.

MR. LUSH:
I have also worked as a logger and a garbage collector.

MR. FENWICK:
Just to summarize one or two of his comments. The one thing that the member for Bonavista North did say, which I think was factually incorrect, is that the people of

the Province do not understand this legislation. They do understand it, Mr. Chairman. They understand very clearly what it is doing. They understand where the money is coming from. They understand where it is going and, quite frankly, Mr. Chairman, they do not like it all. The people who have talked to me about this legislation - and there have been many of them, more than anything I have talked on in this House in the last couple of years - say to me continuously, 'It is wrong. It should not be done'. Mr. Speaker, the people out there know. To paraphrase the Premier, there is wisdom in the crowd. They understand what is going on here and they very clearly do not like it.

MR. CHAIRMAN:

Is the House ready for the question?

SOME HON. MEMBERS:

Yes.

MR. CHAIRMAN:

All those in favour of the amendment 'aye'.

AN HON. MEMBER:

Aye.

MR. CHAIRMAN:

All those against the amendment 'nay'.

SOME HON. MEMBERS:

Nay.

MR. CHAIRMAN:

The nays have it.

MR. FENWICK:

Mr. Chairman, I would like a division.

MR. CHAIRMAN:

Order, please!

It requires three hon. members for a division.

MR. FENWICK:

Mr. Chairman, in the past, whenever I have asked for a division, the Opposition or the government has been willing enough to stand up and support it because they feel their support should be on the record.

MR. CHAIRMAN:

Are hon. members prepared to make the three?

DR. COLLINS:

I think the hon. member may just be forgetting. There is no division in Committee. So even if there were half a dozen people rising, my understanding is that there is no division.

MR. CHAIRMAN:

Order, please!

I have to inform the hon. minister that there is a division in Committee the same as in the House, and that the same rules apply. Three hon. members from any side or all sides have to stand in their place.

MR. FENWICK:

Are you not willing to stand up for what you -

MR. CHAIRMAN:

Order, please!

The hon. member cannot make a speech asking for Division or trying to recruit two more hon. members. That is the role of the Chair. The Chair is asking are there any hon. members prepared to stand with the hon. member for Menihek, totalling three, to bring about a Division?

MR. YOUNG:

No, Sir. He is alone. Sit him down.

MR. CHAIRMAN:

I take it there are none, no takers, and the hon. member cannot have a division.

MR. FENWICK:

That is all you can do, Mr. Chairman. Thank you very much.

On motion, clauses (1) and (2), carried.

MR. CHAIRMAN:

Shall clause (3) carry?

MR. LUSH:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Bonavista North.

MR. LUSH:

Mr. Chairman, we, on this side, are proposing an amendment to clause 53 which outlines the objects of the Foundation, which outlines the purposes for which the Foundation is being established and talks about two main items there where the money will be spent.

(a) says, "to promote continuing education among those engaged in real estate trading:" and we can support that. Real estate, like every other profession, is a complex profession and there is always new information, there is always new developments that real estate agents should become familiar with. What we are talking about here, I do not believe we are talking about the training of a real estate agent from the beginning sort of thing, I think this is an ongoing process. With new knowledge developing in every field, there

becomes a necessity for real estate people to keep fine tuning their skills, to keep refreshing their skills.

(b) says, "to sponsor, support and promote research and to make recommendations affecting real estate trading," and the remarks which I have made previously apply to that aspect, as well.

But, Mr. Chairman, we would like to see a broader field, if you will, for the expenditure of some of these Foundation funds. We believe that the consumer should get a direct benefit from this. We realize the consumer will get a benefit from a better real estate agent, and we support that, but we do believe that certain funds should go to benefit the consumer directly. We would like to see all the money going to the consumer, as every hon. member would, but we realize that is not a tenable position. With respect to this particular bill, we could not expect the real estate people to set up a foundation and to give interest to the consumer. That would be, I think, a silly idea, a stupid idea in the extreme.

