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

*Speaker: Honourable P.J. McNicholas*

Tuesday

14 June 1988

The House met at 2:00 p.m.

MR. SPEAKER (McNicholas):  
Order, please!

As all hon. members will recall, yesterday the hon. the Minister of Consumer Affairs and Communications in his capacity as the Chairman of Committee on Standing Orders Revision, raised a question of privilege with respect to an alleged leak of a confidential report from in camera meetings of that Committee. Yesterday the House heard from the hon. minister, the hon. the member for Fogo, the hon. Government House Leader, the hon. the member for Fortune - Hermitage, and the hon. member for St. John's East. I would now like to hear from the hon. the member for Merihék.

MR. LONG:  
Hear, hear!

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

I have some comments to make about the question of privilege, and I would like to address the question of privilege in two ways.

The first way is to indicate that the Committee I was a member of, and I assume I am still a member of, on September 14 adopted a regime for the operation of that particular Committee. At that time, the whole question of whether or not the deliberations were privileged or whether they were to be in camera was discussed and the motion was passed which was duly noted in the minutes. I have a copy of the minutes here which I will read to Your Honour because I think they bear on the whole question of privilege and whether or not privilege can be based on other references

afterwards. I have a copy here for Your Honour, if one of the Pages will just come and get it.

No. 7 says, Mr. Speaker, "Members agreed to keep their in camera deliberations confidential unless notice is given of a member's intention to make a statement to the media." I will give you a copy of it. The other members, I believe, have copies of it, so it does not particularly matter.

Mr. Speaker, that is the decision that was made by the Committee itself. Last week, when I was talking to this individual from **The Sunday Express** and realized that this Sunday there was very likely to be an article in which at least some of the topics that were discussed would be covered, I approached the Chairman of the Committee and informed the Chairman of the Committee, Mr. Speaker, that the article was very likely to appear on Sunday. This was essentially something I thought was going to happen, and I wanted to give him notice of it and I gave him notice of it at that time.

Mr. Speaker, the ruling we have commonly adopted in this House is that the committees themselves are masters of their own house. I have raised a number of questions when I could not ask questions in committee, and your ruling has been consistently that the Committee itself can determine its own procedures, and on that basis I would argue that Section 7 of the minutes of the September 14 meeting are applicable in this particular instance. That is my first argument on it, Mr. Speaker, that that should be the ruling on it, and that I complied with the details of that particular minute. Since there were

precedents argued into the record on Monday, I thought it appropriate to at least address those correctly so that if you decide to dismiss this preliminary objection, at least you could deal with it in its entirety.

The wording of the section from Beauchesne, Article 647, says among other things, "Documents presented to such committee and which have not been reported to the House, ought not to be published by any member of such committee or by any other person. The publication of proceedings of committees conducted with closed doors or of reports of committees before they are available to Members will, however, constitute a breach of privilege." The reason I mention that is that there was some allegation in the comments made yesterday that I released a copy of the report to the media.

AN HON. MEMBER:

What is the reference?

MR. FENWICK:

That is Section 647 of Beauchesne. I would assume it is the one that was Xeroxed.

Mr. Speaker, I just want to put on the record that I did not release a copy of the report, either the detailed report or the summary of the report itself, and that on that basis I feel that that is not an accurate interpretation of what transpired. I wish to at least comment on what did transpire because, I think it is important that this House know what the situation was.

The most recent meeting the Committee had was on May 25. At that time, the decision was made by the Committee that members of

all the caucuses would be updated on the progress to date; they would be given a report and that report would be either okayed or disapproved of, whatever the caucuses particularly wished to do, and that after that the Committee itself would be involved with the detailed drafting of the actual orders itself. That instruction, on the May 25th. weekend, was supposed to have been carried out by Wednesday of the next week, at least by indications from the PC members on the Committee and by the Liberal members. It is my understanding that the Liberal members have had an opportunity to sit down and discuss the contents of the report. It was my understanding that the PC caucus would also have had the opportunity, and all the members would have been informed of essentially the topic headings and the general thrust of the report itself, and would be in a position to deal with it. Subsequently, Mr. Speaker, I found out that this was not the case.

MR. SIMMS:

After the fact.

MR. FENWICK:

I agree it was after the fact, but the fact is I -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. LONG:

Why do you not be a man and let him have his privilege?

MR. SPEAKER:

Order, please!

MR. MORGAN:

We heard your story, now sit down.

MR. LONG:  
Shut up!

MR. FENWICK:  
Mr. Speaker, when I found out that the Committee did not have the opportunity to go over it in the first week in June, when it was supposed to, I informed the reporter I had talked to and I said that I felt very bad about the situation at this point, because I did not want the members of the P.C. caucus finding out about the contents of the meeting, or the Committee's report through the media.

MR. MORGAN:  
We did not even know over here.

MR. FENWICK:  
At that point, the report itself did not appear in the subsequent issue of **The Sunday Express**. I am not sure what the reasons were, but it did not.

MR. TOBIN:  
You should learn not to talk to **The Sunday Express**.

MR. FENWICK:  
I know. I understand the next week, which was last week, the caucus did not have an opportunity to meet, as well. At that point, I felt it was important to notify the Chairman of the Committee that I had, according to Article 7 of the minutes at that time, talked to the media on it. I did inform the Chairman. I am not sure whether the Chairman recalls it or not, and, giving everyone the benefit of the doubt, I assume that he did not realize that that might have been notice. But I do assure you, Mr. Speaker, that I did notify him at that time, and that I feel I have discharged my obligations under that particular section.

It was my understanding that all members of the House would be apprised of the general details of what had gone on at that time. For that reason, I feel that that particular section, at least, if the letter of it has not been complied with, which I understand it has not, I did intend to comply with the spirit of the particular section.

Having said that, Mr. Speaker, those are my arguments on the actual question of privilege. Quite frankly, I do not absolve myself from wrongdoing in this particular situation. In looking back on it, I realize I did the wrong thing. I should not have done that, and I freely admit that I am at fault in this particular situation, if not on a question of privilege, surely on a breach of trust of the other members of the Committee. I publicly apologize for that, Mr. Speaker, because it was not my intention to do that. It is just unfortunate that the combination of circumstances led to it.

I realize that it may have jeopardized the contents of the report. I hope not, because I think it is an excellent report and I think the members of the Committee have done a good job. I can do nothing other than to say to the Chairman of the Committee, I offer my apologies. I know it was wrong. Unfortunately, at this point I do not think I can unravel the harm that was done as a result of it. I do, however, admit in front of the Chairman and the other members of the Committee and all the members of the House, that unfortunately there are times in political life when you make the wrong move. I made the wrong move. I apologize for it. I do not shirk any responsibility for

it. I hope when the members of the P.C. caucus see the contents of the report tomorrow they will realize that it is a major innovation, and, in my opinion, it will be an excellent way to run the House in the future.

MR. SPEAKER:

Order, please!

MR. FENWICK:

On that basis, Mr. Speaker, I will sit down.

MR. SPEAKER:

Order, please!

I am prepared to hear one argument on each side, and then I will have more to say.

The hon. the Minister of Environment and Lands.

MR. RUSSELL:

Thank you very much, Mr. Speaker, for your indulgence. Just a point of clarification, Mr. Speaker. At the beginning of the session, you indicated that it was the Minister of Consumer Affairs and Communications who had risen on a point of privilege yesterday. I would not want to blame my colleague, the Minister of Consumer Affairs and Communications (Mr. Young), for rising on a point of privilege when he did not.

Having said that, Mr. Speaker, I, first of all, would like to say that the hon. member for Menihek did not give me any notice. Notice, as I understand it, is something you tell somebody before the fact. Last week, at one of the social occasions during the visit of Prince Edward, the hon. the member for Menihek said that he had been talking to somebody in **The Sunday Express**, but he did

not tell me very much. Mr. Speaker, even if he had called me and said he was going to do that, I, as Chairman of that Committee, have no authority to sanction the release of any report of a Select Committee of this Legislature, nor would I, Mr. Speaker.

The hon. the member for Menihek can wiggle all he wants and say how sorry he is, but I think what he has done to this Legislature and to the members of the Committee particularly, is unforgiveable. There is no question that he cannot get out of the fact that he released the basic contents of a report to the media, whether he did it a week ago or two weeks ago or two months ago. And by his comments today, Mr. Speaker, he admitted that he had talked to the reporter, so we now have it confirmed that what was in **The Sunday Express** was reasonably accurate. It was a document, as I said yesterday, which was marked 'Confidential', and whether this caucus over here, as I think the member for Fortune - Hermitage (Mr. Simmons) said yesterday, had a chance to look at it or not, is not really relevant to the issue at all.

The hon. member gets up today and quotes a Minute from one of the meetings of this Committee. I question, Mr. Speaker, if that is not partially a confidentiality thing, tabling the Minutes of a Select Committee of the Legislature in this Legislature.

MR. TULK:

Yes, that is a confidentially breach, itself.

MR. RUSSELL:

The proceedings, the Minutes and everything pertaining to this Committee, Mr. Speaker, is part of

this Legislature.

Mr. Speaker, when we meet here, before the public come into the galleries, the Minutes are read but they are read in confidence, the public is not permitted to hear them. I am not saying there is anything in them that maybe the public should not hear, but that is the way it happens to be at the present time. And this Committee, Mr. Speaker, is an extension of the House of Assembly, and for the member to even quote and table Minutes of the Committee, I suspect, in itself is a violation.

Mr. Speaker, I know there are others who want to speak to this again, and then we will let Your Honour make his decision.

MR. TULK:  
Mr. Speaker.

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

MR. TULK:  
Mr. Speaker, I feel that most things that need to be said on this issue have been said. They were said yesterday and, as I understood Your Honour, the only reason you were not prepared to rule at that time, and rightfully so, is that you wanted to hear from the member for Menihek.

I agree with the member for Lewisporte (Mr. Russell) that the tabling or the reading of those Minutes - and maybe the member for Menihek needs a few lessons in parliamentary procedure - is itself a breach of the privileges of that Committee. I agree with him, and let me stop right there.

Let me deal with this question of notice having been given. The Minutes read, since the hon.

gentleman has read from them, 'unless notice is given', Now, I say to that hon. gentleman sitting down in the corner, I am Vice-Chairman of that Committee and there are four other members on that Committee besides the three of us. We were to act as the Steering Committee, the member for Menihek, the member for Lewisporte, the Chairman, and myself.

I say to him that for him to walk up to the Minister of Environment and Lands, the member for Lewisporte, and say 'Some week or week and a half ago I talked to a reporter and, therefore, I have said that,' is not what I would consider giving notice.

AN HON. MEMBER:  
At a social!

MR. TULK:  
At a social, I understand. Let me say to him that that reference he referred to, in the Minutes, clearly states 'unless notice is given'. And, of course, it is to be given to the Committee, not to the Chairman, and not at a social. We did that for a very good reason. In case the hon. gentleman does not know it, that is the way Committees act.

The other thing, Mr. Speaker, is the whole idea of the member for Menihek giving notice to anybody after he had briefed a reporter. I say to the member for Menihek, if I recall correctly the dates he outlined just now and the date myself and the member for Fortune - Hermitage referred this to the Liberal caucus, I do not doubt but he had already given that report to the media then. There is some doubt in my mind as to whether he had not given that report to the media even before our caucus had a

chance to look at it; he said the government caucus had not yet had a chance to look at it.

Mr. Speaker, what we have here, clearly, and I say this to Your Honour with all due respect to the member for Menihek or anybody else in this House, is a case of a person who sits on a Committee and believes that the workings of that Committee are not as important as forwarding his political career in the media. What has clearly happened here is the gentleman's political timing was off. He had given this report to the media with the hope that everybody would have seen this and that the work would have been completed on the report, so that he could have picked up some Brownie points as a result of passing this out to the media. So the media was more important to him than was the Committee itself.

Now, Mr. Speaker, the whole point is, whether he had given notice or not -- and we should get away from this -- to the Chairman of the Committee, and I know the Chairman would agree with this, if the Chairman himself had said, 'Okay, Mr. Fenwick, the member for Menihek, that is fine. You go ahead and make your release to the reporter,' then I would be rising here on a point of privilege against the Chairman of that Committee because he himself, in my opinion, would have committed a breach of privilege before this Legislature. The truth of the matter is, nobody on the Committee dare give, according to Beauchesne, a report or a draft report or a summary of what is in the report to anybody, whether it be the media or any other person, or somebody on the government side or somebody on the Opposition side, they dare not give it before

it is put before this House.

Mr. Speaker, the member has apologized. I suppose under normal conditions you would say alright, let us drop the whole incident. The member has apologized for the breach of privilege and, therefore, we should all forget it.

MR. LONG:

He did apologize.

MR. TULK:

But I say to the Speaker, and to the member for St. John's East, in this particular case that may be too little too late, that maybe the confidence of this Committee in the member for Menihek has jeopardized the whole proceedings of the Committee and, therefore, we may have to take a very serious look as to whether that Committee is going to succeed or not. I am prepared at this point to say to Your Honour that there is a prima facie case of breach of privilege.

MR. SIMMONS:

Did (inaudible) admit it?

MR. SIMMS:

He has already admitted that he has breached the privileges of the House, and apologized for it. I would suggest that perhaps the Government House Leader might make the appropriate motion.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

First of all, I would like to say I am sorry I made a mistake in calling the Minister the Minister of Consumer Affairs and Communications instead of the Minister of Environment and Lands.

Before I rule on this matter, I

have been advised that there is a procedural difficulty, and I just wanted some further information from the Chairman, to know if his report reflects the view of the majority of the Committee.

MR. RUSSELL:

Yes, Mr. Speaker, that is correct. I have been authorized by the members of the Committee to speak on behalf of the Committee, as Chairman.

MR. SPEAKER:

The reason I say that is, except in some exceptional circumstances, a question of privilege ought not be entertained until the Committee has reported the matter to the Chair. In that case, I would ask the hon. minister if he would give me a copy of that report. I have not seen that report and I did not expect to. I am not entitled to a copy of it, but I would ask for a confidential copy of it and I will compare it with the article in **The Sunday Express** and rule on this tomorrow.