I hate to call it an indirect benefit, the training of the real estate agent, because it is hardly an indirect benefit when you have a trained real estate person. Obviously it is a direct benefit but, if you will, we would like to see something more direct in the hands of the consumers. In lieu of the fact that we would not agree with the motion presented by the member for Menihek, that we pay back the interest to the consumer, we think that we can set up the monies in a way that consumers would be very satisfied with the interest on their money. I think they would agree to the

amendment that we have here, which, Mr. Chairman, I will read into the record. It is an amendment to Bill 25 to add the following words to clause 53, to become clause 53 (d).

MR. BARRY:

That is a whole clause.

MR. LUSH:

Yes. To the add the following words to Clause 53 to become subsection 53 (d). We have not put any details there, we would leave that to the discretion of the foundation. It says, 'To establish a scholarship fund and to apportion a substantial amount of foundation monies on an annual basis to a charitable organization, or a health institution, or to a consumer organization.' These 'ors' are there because, obviously, you could not expect the foundation to be giving money to all of these, they are not going to have that much. It is going to cost them money to administer this fund, so we are making these proposals: One, they establish a scholarship fund, and the details of the scholarship fund we leave to the foundation; secondly, to apportion a substantial amount of foundation monies, we have said substantial because, again, we do not have the information to tell us how much money the real estate people are going to have at any one time.

DR. COLLINS:

Could you repeat your amendment again to be sure we have it?

MR. LUSH:

Okay. This would be 53 (d): 'To establish a scholarship fund and to apportion a substantial amount of foundation monies on an annual basis to a charitable organization, or a health

institution, or to a consumer organization.'

MR. J. CARTER:

By saying substantial it could mean more than 50 per cent. I think any court would either rule that it was a vague term, or they would rule that it is more than 50 per cent, and I have some difficulty with that.

MR. LUSH:

Again, we just left that interpretation to the people administering the foundation. Somebody indicated, for example, that you could meet the requirements of this bill if the foundation were to give a dollar to a charitable organization. I think that hardly meets the definition of a substantial amount, but we refrain from putting in percentages in the main because we have no idea what the fund is.

MR. J. CARTER:

Now you see the problem of writing a law.

MR. LUSH:

Yes. Exactly.

MR. J. CARTER:

Even a simple phrase.

MR. LUSH:

We have specified, to the benefit of the consumer, that the monies will be well spent.

MR. J. CARTER:

I do not think the word 'substantial' does what you want it to do.

MR. LUSH:

Well, we can take suggestions from hon. members as to what they believe is a better wording. I am not suggesting this is the best

wording, because it was put together hurriedly. Although we had lots of time, we did not know that when we put it together. We thought it was coming the afternoon that we did it, and we just left it alone.

MR. J. CARTER:

By do you not have trouble with the word 'substantial'?

MR. LUSH:

I think the wording, for the benefit of the member for St. John's North (Mr. J. Carter), we could probably work on. It is the spirit we want to get here, it is the intention, to make sure that we, as members, have expressed our concern that some of these monies be apportioned to the consumer. The way we would see it operate, for example with respect to a charitable foundation, this again would be left the way it is in most organizations, that once organizations know these funds are there they apply, and it is up to the foundation to decide which one they are going to fund; this year it might be the handicapped or something. People who are in the Lions and in the Kinsmen know how this operates all the time, that we probably get twenty-five or thirty applications from various groups but, depending on your financial situation, you decide you are going to go with one particular group this year, and next year look at others. 'Health Institution', could be the Janeway, for example, looking for a certain piece of modernized equipment that they need. They, too, would make a request from the Foundation, and the Foundation would allocate in terms of their ability to do so, and the same with a consumer organization, any bona fide consumer organization which maybe feels there has been

an injustice done to the consumer. For example, I can think of the ladies of Flatrock who tried to get some organization going with respect to the increase in hydro prices. Now, they did not have any money, so in this situation, they could apply to the Foundation for some moneys to work on their case or to appear before the Public Utilities Board, whatever the situation was. I think, Mr. Chairman, it gives it that broader perspective and I think it would convince the consumer that the real estate people are indeed concerned with the consumer, and over the years will prove that by making various donations to these various groups. We think it certainly makes the bill a little more meaningful and takes into consideration the consumer in a very practical and a very real way.