I would also like to point out one other thing. This matter is of great concern to me. The authorities and precedents of parliament are clear, and I will quote Erskine May here: "The publication or disclosure of proceedings of committees conducted with closed doors or of draft reports of committees before they have been reported to the House will, however, constitute a breach of privilege or a contempt." I have not seen that report and I cannot say whether the article in **The Sunday Express** was a copy of it. I am quite prepared to look at it and deal with it later on today. But I would like to see that report beforehand.

MR. SPEAKER:

The hon. the Minister of Environment and Lands.

MR. RUSSELL:

Mr. Speaker, a point of clarification. I had delivered, by agreement of the Committee, copies of the report. I had thirty-five, or something, taken off the draft report and given to the Chairman of our caucus here, who distributed it to all members of this caucus. I suppose the Speaker of the Legislature is not officially a member of caucus, in that he normally does not attend caucus meetings, but I had assumed he had been given a copy of this draft document. If that is not the case, Mr. Speaker, I have a draft of it here which Your Honour can certainly have.

MR. TULK:

Further to that point, Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Of course, the hon. gentleman was right in not sending Your Honour a copy of that report, because the Speaker cannot be a member of the governing caucus. So he is absolutely right. But I would point out to Your Honour a couple of other things, and that is that the member for Menihek, in his submission to this point of privilege, admitted that the report in **The Sunday Express** was accurate and, therefore, the member for Menihek, having known about this report, has already told Your Honour that what he will see in the report is essentially what is in **The Sunday Express**. I would ask Your Honour to take a look at Hansard in that regard, as well.



MR. SIMMS:

Mr. Speaker, may I offer just one last suggestion?

MR. SPEAKER:

The hon. the President of the Council.

AN HON. MEMBER:

(Inaudible).

MR. SIMMS:

If the hon. member would stop interrupting, he might hear.

I am on a point of order.

Mr. Speaker, I think Your Honour said you would like to take a look at the report, and that is perfectly legitimate. I think Your Honour also said that you would probably be prepared to rule later in the day, after you have had a chance to look through it, and I think that is fair. We can wait a little longer. That is up to Your Honour, anyway.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

I am quite prepared to look at this right after Question Period, or, if hon. members will recess for ten minutes, I will have a look at the matter now.

MR. SIMMS:

We are prepared to recess.

MR. SPEAKER:

We will recess for ten minutes.

Recess

MR. SPEAKER:

Order, please!

I compared these two documents, the report of the Committee and the article in The Sunday Express. Taking the first one, 'Election of Speaker,' which is new, that is in the article: 'Future Speakers in the House of Assembly should be elected in a free vote.' Another: 'It is proposed that a ten-minute period be set aside at the beginning of each day. The House should discontinue the Thursday "Late Show,"' that is in the report. 'The ninety-second statement', that is in the report.

From a general glance through it, I do not think anybody could have written an article like that without having if not the exact report, certainly the meat of that report. I am quite satisfied in my mind about that, and I am now in a position to rule on the point of privilege raised by the hon. the Minister of Environment and Lands.

First of all, I shall lay out the parliamentary precedents. I would like to read May, 'By the ancient custom of Parliament, "no act done at any Committee should be divulged before the same is reported to the House."

Beauchesne: "A Committee, having the right to exclude strangers at any time, it may be inferred, has the right to sit in private and have its proceedings protected by privilege. The publication of its proceedings in that case would be an offence which the House could deal with upon receiving a report from the Committee. The purpose of in camera sittings is to allow Members to feel free to negotiate, discuss, deliberate, and sometimes compromise without the glare of publicity, which might add to the difficulties of agreeing to

reports when it is desirable that these proceedings be treated in confidence. The final decision of whether to sit in camera, however, rests with the members themselves."

I am quite satisfied that a prima facie case has been established, and I would call on the appropriate minister to make the appropriate motion.

The hon. the President of the Council.

MR. SIMMS:

Thank you, Mr. Speaker.

If I might be permitted, first of all, the motion I am going to make is to refer the matter to the Committee on Privileges and Elections with the added instruction that the Committee be asked to bring in its report and recommendations by Friday of this week, so that the matter can be dealt with before the end of the week. I will make that motion now, and I so move.

MR. SPEAKER:

It is moved and seconded that this matter be referred to the Committee on Privileges and Elections.

On motion, the matter of breach of privilege was referred to the Committee on Privileges and Elections.

MR. SIMMS:

I would like to make another motion with respect to the Committee on Privileges and Elections. The Committee is struck at the beginning of each Parliament. This one was struck back in 1985. It includes members by their district, of course, and it includes the former member for Windsor - Buchans. That was

obviously in the old days. The member for Windsor - Buchans now is the Leader of the Opposition. He certainly does not feel it appropriate that he sit on that Committee, and has asked me to nominate the member for St. Barbe to replace the member for Windsor - Buchans. I so make that motion.

MR. SPEAKER:

It has been moved and seconded that the hon. the member for St. Barbe (Mr. Furey) shall replace the hon. the [former] member for Windsor - Buchans.

On motion, the member for St. Barbe replaces the [former] member for Windsor - Buchans on the Committee on Privileges and Elections.

### Oral Questions

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Mr. Speaker, I have a question for the Minister of Labour (Mr. Blanchard). In his response to questions on June 6, the minister attempts to give the impression that he is answering all the questions raised concerning the possibility of Mr. David Buffett, Chairman of the Workers' Compensation Appeal Tribunal, being in a conflict of interest situation. In that statement the minister says, and I quote, "Mr. Buffett has not acted for ERCO in a matter that could conceivably come before the tribunal."

I ask the minister: Has Mr. Buffett acted for ERCO in a

Workers' Compensation matter since his appointment on March 16, 1987, and, if so, in which cases has he acted?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, Mr. Buffett has informed me that he has not acted in any case, either for employers, ERCO included, or employees. He has not taken any cases since he has been Chairman of the Board. I have a letter from him, unfortunately I do not have the letter with me today, Mr. Speaker, in which he has stated that to me.

MR. TULK:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Fogo.

MR. TULK:

Mr. Speaker, is the minister aware that on October 19, 1987, seven months after his appointment, Mr. Buffett acted as solicitor for ERCO in a Workers' Compensation matter and submitted a notice of appeal in the Newfoundland Supreme Court? I will table a letter attached to that notice of appeal. I ask him if Mr. Buffett made him aware of this case and I also ask him if this case could conceivably come before the Workers' Compensation Appeal Tribunal, and, if not, would he tell us why not?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, I will take the matter under advisement. I will look it over. The hon. gentleman has tabled the matter. I will

look it over, and in good time I will give him a response.

MR. TULK:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. TULK:

Mr. Speaker, is the minister aware that in this particular case the Court of Appeal may refuse to hear this case, in which case the judge will state that this is not, as a matter of fact, a matter of law, and that this could go back to the Workers' Compensation Commission, and then the Appeals Tribunal? If that is the case, then Mr. Buffett is in a Conflict of Interest situation. I would ask him is he aware of that, and, if that is the case, will he now ask for Mr. Buffett's resignation from the Appeals Tribunal?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, there is a provision in the bill that was introduced creating the Workers' Compensation Appeals Tribunal that the Chairman, if there is a conflict of interest, may withdraw himself from the case and pass it on to somebody else.

MR. TULK:

Ha!

MR. BLANCHARD:

The hon. member can laugh, but that is in the law. Or the Chairman can determine that some other member is in conflict, and another alternate can be placed. It is the same, I guess, as a judge or the same as Labour Relations Board members. If they

find that there is a conflict in a case they have an interest in, they declare, or the Chairman declares for them, that there is a conflict of interest and they withdraw from that case.

MR. DECKER:  
Mr. Speaker.

MR. SPEAKER:  
The hon. the member for the Strait of Belle Isle.

MR. DECKER:  
My question is also for the hon. the Minister of Labour. The minister must know that if the Court of Appeals upholds the decision of the Trial Division, and thus does not rule in favour of ERCO in this particular case, the next course of action by ERCO would be an appeal to the Workers' Compensation Tribunal, of which Mr. Buffett is a member and Chairman. Now, does this not put Mr. Buffett in a conflict of interest position?

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

MR. BLANCHARD:  
Mr. Speaker, I have already answered a question for the hon. member for Fogo in which I said as far as I am concerned, based on what the Chairman has told me, he had not acted in any cases since he was appointed. Now, the answer to the hon. member for the Strait of Belle Isle is once I have checked out a document tabled here today, one that I have to check out, I will answer his question at that time. But if it is a case in which he acted prior to the time he was appointed as Chairman of the Appeals Tribunal, then if it comes to the Tribunal he will declare, presumably, that he has a conflict of interest and somebody

else, the Vice-Chair, would hear it.

MR. DECKER:  
A supplementary, Mr. Speaker.

MR. SPEAKER:  
A supplementary.

MR. DECKER:  
Will the minister not admit that Mr. Buffett has jeopardized the impartiality of this committee? If he has to be withdrawing himself from every case that comes up he has jeopardized the committee and he made this tribunal a total sham. Will the minister admit that, or will he try and cover up, again, for Mr. Buffett?

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

MR. BLANCHARD:  
No, Mr. Speaker, of course I would not admit that.

MR. DECKER:  
I did not expect you would.

MR. BLANCHARD:  
And I have to say to the hon. gentleman that the reason we established an Appeals Tribunal was to give a fair opportunity to workers who have a problem to take it outside of the commission itself and do it in a fair and impartial manner. I have stated in this House, Mr. Speaker, that Mr. Buffett was the man I considered to have the most experience with the Workers' Compensation Act, having acted for the commission, having acted in the **Ocean Ranger** case, having had a lot of deep experience with a complicated piece of legislation. He was my first choice and now it seems that the hon. gentleman opposite want to

discredit it. I have already said that the provision is there as for any judge. If what the hon. gentleman is saying, Mr. Speaker, is accurate, then no lawyer, I guess, would be able to be appointed as a judge, if has acted for somebody, because, obviously, if a case came before him that he acted in previously he would have to declare a conflict of interest and some other judge would do it. It is the same kind of principle with the Appeals Tribunal.

MR. DECKER:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for the Strait of Belle Isle.

MR. DECKER:

If Mr. Buffett is going to have to withdraw himself from those meetings, has the hon. Minister of Labour appointed a Vice-Chairman? If not, when does he plan to do so?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, the Vice-Chair position is now vacant. There was a person there, also a lawyer. We have tried to have a lawyer as the Chairperson, tried to have a lawyer as the Vice-Chairperson. It is a complicated kind of thing, it is a quasi-judicial function, we think. It is in the works now, I will tell the hon. member, to have a Vice-Chairperson appointed.

MR. SPEAKER:

The hon. the member for St. Barbe.

MR. FUREY:

Mr. Speaker, to the same minister, referring to the case of Tyrone Power. How can the minister

defend Mr. Buffett's appointment and expect Mr. Power, a former employee of ERCO, to appear before a supposedly impartial tribunal whose chairman continued to work for ERCO seven months after his appointment? Conceivably, Mr. Minister, this another case that could come before the tribunal, and is this not clearly a conflict of interest on the part of the chairman?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, it seems to me that we are getting the same questions over and over. But I will say to the hon. gentleman the name Tyrone Power has come to my attention in correspondence. It is very possible that that case will come before the tribunal. Mr. Buffett, I understand, did have some actions with the company affecting that person prior to his appointment. When his case comes, obviously I would expect Mr. Buffett to declare a conflict of interest and to have the Vice-Chairperson of the tribunal deal with it.

But I still have to repeat, Mr. Speaker, that from where I stand in the House today unless I find the document that has been tabled shows differently, Mr. Buffett has told me that since his appointment he has not dealt with any cases affecting employers or employees that could possibly come before the tribunal.

MR. FUREY:

Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for St. Barbe.

MR. FUREY:

I would like to inform the minister that Mr. Power's appeal has been postponed indefinitely. I wonder would the minister undertake now to assure Mr. Power that his case will be heard immediately in the name of fairness and justice? His case has been postponed indefinitely. I would like to ask would the minister give an undertaking to the House today to have Mr. Power's case heard immediately?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Yes, Mr. Speaker, most definitely. I understand there may be a couple of others now that Mr. Buffet has determined that he may have a conflict of interest because of earlier actions; but yes, Mr. Speaker, most definitely, we will have a Vice Chairperson put in place as soon as possible. Hopefully, it will not take too long.

MR. FUREY:

Mr. Speaker, a final supplementary.

MR. SPEAKER:

A final supplementary.

MR. FUREY:

Now that the minister has seen that clearly there is a possibility of a conflict of interest in terms of Mr. Tyrone Power, would he also undertake to have Mr. Walter O'Quinn's case heard immediately, which has been postponed indefinitely, and Mr. Charles Brinton's case heard immediately, which has also been postponed indefinitely? All of these cases have been postponed because of a perceived conflict of interest with the chairman appointed. Mr. Speaker, not only

that, on the Brinton case -

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. FUREY:

I would like to ask is the minister aware that on the Brinton case, which is nearly a year old, Mr. Brinton had to write the Ombudsman, telling him that Mr. Buffett clearly was in a conflict of interest? His case could not be heard, and it is a year old.

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

No, Mr. Speaker, that particular case has not been brought to my attention. I think the salient word here is 'indefinitely', and I would think that the Executive Director of the Appeals Tribunal has probably said it is postponed indefinitely, meaning until there is a Vice-Chairperson put in place to deal with it. And I can guarantee the hon. member that that will be done very soon.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, I have a couple of questions also for the same minister. He appears to have a fairly laid-back approach to this, and I am wondering if it is a case of 'My party, right or wrong'.

I want to take him back to the very first question that was put to him by the gentleman from

Fogo. In response to that question, the minister indicated he has a letter, and I believe he undertook to make the letter available. I certainly hope he will, because if the letter says what he says it says - and I believe him - if in the letter Mr. Buffett indeed affirms in writing he has not taken cases, the minister today has been presented with a contradiction to that very statement in the letter.