So, if hon. members think that it is taken care of in some other clauses, we would be willing to listen to that, but I have read it through and I do not believe there is anything that gives it the specificity that this particular amendment does.

In conclusion, Mr. Chairman, I think it is a very reasonable amendment. I do not think it would place any kind of hardship or unreasonableness on the Foundation itself. It is a very flexible amendment but would ensure that the consumer in this Province certainly gets a real direct benefit from interest accruing on the moneys that they have made out in trust to a particular real estate agent or firm. Thank you, Mr. Chairman.

MR. CHAIRMAN (Hickey):

I might say to hon. members that we are now debating the amendment

to Clause (53).

The hon. the Minister of Consumer Affairs and Communications.

MR. RUSSELL:

Thank you, Mr. Chairman.

First of all, Mr. Chairman, I would like to say that I think the official Opposition has handled this bill in a very mature and responsible manner. They have questioned, if you will - 'questioned' may not be the right word - but they have raised the point of the importance of establishing a good Committee, a good board, if you will, and that there be no interference from the minister, or whatever - I think the hon. the member for Bonavista North (Mr. Lush) raised it. And that is fair enough, certainly the way that it should be and the way that it will be.

Mr. Chairman, I think that we, as members of this Legislature, have, and no doubt will, give this board a reasonable degree of flexibility in how they operate and how they spend the money that has accumulated from the interest on the deposits.

I know we are speaking to the amendment put forward by the Opposition, and perhaps I have been more to the principle of the bill, but certainly, if I am, the Chairman will bring me to order. I think it is related to this amendment in the sense that, as I said, we do have to give this board some flexibility and give them a chance to get established, to set up and to have a shot at it, so to speak, and for us as members of this Legislature and perhaps I, as the minister responsible for this piece of legislation, to have a look at how

they operate and how they spend their monies, and, indeed, how much money they do come up with in their first year of operation to spend.

I am not entirely against the idea or the suggestion made in the amendment, that some of this money be spent for the purposes indicated in the amendment. However, for two reasons I do not think we can support the amendment at this time. One, I do not think we should clutter up any piece of legislation, put any more in it than is absolutely necessary and, more important than that perhaps, Mr. Chairman, I think, as I have already indicated to the hon. member for Bonavista North (Mr. Lush) when he and I had a little chat about it, there is already provision in this bill for the board to do the kind of thing that the amendment suggests. I refer, as I did when chatting with the hon. member for Bonavista North, to Section 56 (1) (d) of this bill.

Section 56 goes under (a), (b), (c) and (d) and (d) in part says, 'the board may make by-laws respecting the administration of its affairs, funds,' - which certainly we can interpret as how they spend them and what they spend them on - 'and property and respecting any other matter that relates to the powers and purposes of the Foundation or that are incidental thereto.'

I think, Mr. Chairman, for the time being at least, that adequately gives the board the authority to spend some of these monies for the purposes indicated in the amendment proposed by the hon. member. I would like to give the board some flexibility, as I said, and give them a chance to co-operate. I am sure they will

be a very responsible board. I would like to think that the words and the debate that we have had here on this whole matter will get to the board once it is set up, and I think they know that the wishes, generally speaking, of the Legislature will probably be that they spend some of these monies for purposes other than their own personal education of real estate agents.

I think it is much broader than that. As I said earlier, when I introduced the bill in second reading, some of this money, I think, will be and should be spent for seminars, if you will, for the consumer who is going out and purchasing a piece of property.