MR. SPEAKER:  
Order, please!

MR. SIMMONS:  
Mr. Speaker, my question is -

MR. SPEAKER:  
Order, please!

When I call the hon. member to order, I would ask him to do so. The hon. the member for Fortune - Hermitage was talking too long.

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:  
Mr. Speaker, my question to the Minister of Labour is now that the gentleman from Fogo has tabled a letter, duly signed by David G. L. Buffett, dated October 19, 1987, in which he is acting for ERCO, a division of Teneco Canada Incorporated, what is the minister's view of this contradiction, that Mr. Buffett has put in writing an undertaking which simply is not true, by his own words is not true? Here is a document subsequent to the letter to the minister - I am sorry, strike that. Not subsequent to the letter of the minister, but subsequent to Mr. Buffett's period of employment, coming on staff with the tribunal, I believe March, 1987, but here is a letter

that clearly contradicts the substance of the letter to which the minister referred earlier. What is his view of that?

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

MR. BLANCHARD:  
Mr. Speaker, the hon. the member for Fortune - Hermitage is setting himself up, I think, as judge and jury here. I have already, in response to the member for Fogo, said, He has tabled a piece of information, I want to have a look at it, I want to examine it in light of the letter I have had from Mr. Buffett, and a decision will be made. But I am not going to be like the hon. member and judge it before I see it.

SOME HON. MEMBERS:  
hear, hear!

MR. SIMMONS:  
A supplementary, Mr. Speaker.

MR. SPEAKER:  
A supplementary, the hon. the member for Fortune - Hermitage.

MR. SIMMONS:  
Mr. Speaker, I will send it over to the minister. The date on it is October 19, 1987, seven months after the gentleman came into his employ. Any Pages want to do me the favour?

Mr. Speaker, I have a supplementary question. Now, Mr. Speaker, in response to some other questions in the House, on June 6 the minister indicated, "More recently, and prior to his appointment, Mr. Buffett acted on long-standing matters relating to the collection of employer assessments." Does the minister not see this as a conflict of interest, to be working for the

Commission in the collection of employer assessments?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

No, Mr. Speaker, not in actions that he, really in an administrative function, undertook for the Workers' Compensation Commission in trying to enforce the collections of assessments from certain employers delinquent in assessments. He acted in that respect. He acted in a number of administrative functions immediately after he came out of law school, I understand, Mr. Speaker. There is where I was coming from when I said that I thought that he was the best qualified person in the Province. I do not know, Mr. Speaker, if we could find a legal mind in the Province who has not acted, perhaps in some cases, for the Workers' Compensation Commission.

MR. SIMMONS:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Fortune - Hermitage.

MR. SIMMONS:

What the minister is saying is he has put the arsonist in charge of a fire brigade. Now, Mr. Speaker, we are all in favour of fairness on that tribunal as well.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. SIMMONS:

I ask the minister, Mr. Speaker, despite his best efforts to make this tribunal a fair mechanism for

the Brintons and the Powers and O'Quinns, will he now not admit that this whole process, because of the involvement of Mr. Buffett, has become an entire sham? The tribunal is nothing short of a sham, Mr. Speaker.

MR. SIMMS:

What is the question?

MR. SIMMONS:

I am asking the minister, does he not agree that this whole process has become a sham, when the minister responsible has become preoccupied with adjudicating whether the Chairman of that tribunal is in conflict on this or this or this? Would it not be much simpler, I ask the minister, if he had somebody there who was clearly not in conflict?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

No, Mr. Speaker. A simple answer, no. I would not admit that because it is not true.

MR. SIMMONS:

And it is snowing out there, too.

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 Consumer Affairs (Mr. Young), if I could get his attention from that paper for a second. It was reported just recently, Mr. Speaker, that the cost of drugs in this Province and the rest of Canada has increased



four times the rate of inflation, and is greatly affecting senior citizens and the poor people of this Province. I ask the Minister of Consumer Affairs if he can confirm it is factual, that it has increased four times the rate of inflation, and/or what actually has the increase on drug prices been over the last several months?

MR. SPEAKER:

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:

Mr. Speaker, I cannot confirm that drugs have increased threefold or fourfold over the last two or three months. I know we have had some complaints that we looked into and again it was just because of competition or the availability of drugs. I know that one case which I can speak of. I cannot confirm it, Mr. Speaker.

MR. EFFORD:

A supplementary, Mr. Speaker.

MR. SPEAKER:

The hon. the member for Port de Grave.

MR. EFFORD:

If the minister has had enquiries recently he should be able to confirm drug price increases because he should have looked into them.

I ask the Minister of Consumer Affairs, because of the enquiries he has received and because of the effect it is having on the senior citizens and people without a drug insurance plan, would he undertake, number one, to see what kind of increase we have experienced recently, and the effect it is having on our senior citizens?

MR. SPEAKER:

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:

Mr. Speaker, my officials have dealt with the several enquiries I have received and we have given an explanation to these people of the cost, and so forth of the drugs, but it is a private market out there and the cost of drugs is more or less controlled by competition in the marketplace.

MR. EFFORD:

Oh, my goodness.

A final supplementary, Mr. Speaker.

MR. SPEAKER:

The hon. the member for Port de Grave.

MR. EFFORD:

We understand that private competition drives up the cost, but that is not the issue. The question is what is the minister and his government going to do about the drug cost increases and the hardship it is placing on senior citizens who need these drugs? If private enterprise is going to increase the price, and senior citizens need money to buy them, what is the Minister of Consumer Affairs going to do about the problem and the impact it is having on senior citizens who need these drugs?

MR. SPEAKER:

The hon. the Minister of Consumer Affairs and Communications.

MR. YOUNG:

Mr. Speaker, that is the same question. If the hon. gentleman cannot understand that is all I can do.

MR. LONG:

Mr. Speaker.

MR. SPEAKER:

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

MR. LONG:

I have a question for the Minister of Career Development and Advanced Studies. If he is within earshot here I would like to give him the opportunity to come into the House today and offer a few words of explanation to students and instructors at the Cabot Institute

-

MR. YOUNG:

Where was your leader yesterday when he was not in the House?

MR. LONG:

I am sure he would be delighted to have the opportunity to address their concerns.

MR. SIMMS:

Ask your question.

MR. LONG:

I would like to have the Minister of Career Development and Advanced Studies in his place, Mr. Speaker, if I may. I am told that he is coming.

MR. MATTHEWS:

Ask your question.

MR. LONG:

I would like to ask the Minister of Career Development if he would take the opportunity to respond to the concerns that are being brought forward by students and instructors at the Cabot Institute and, in particular, to the would-be students who have been waiting for a number of courses, in some cases for a number of years, who I understand have been left in limbo and have been making representation to his department.

Could the minister explain to the House what he is saying to people who are coming looking for courses which they were given to expect would be offered at the Cabot Institute?

MR. SPEAKER:

The hon. the Minister of Career Development and Advanced Studies.

MR. MATTHEWS:

Mr. Speaker, that question was asked last week in the Assembly and answers were given accordingly. As I said at that time, of the Cabot Institute has a new mandate, a new Board of Governors, a new President. We are going about restructuring the post-secondary education system in the Province.

MR. SIMMS:

A new minister.

MR. MATTHEWS:

Yes, a new minister as well.

The institute is carrying out its mandate, Mr. Speaker. There is change in the post-secondary education system in the Province. We are initiating change so that we offer courses which better prepare our students in the Province for the labour markets. We have been, for the last number of years, giving courses and training them for occupations and careers for which there has not been adequate employment. If you look at the employment record of some of the graduates who have been turned out by some of our institutions and vocational schools around the Province, you will find that the success rate in finding employment has not been very good at all. So we are changing the mandate of the Cabot Institute, the Fisher Institute, and the Marine Institute, Mr.

Speaker, to make our courses more pertinent, and to train our students so that they are more attuned to the present day current labour markets.

MR. LONG:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for St. John's East.

MR. LONG:

I would like to ask the minister how can he justify his comments with respect to the reorganization of the school system when Cabot Institute for the last number of years has had the strongest record in the Province of meeting the labour force demand for graduates of these courses which have been targeted for cutbacks? Would the minister address specifically how he can justify his comments with respect to the particular courses that are being cut back that have proven to be among the most successful at any institution in the Province?

MR. SPEAKER:

The hon. the Minister of Career Development and Advanced Studies.

MR. SIMMS:

Which ones are they?

MR. LONG:

The ones that are being cut.

MR. MATTHEWS:

The obvious question, Mr. Speaker, as the President of the Council asked, is: Which courses are they? The information that I have obtained through the officials of my department and from conversations with both the President and the Board of Governors of the Cabot Institute is that the courses that are being

phased out at Cabot in most cases are being offered in the community college system of the Province, so it is not like they are being completely eliminated. This government is trying to take courses out and about the regions of the Province so that the courses are more accessible to students in their own regions so it will reduce the cost. This is the government that for the first time offered first year university courses at Grand Falls and Lewisporte. This is the government which first established a community college system in this Province, to broker courses out around the Province from the university and the institutes. So we are not trying to take away anything, Mr. Speaker. We are trying to provide greater access and greater opportunities to young Newfoundlanders and Labradorians, out and about their own areas of the Province, to better prepare them for jobs in the future. And I can say to the hon. gentleman, from the information that I have received that enrollment in a lot of the courses that are being phased out or are being transferred to the community college system over the last number of years had been very low, they had been half full. So how can you justify that, Mr. Speaker, having classes half full and instructors being paid full-time? This is the situation that we find.

So we are initiating change, Mr. Speaker. We are not only talking about change, we are having change.

SOME HON. MEMBERS:

Hear, hear!

MR. LONG:

Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for St. John's East.

MR. LONG:

Mr. Speaker, in view of what the minister has just said I would like to ask him has the principle of access to publicly funded post-secondary vocational training becomes a principle only beyond the overpass? My question to the minister is: If he will acknowledge the fact that the reorganization of the post-secondary system means that publicly funded vocational training will now not be accessible to residents and young people of St. John's? In a drive to address regional needs elsewhere in the Province, St. John's is being asked to sacrifice publicly funded education programs.

MR. SPEAKER:

The hon. the Minister of Career Development and Advanced Studies.

MR. MATTHEWS:

Mr. Speaker, what a question and what a statement!

MR. LONG:

This is exactly exactly what is happening. You are telling people to go to downtown Carbonear to look for an apartment to take a course.

MR. MATTHEWS:

What is wrong with that? What is wrong with going to downtown Carbonear to get an education in this Province?

SOME HON. MEMBERS:

Hear, hear!

MR. MATTHEWS:

What is wrong with that?

I had to leave my hometown of Grand Bank when I was sixteen to

come to St. John's to go to university.

Now what is wrong with that? I am no worse a person for it. I would have like to have done it down in Burin.

MR. SIMMS:

In fact you are a better person for it.

MR. MATTHEWS:

Exactly.

The hon. gentleman talks about lack of opportunity in St. John's for education. There is \$183 million being spent this year in post-secondary education in this Province. Memorial University, located in St. John's, is getting \$100 million from this government. Cabot Institute is getting \$12 million this year from this government. The Marine Institute is getting another \$7.2 million this year from this government. Located where, Mr. Speaker? Located where? Baie Verte, Grand Falls? St. John's, Mr. Speaker. What a ridiculous statement!

As I said before, Mr. Speaker, we are trying to broker courses from the institute and the university out and about the Province. The number of courses that will not be offered at the Cabot Institute this year, Mr. Speaker, in most part will be brokered and offered to the community college system.

SOME HON. MEMBERS:

Hear, hear!

MR. BAKER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Gander.

MR. BAKER:

Thank you, Mr. Speaker.

A question to the Minister of Career Development, again in response to a question I asked last Thursday about a girl from Gander who owes \$5,400 for a two-week stay at Harbinger. The minister said that the Secretary of State should cover the cost. Now, in view of the fact that the minister's department is responsible for the administration of student loans and for seeing that proper procedures are in place in the paying of those student loans and that he keeps proper track of the student loans, in light of all this, why is the minister now trying to pass the buck to a federal department that has nothing to do with this?

MR. SPEAKER:

The hon. the Minister of Career Development.

MR. MATTHEWS:

The hon. gentleman has to be fair about this. I did not say what he said I said last week. I said that from my investigation, from talking to the officials in the department at the executive level and from talking to the people at the Student Aid division, that it would appear the only recourse for some possible solution to have the debt eliminated would be to make representation to the Secretary of State. I said it was a Canada Student Loan program administered by the Province, but the final decision or jurisdiction, whether to uphold a debt or eliminate a debt, rests with the Secretary of State. Now, that is what I said last week. What I did say to you in this House, to all members present, was that my department would be very willing to assist those students in preparing a

letter of representation to the Secretary of State, to outline everything that has happened in this case of the Harbinger School of Business, which failed, and to ask the Secretary of State if they would consider writing off the debt. I said, as well, that maybe when the Department of Secretary of State knows all the facts, they may consider doing that. That is what I said last week.

MR. BAKER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Gander.

MR. BAKER:

I thank the minister for verifying that he is indeed passing the buck.

In view of the fact that the Auditor General, a year and a half ago, pointed out that there were improper procedures in terms of keeping track of student loans, in view of the fact that the minister's department is responsible for private schools and responsible for student loans, and the minister's department incorrectly paid this money to a private school and did not see that it was properly administered once it got there, in light of all that, will the minister now stand in his place and tell those students that the minister's department, which is responsible for all this happening in the first place, will reimburse these students, or at least, relieve them of that debt of the student loan?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Minister of Career Development and Advanced Studies.

MR. MATTHEWS:

Mr. Speaker, as I indicated to the hon. gentleman, I cannot do that. Even if I wanted to, I cannot do that. As the Minister of Career Development and Advanced Studies for this Province, who administers a Canada Student Loan Program, I cannot do that.

The other thing I would like to say to the hon. gentleman is that the Canada Student Loan cheques are made out to both the school and the student. The student then enters into an agreement with the school, which happened in this case, whereby the money went to the school. As the hon. gentleman said so correctly - the only thing correct he said in his statement - said is that the money was paid up front, and, as a consequence of the student he is talking about changing her mind about the program and dropping out after two or three weeks, my information is that the student is owed \$2703.83 from the school. She used up some \$921 that was retained by the school for the amount of time she was there. So that is the situation.