So, Mr. Chairman, I think we will vote against the amendment and give the board a chance for a year, perhaps two, to operate and see how they do. If we are not satisfied with the way they are spending their monies or whatever, certainly we can make an amendment to this piece of legislation. It is not written in stone. Overall the concept of the suggestion made in the amendment by the member for Bonavista North (Mr. Lush) is not a bad one. It is certainly a more responsible attitude than that taken by the member for Menihek, but, for reasons outlined, I think we will have to vote against that amendment.

MR. TULK:

Mr. Chairman.

MR. CHAIRMAN (Mr. Woodford):

The hon. the member for Fogo.

MR. TULK:

Mr. Chairman, I would like to speak, of course, in support of the amendment put forward by the member for Bonavista North (Mr.

Lush) and the Liberal caucus. The member for Menihek (Mr. Fenwick) referred to the Liberals as being in bed with the Tories, and to who was doing what to whom. I would suggest to him that now the Minister of Consumer Affairs (Mr. Russell) has made a very clear distinction as to why this amendment is a Liberal amendment, not a Tory amendment, and not the kind of irresponsible amendment that was put forward by the member for Menihek. Because what the minister has said does not stand up to any sort of reasoning. He says he wants the board or the foundation to be able to be flexible, exercise its options and do these kinds of things, and he quotes from Section 56 (d) of the Bill. If he looks at the amendment very closely, as put forward by the member for Bonavista North, he will know that we are indeed suggesting one of the purposes which 56 (d) refers to. One of the purposes of the foundation is to take money which could be argued belongs to the consumer, the person who buys, take that money and while they have it in trust to establish a scholarship fund and to give a substantial portion of that fund to charitable organizations. Total flexibility for the board is there in the amendment. There is only one word really that you could at all quarrel with and that is the word 'substantial'. What is substantial? That is where it is perhaps not quite clear, as the member for Bonavista North pointed out. But flexibility for the board is there.

AN HON. MEMBER:

In 56 (1) (d)?

MR. TULK:

No. The flexibility for the board is there within the parameters

that are set down in Clause 53, and we would set the parameters of Clause 53 to point out to them that we do as a legislative body in this Province want them to have certain purposes and certain goals, and to use that money in certain ways, yet build the flexibility in for them to decide just what charitable organizations they want to use.

Mr. Chairman, I want to point out to the hon. member for Menihek that one of the reasons why we did not support his amendment - he claimed that we should support his amendment - was the fact that there was a principle that it is not our money and therefore we should pass it back to the consumer. I also point out to him that as a parliamentarian there is another principle that he should follow, and perhaps it overrides the one he is talking about, and that is the fact that one of the principles that you should follow in being a parliamentarian, one of the reasons for a parliament existing, perhaps the first reason, is not to waste the people's money. I would suggest to him that what his amendment would do would be very easily put us in the position of having to say, 'All right, we are going to send you back \$3, \$4 or \$5', when it may cost us \$10, again taxpayer's money, consumer's money. It could cost us \$10 to send it back and that is not a wise use of the public's money.

Perhaps he should follow that principle, he should have kept that in mind. The truth of the matter is, he got himself into a bind by not realizing what was happening, and he has had to tread water, back paddle. But that is acceptable. A person should be able to stand up and admit that

they made a mistake and, of course, back off from their mistake and apologize to the people they in some way embarrassed or insulted or whatever.

But this amendment would accomplish, I believe, what the member for Menihek (Mr. Fenwick) and the members in the Liberal Party would want to see it accomplish, and that is, if indeed it is consumers' money, then let us at least see that somebody in the general public, the consumer or the general public at large, benefit from the Foundation itself and from the monies that are collected by the Foundation.

Mr. Chairman, I cannot understand, I have to say to the Minister of Consumer Affairs (Mr. Russell), unless it is just simply that it is an amendment put forward by the Opposition, why, although he stood and said we were very reasonable, very responsible, it is he stands up and says, no, it would in some way take away from the flexibility of the Board. That is not correct. It would not take away from the flexibility of the Board, it would set out another purpose under 53 (d) which Clause 56 refers to, the powers and the purposes of the Board; it would set out another broad general purpose for the Board. The argument the minister is putting forward is weak.

He also says it is not necessary, because the Board will probably do it anyway. Well, probably is not good enough. If it is consumers' money, and I think we all agree in this Legislature that it is money that belongs to the consumer, although there is argument to say that it may not, once you put the \$1,000 in a trust fund - if I put

\$1,000 in a trust fund to buy a piece of property off the Minister of Consumer Affairs, for example, then there is an argument that says that money is really his. But I am inclined to go the other way and say, no, it is consumers' money. So let us set up the Foundation and let them exercise some authority, let them have some flexibility in deciding how that money is going to be spent, but let us make the purposes of that Foundation much clearer to the people who are going to manage that Foundation. So I would ask the Minister of Consumer Affairs and the government to reconsider, take a second look at his argument and to, indeed, vote for the amendment put forward by the member for Bonavista North (Mr. Lush).

MR. FENWICK:
Mr. Chairman.

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

MR. FENWICK:
Thank you, Mr. Chairman.

I find myself in the awkward position of agreeing with the Opposition House Leader (Mr. Tulk) and I am wondering whether maybe I have made a mistake here by doing that. Quite frankly, I dismiss the argument put forward by the Minister of Consumer Affairs when he says that the legislation as it stands would enable the Foundation to do these other things. I believe if you look at the objects of the Foundation, which is Clause (53), which the Opposition amendment intends to amend, you will see that it has two main functions, to promote education among its own agents, secondly to sponsor research and, the third one is to sort of do all the

things that would encourage the first two. And, really, those are two limited objectives. It does not say in there that they can educate the public. And I would argue with you that if the Foundation used some of its money to promote public education, to sponsor scholarships and so on, legitimately any member of this Real Estate Foundation could argue that they have exceeded the legislation that was passed to set it up.

Although I do not agree entirely with all of the wording that the Opposition amendment has, at least it addresses the second concern I had, that the money would be used entirely in self-interest, even though it will be education of real estate agents, themselves. The scholarships would hopefully not be just for the sons and daughters of real estate agents and would be offered to the general public. There is a possibility there that there may be a broader approach.

So it does address that second major concern that I have with the legislation and I think that if it is not there, I do not believe that the foundation itself getting legal advice on it would actually go in those directions because it would perceive that it did not have the authority, under the objects of the foundation, to do that.

I think the other section which the minister points to is Section 56, the powers of the board. I think (d) is the section he referred to, "make by-laws respecting the administration of its affairs, funds and property and respecting any other matter that relates to the powers and purposes of the Foundation or that

is incidental thereto." If you look at it it says "other matters that relate to the powers and purposes of the Foundation" which would mean that you would have to refer back to, it does not actually powers and purposes, but to the objects of it. So I would suggest that (d) does not give the Foundation the ability to do the kinds of things that the Liberal amendment would propose.

I would probably have gone a little wider in it but at least it does address that major question. Is this a self-interest that these real estate agents are addressing or is it a more general public education interest? So I think that the amendment, even though it may not be perfect, is certainly worthy of support. I am disappointed to hear that the government's position is not to support it because I think this would remove some of the perceived self-interest of this legislation and make it perhaps a bit more palatable to the general public.

Having made those brief comments, Mr. Chairman, I am going to sit down and vote for the amendment.

MR. BARRY:
Mr. Chairman.

MR. CHAIRMAN (Woodford):
The hon. the Leader of the Opposition.

MR. BARRY:
If I could just briefly comment, I am sorry I was out earlier when the debate took place. The member for Menihek's (Mr. Fenwick) amendment has been dealt with. It has been voted down and the member is saying he will vote to support this present amendment and it goes to some extent but not all the way. Well, we are happy to hear

that.