We have an act that hopefully we will be dealing with today that will better regulate private schools in the Province, that will take care of some of the problems that we have seen over the last few months, particularly with Harbinger. I cannot write off what the hon. gentleman says. I have offered a course of action that I, as minister, and the department are willing to pursue to help those students to try and get over this problem and see if the debt would be written off by the Secretary of State. That is the only thing that I can do.

MR. BAKER:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. FUREY:

Thank you, Mr. Speaker.

In light of the fact that the minister admits that his department is responsible for all these things I just mentioned, and in light of the fact that I did not ask the minister to write it off, I asked the minister's department to pay the debt for those students because it was the department's mistake, will the minister now go to the President of Treasury Board - if the minister cannot do it himself - and make the request that Treasury Board pay the improper debt that these students have now to bear?

MR. SPEAKER:

The hon. the Minister of Career Development and Advanced Studies.

MR. MATTHEWS:

Mr. Speaker, the hon. gentleman is asking us to go forward and look for monies to pay something which has not been budgeted for. But as well, of course, upon investigation as a result of questions in this House on the surface I find that in 1986 - 1987 and 1987 - 1988 some twenty-two students have similar problems, for a total of \$24,782. Now, how many more students in the Province or in the country - not only in the Province, it is a Canada Student Loan problem - have got similar difficulties? So once you set a precedent, where does it stop?

MR. BAKER:

It was caused by your incompetence.

MR. MATTHEWS:

So, Mr. Speaker, I think incompetence is being displayed in this House today by a member who does not want an answer to a question. I would ask him at least to be polite.

SOME HON. MEMBERS:

Hear, hear!

MR. MATTHEWS:

I do not mind the hon. gentleman asking me a question and I try to give him an answer as fairly and as honestly as I can, but when he persists in interrupting me, then that makes life somewhat difficult. The type of nature and personality I have, I tend to behave the same way as the hon. gentleman, and if I do that we will not accomplish anything.

All I can tell the hon. gentleman, Mr. Speaker, is that I am very willing to assist those students in the manner suggested in my answers last week and this week. As regards to going forward to look for money to write it off, Mr. Speaker, no, I will not be doing that.

MR. SPEAKER:

Order, please!

The time for Oral Questions has elapsed.

### Notices of Motion

MR. SIMMS:

Mr. Speaker.

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

On behalf of my colleague the

Minister of Justice, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act Respecting The Protection Of Human Rights." And, also on behalf of the Minister of Justice, I give notice that I will on tomorrow ask leave to introduce a bill entitled, "An Act To Amend The Corporations Act."

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

MR. RUSSELL:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Environment and Lands.

MR. RUSSELL:

Mr. Speaker, I wish to table answers to two or three questions posed by the hon. the member for Stephenville. On 24 May he posed some questions pertaining to the storage of PCBs generally and some information pertaining to Stephenville specifically.

### Orders of the Day

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

### Committee of the Whole

MR. CHAIRMAN (Greening):

Order, please!

The hon. the President of the Council.

MR. SIMMS:

Order 3, Bill No. 1.

A bill, "An Act Respecting The Observance Of Remembrance Day." (Bill No. 1).

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

MR. SIMMS:  
Order 4, Bill No. 16.

MR. LONG:  
Mr. Chairman.

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

MR. LONG:  
Thank you, Mr. Chairman.

I would like to have a few words at this point in Committee on this important bill. The member for Menihek (Mr. Fenwick) is doing his best to retrieve some amendments which we give notice of and that I am sure the hon. House Leader will recall.

For us this is a significant bit of legislation which we have been asking for for some time and we want to, again, raise our very serious concerns about the impact this bill will have on, at the present moment, this caucus of two members, but in the future, any third caucus sitting in the House who would not be guaranteed representation on the committee.

As we said, we are very pleased to see that the Premier has responded to demands made by the member for Menihek and finally brought forward an Internal Economy Bill to address some necessary revisions, but we are very concerned that what this bill is doing is two things: One, cutting out our own participation on this Commission; and then, two, by

virtue of not allowing participation by the third caucus, it puts us in a situation in which we could be in violation of rules established by the Commission to govern the actions of all members of the Legislature.

We find ourselves in a very awkward position, Mr. Chairman, and again we want to put our reservations about this on the record and want to appeal to the good sense of decency, fair play and integrity of the Government House Leader in which the Internal Economy Commission, as a Committee of this House, will be charged with determining rules, guidelines and procedures which govern all hon. members of the House in terms of setting salary levels and providing amenities for caucus offices, in general, defining the privileges and responsibilities of members of the House and laying out certain rules members will be bound to.

Mr. Speaker, because of the first stipulation of this bill, which we have a problem with, namely, we are not guaranteed representation on this Committee, if that is allowed and the Commission is sitting and drawing up rules and guidelines to govern the responsibilities and the actions of every hon. member, we could find ourselves in a very awkward and a very unfortunate situation in breach or in violation of rules determined that we will not have been party to. We will not be invited to participate in any discussion on any rules that this hon. Internal Economy Commission may decide to bring into place, and so we have no ability to consider the considerations of this Commission, and so we will not know any rationale or any basis for rules which might be



brought in that we will have to judge ourselves accordingly by.

We, as a third caucus in this House, are not just members of a caucus. We are equal to all other hon. members as individual members of the House of Assembly, sent here to do a job, to represent, in the best way we can, the interests of our constituents. So, we all, independent of whatever party group or caucus we might be a member of in the House, are individual members.

Mr. Chairman, it would be quite ridiculous and quite lacking in common sense and certainly lacking in fair play for the government to take the initiative to establish an Internal Economy Commission which does not invite and ensure participation that will represent the interests of every single member of this House.

What we have is a situation in which the Internal Economy Commission, well, could, in the way the rules are being presented in this Bill, be made up by a flip of a coin. That is what the Liberal Opposition agrees to offer as a concession to the concerns we have raised; they would flip a coin.

I would suggest to the Government House Leader, Mr. Chairman, that is an absolutely ridiculous proposition as a proposal for how to go about our business. Conducting the business of the House by the toss of a coin is not something we are interested in agreeing to as a concession to meet our concern. What we are saying is this Bill is flawed because it does not guarantee that we, as a third group in this House, will be given representation.

So, in the event that the Government House Leader does not accept the amendments which I am about to propose, as soon as the member for Menihek is back in his seat, in the event the government does not accept the amendments to ensure representation by the third group in this House, we will be in a situation in which members of the government party and members of the Official, loyal Liberal Opposition will be sitting down to have discussions to arrive at a set of guidelines, procedures and responsibilities of all fifty-two members of the House and we will have no idea what is going on in those discussions.

As a result, as I have said, and I will say it again in case members are not entirely clear about why I am standing in my place today to object vigorously to the Bill which is in front of us, we could be in a situation in which two parties establish a set of rules which are designed to guide our actions, as well as everybody else, to guide all the individual members, and we could eventually find ourselves in a position where we would be in breach of those rules simply because we did not know what they were.