We would ask the minister to give some consideration to what we are suggesting here in that the wording that is in 56 (d) is not the type of clause that imposes an obligation on a board to do the sorts of things that the Opposition amendment is proposing. This is the sort of ancillary clause that is thrown into most legislation just in case something has been forgotten with respect to the main objects that are expressly set out. It is very important that a board be given an explicit direction or indication by government that government wants to see the money spent not just on real estate agents and the improvement of their own position, although that is a worthy cause in itself, so that they can provide a better service to the consumer, but also so that the board and the Real Estate Foundation is instructed that government wishes to see, and legislation requires it to see, that charitable organizations or a health institution or a consumer organization benefit from the expenditure of the funds. Right now the board can utilize that money in a very narrow way to benefit the real estate agents and, to a slight degree, the consumer. Whereas if the Opposition amendment were adopted, there would be a broader benefit to the community that would directly flow from the operation of the board and the utilization of these funds.

That is all I have to say. I do not want to belabour the point. We think it is a reasonable recommendation, one that the minister might consider. Even if it were adopted on the basis of this to be proclaimed separately,

after consultation with the members of the real estate group involved, it would be satisfactory from our point of view. We would be prepared to vote for something that would let the minister sever this if he ultimately decided in favor of it, rather than have it voted down now.

MR. RUSSELL:
Mr. Chairman.

MR. CHAIRMAN (Woodford):
The hon. the Minister of Consumer Affairs.

MR. RUSSELL:
The hon. the Leader of the Opposition (Mr. Barry) was not in the House when I responded to the member for Bonavista North (Mr. Lush) and his comments. I indicated at that time that the objectives of this board was not written in stone. Perhaps you should give the board a chance for a year to get themselves set up, see how much money they have to deal with and see how they spend the monies. The bill indicates right now the way they should spend it and if government, or I, as the minister responsible for this piece of legislation, am not satisfied that they are spending the monies for the purposes indicated - and certainly once this board is set up, Mr. Chairman, with the three members from the real estate industry, one from my department and one from the public - I would be more than willing, I suppose any minister should sit down with the board and just have a chat with them, and, certainly, if they are not already aware of it, bring to their attention the debate that has taken place in this House. Any board if they do not have the message by now of the subtle suggestions that were made in this

debate as to the ways that they should consider spending this money, perhaps they are not as responsible as I think they will be. If we are not satisfied with the way the board is operating in a year's time, certainly we can come back and make an amendment to this piece of legislation and maybe put specifically in there the kind of thing that the hon. member for Bonavista North has suggested in his amendment.

MR. LUSH:
Mr. Chairman.

MR. CHAIRMAN (Hickey):
Order, please!

The hon. the member for Bonavista North.

MR. LUSH:
Mr. Chairman, I am disappointed that the Minister is hesitant to have this amendment passed at this particular time. As he knows, it is not all that frequent or that easy that we make amendments. When we see a bill going through the House, or any piece of legislation, and if we identify a weakness in that particular piece of legislation, it seems the time to do it is then because after the fact is always much more difficult. Different circumstances come into play and may not be as favourable a time to do it as there is at this particular moment.

As I can gather, the minister takes no offense to anything that is here or any other member. Nobody takes any offense to anything that is in the amendment. It is rather simplistic things, in a way, and something that I believe that the consumer of this Province could certainly accept. It is not

offensive at all and it is not something that I believe would put any kind of obstacle in the way of the foundation in terms of setting up the foundation or in terms of meeting its already stated objects and purposes.

All we would be doing here is to ensure that among the other items listed, namely, the education of the real estate agent or - I like the further education rather than the education - the further education of the real estate agent and also for research and this kind of thing, we are stipulating a further purpose. We are announcing a further purpose that we hope will not escape the attention of the members of the foundation. To leave it to chance and that is what the minister would be doing, is not good enough, suggesting that because they have heard the debate and because they have followed the newspapers and possibly would even read Hansard in respect to what was said about the bill. I rather doubt that they will go to that extent, that they will call for copies of Hansard to see what we said. Just to ensure that this particular aspect of the bill is taken care of; to ensure that the consumer is taken into consideration; to ensure that there can be no neglect of the consumer in this respect, we believe that we certainly should accept this amendment or, as the Leader of the Opposition suggested, that we take it to the board for their consideration. I believe that is what the Leader of the Opposition said, that we take it to the board for their consideration.

I believe the way that we can make sure that this particular aspect, that the consumer is indeed taken

care of, that some of the monies given in trust do go back to the consumer, we can ensure that this day by accepting this particular amendment. I believe to leave it to a further date probably would minimize its chances of ever coming back to the House of Assembly again.

So, for these reasons I would certainly like to see the amendment reconsidered and accepted this day or some other day when we get into dealing with this particular bill or if we finish it today, whatever the situation is. I do not believe that we had anticipated that we would pass this particular bill today. I believe that we wanted to have another look at it and probably give the members opposite further time to consider their position. Because, as I have said before, Mr. Speaker, I do not think anybody finds any offense to this particular amendment.

The minister would like to leave a little more flexibility, I believe this is what he is saying, for the board members to feel that we are not making too many impositions upon them or that we are not making too many amendments that would stymie and stifle the free operation or the free flow of the board. We do not think that this does anything at all, Mr. Speaker, to restrict the operation or the setting up or the establishing of the operation of this foundation. We believe that it gives it a little more significance, a little more meat for the consumer, something that they could look at and say, 'Yes, these monies are being spent wisely'.

I see the Chairman looking at me. I do not know whether my time is up or whether he is anxious to -

MR. CHAIRMAN:

No.

MR. LUSH:

Okay. Maybe he was just so taken up with my speech that he was looking to be anxious. I have read the wrong gestures, Mr. Chairman, and I apologize. I have nothing further to say, Mr. Chairman.

Since there is nobody on either side of the House, I gather, finds anything offensive here, I see no reason why we should not pass this amendment and make it a part of the bill today so that the real estate people will see that we were serious in this House, to a person, when we said we wanted to see the funds a little more extensively disbursed to the consumer. I believe that this particular amendment will do that without placing any severe restrictions on the foundation.

So, Mr. Speaker, it is close to one o'clock. I would make the appropriate motion that -

MR. MARSHALL:

(Inaudible).

MR. LUSH:

Okay. Sorry.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. MARSHALL:

I just want to say to the Committee, Mr. Chairman. I have been listening to this all morning. We have passed this bill in principle in the House, not in Committee. The purpose of the Committee is to get matters before the Committee for the purpose of looking at them on a clause by clause basis and seeing if there are any rational amendments.

The hon. member for Bonavista North (Mr. Lush), a nice fellow and all the rest of it, but he puts a high premium on oral effervescence. He thinks that if you just talk on and on and on, you are going to get it accepted. I can tell the hon. gentleman the fact of the matter is that we represent, by the will of the people of this Province, a very significant majority in this particular House. Now we took the hon. gentleman's amendment and we considered it. The hon. minister considered it, went over it with his officials, consulted the people who brought it in, as well as the member for Menihok's amendment, and we decided that we were not supporting it.

I will tell you, Mr. Chairman, if we have to sit, that is fine. We can sit here until the hot days of August but this bill is going to go through and all the other bills are going to go through. The only thing is I just appeal to the Opposition House Leader (Mr. Tulk), the member for Bonavista North (Mr. Lush) and other members to realize what the process means.

Here we are. We have passed the bill in principle. We have considered the amendment. We are going to vote against the amendment, Mr. Chairman, having considered it and the bill is going to be enacted in the law. Now, do we need to talk reams and reams and reams about it? The decision as been made.

So I know we are not going to pass it today because if I sit back, the hon. member will get up. But, we are sorry, we are not going to accept the amendment. So sleep on that until it is brought up again.

In the meantime, I move the

Committee rise and report progress.

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

MR. SPEAKER (McNicholas):

Order, please!

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

MR. HICKEY:

Mr. Speaker, the Committee of the Whole has considered the matters to it referred, has passed Bill 15 without amendment, has made further progress and ask leave to sit again.

MR. SPEAKER:

The Chairman of the Committee of the Whole reports that it has considered the matters to it referred and has directed him to report Bill No. 15 without amendment. When shall the report be received?

MR. MARSHALL:

There was no progress, Mr. Speaker, but we will receive it now.

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

MR. MARSHALL:

Mr. Speaker, I move that this House at its rising do adjourn until tomorrow, Monday, at 3:00 p.m. and that this House do now adjourn.

On motion, the House at its rising adjourned until tomorrow, Monday, at 3:00 p.m.

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Second Session - Fortieth General Assembly

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Hon. P.J.McNicholas, Speaker

Leo Barry, Leader of the Opposition

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| Aylward, Hon. Robert J. (PC) | Kilbride |
| Baird, Raymond J. (PC) | Humber West |
| Baker, Winston (Lib) | Gander |
| Barrett, Hon. Harold (PC) | St. John's West |
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Second Session - Fortieth General Assembly

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| Mitchell, Calvin (PC) | LaPoile |
| Morgan, James (PC) | Bonavista South |
| Ottenheimer, Hon. Gerald R. (PC) | Waterford - Kenmount |
| Patterson, William G. (PC) | Placentia |
| Peach, Milton (PC) | Carbonear |
| Peckford, A. Brian, P.C. (PC) (Premier) | Green Bay |
| Power, Hon. Charlie (PC) | Ferryland |
| Reid, James G. (PC) | Trinity - Bay de Verde |
| Rideout, Hon. Thomas G. (PC) , | Baie Verte - White Bay |
| Russell, Hon. Maxwell James (PC) | Lewisporte |
| Simms, Hon. Len (PC) | Grand Falls |
| Simmons, Hon. Roger P.C. (Lib) | Fortune-Hermitage |
| Tobin, Glenn (PC) | Burin - Placentia West |
| Tulk, R. Beaton (Lib) | Fogo |
| Twomey, Hon. Dr. Hugh Matthew (PC) | Exploits |
| Verge, Hon. Lynn (PC) | Humber East |
| Warren, Garfield E. (PC) | Torngat Mountains |
| Windsor, Hon. H. Neil (PC) | Mount Pearl |
| Woodford, Rick (PC) | Humber Valley |
| Young, Hon. Haig (PC) | Harbour Grace |

THE MINISTRY - LEGISLATIVE ASSEMBLY OF NEWFOUNDLAND AND LABRADOR
Second Session - Fortieth General Assembly

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| Hon. A. Brian Peckford, P.C. | Premier |
| Hon. Robert J. Aylward | Rural, Agricultural and Northern Development |
| Hon. Harold Barrett | Development and Tourism |
| Hon. Ted A. Blanchard | Labour |
| Hon. Charlie Brett | Social Services |
| Hon. John Butt | Environment |
| Dr. The Hon. John F. Collins | Finance |
| Hon. Ron Dawe | Transportation |
| Hon. Jerome W. Dinn | Mines and Energy |
| Hon. Norman E. Doyle | Municipal Affairs |
| Hon. William Marshall | President of the Council/ Government House Leader/ Minister responsible for Energy, Petroleum Directorate/Nfld. and Labrador Hydro |

THE MINISTRY - LEGISLATIVE ASSEMBLY OF NEWFOUNDLAND AND LABRADOR
Second Session - Fortieth General Assembly

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| Hon. William Matthews | Culture, Recreation and Youth |
| Hon. Gerald R. Ottenheimer | Intergovernmental Affairs |
| Hon. Charlie Power | Career Development and Advanced Studies |
| Hon. Thomas G. Rideout | Fisheries |
| Hon. Maxwell J. Russell | Consumer Affairs and Communications |
| Hon. Len Simms | Forest Resources and Lands |
| Dr. The Hon. Hugh M. Twomey | Health |
| Hon. Lynn Verge | Justice |
| Hon. H. Neil Windsor | President of Treasury Board |
| Hon. Haig Young | Public Works and Services |