So, Mr. Chairman, again, I would appeal to the basic common sense of the Government House Leader, a gentleman who I know on numerous and continuous occasions demonstrates common sense and good faith and I think fairly conducts the business of the government day to day, and week to week in the interest of fair play, that in the interest of fair play the Government House Leader should stand in his place today in the debate and say the considerations the member for Menihek and myself have raised on this issue are

quite valid. In the interest of fair play and in the interest of equal treatment of all individual members of the House, which is what we are talking about, Mr. Chairman, with the Bill in front of us.

In second reading, if members will recall, we had wide ranging debate on a whole series of issues concerning salary levels and privileges of Leaders of the Opposition, or Leaders of the government party, wage scales and remunerations for Cabinet Ministers versus backbenchers. We had a very wide ranging discussion, as we should under the auspices of a bill which is presented to establish an Internal Economy Commission which will deal further with the many issues members raised in the debate on this bill.

What this bill is doing, is establishing a permanent commission which will give ongoing consideration to the kinds of important issues hon. members addressed in the second reading which range from everything from salary levels for leaders of parties in this House, issues as to whether it is a question of propriety for leaders of parties to accept outside remuneration from the legislative process itself, and questions to do with the ability of MHAs to do their job and to represent properly the interest of their constituents, given the salary levels which might be determined in an arbitrary manner by the government of the day.

We also ourselves, Mr. Chairman, and I believe members of the Liberal Party also addressed the issue of amenities, if you will, in the way of office space and

secretarial support and the research capacity of any caucus in this House. All these questions are very important questions.

What I understand to be the process in front of us is a Bill government has introduced, in part as a result of continuous representation made by the member for Menihek over the three years that he has been here, in correspondence with the Premier, a Bill to establish an Internal Economy Commission in the interest of establishing fair play and a recognition that all members of the House of Assembly are equal and that there are some minimum guidelines that need to be established to govern the actions and privileges of caucuses in the Legislature.

Mr. Speaker, we, I think, are in a position to introduce two amendments to this bill, which I would like to do at this point, and which will address the two concerns I have been speaking to.

The first, moved by the member for St. John's East and seconded by the member for Menihek, that a Section (4) be added to Bill 16 after Section (3) to read - and I will give this to the Table, but for hon. members who might want to know what we are discussing here - Section (4) be added after Section (3) to read, quote:

"All Minutes of the Internal Economy Commission shall be a matter of public record, and those Minutes which are current and in effect shall be tabled by a member of the Internal Economy Commission designated for that task, no later than two weeks after a new session of the House of Assembly commences."

Mr. Chairman, this is the amendment which addresses our concern that we, as two hon. members, individual members of the House and collectively representing a third group in this House, may be unaware of decisions made by the Internal Economy Commission which are designed to govern our actions as individual members of the House, equal to all other members, including the member for Port de Grave, and, in some measure, equal to other caucuses in the House, the official Opposition and the government in the House, obviously not in numbers, but certainly in terms of the responsibilities we bring to this House day-to-day.

MR. EFFORD:

A point of order, Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Port de Grave, a point of order.

MR. EFFORD:

I would like to make it clear to the member for St. John's East on a particular point of order, that he is not equal to the member for Port de Grave because the member for Port de Grave would not do against the people of this Province the things that the member for St. John's East and his colleague have been doing in the past.

MR. CHAIRMAN:

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

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

MR. LONG:

There was not a point of order. I thank you, Mr. Chairman, for your very distinguished ruling from the Chair in that case. I was taken

aback by the brilliance of the point of order raised by the member for Port de Grave but, in any case, it allowed me to catch my breath.

I think the amendment is quite clear. I have read it into the record. Essentially, what it is - and the Government House Leader will appreciate the issue we are raising here, that it really makes no sense to establish an Internal Economy Commission and to not table before the House the decisions made by that Commission.

Obviously, the House Leader will understand -

MR. J. CARTER:

A point of order, Mr. Chairman.

MR. CHAIRMAN:

Order, please!

A point of order, the hon. the member for St. John's North.

MR. J. CARTER:

I believe that this amendment is totally out of order because it runs contrary to the various submissions made earlier today, in other words, that the deliberations of a committee should and do remain secret, although a committee may certainly publish its decisions. But the method by which they arrived at those decisions are private and not even necessarily the property of the whole House. Because, to assume otherwise is to suggest every single bit of deliberation should take place in public or in a fish bowl, and this would, I think, hobble Parliament or any of its committees.

The Internal Economy Commission, as envisaged in this bill, is

quite clearly a Committee of the House, and the deliberations of a Committee of the House, even a Statutory Committee of the House, are and should be private.

MR. FENWICK:  
To the point of order.

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

MR. FENWICK:  
If I understand correctly, the member for St. John's North indicates his point of order is that the committees of this House do not have the right to report to the House, because that is exactly what, as I understand it, the amendment said, and clearly, that is foolish. The Committees in this House have only one place to report, and that is to the House itself, despite things I may have done from time to time.

MR. J. CARTER:  
Mr. Chairman.

MR. CHAIRMAN:  
Further to that point of order, the hon. member for St. John's North.

MR. J. CARTER:  
Mr. Chairman, the decisions of a Committee of the House are the property of this House, obviously. This is the only person or only organization that the Committee can report to. Nevertheless, the deliberations leading up to that decision, I think, are and should be private.

MR. CHAIRMAN:  
To that point of order, there is no point of order, but a difference of opinion between two hon. members.

MR. LONG:  
Mr. Chairman, not to the point of order, I just want to finish my speech.

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

MR. LONG:  
Thank you, Mr. Chairman.

Just by way of conclusion, I am glad the House Leader is in his seat because the amendment, the House Leader will recall, is an issue that we have raised concerning the tabling of reports of the Commission, which we believe in principle is something we would want the Commission to do.

But I would like to say to the House Leader that our essential purpose in bringing forward this amendment is because we are concerned that we, as two individual members, and as a collective group representing a third party in this House, may not be given representation on this Commission and so we may not have any access to the deliberations or the decisions which are to govern our actions.

So I would say to the House Leader that I would appeal to his sense of decency and fair play, which he demonstrates on a continuous basis in bringing forward the government's business, and concede that the amendments we are bringing forward are not only proper, but make sense. We have two amendments.

The second amendment, which we have yet to introduce, will call for representation of all recognized groups in the House.

MR. SIMMS:

I present that one first and make this argument about the other one?

MR. FENWICK:

As we understand the rules, we can only give one at a time.

MR. LONG:

Mr. Chairman, the amendment which is in front of us is quite clear that -

MR. SIMMS:

Okay. Let us vote on this one and get that out of the way.

MR. LONG:

- reports will be tabled. I would hope that the Government House Leader will see what we are doing will strengthen the Internal Economy Commission so when the Government House Leader, whether he comes back or not, but members of his party, find themselves in a position different from the one they now occupy, they will appreciate the work the members of the NDP Party, as members like to say, the present third caucus, third group in this House, have done for all time in strengthening this Commission, so that if you ever end up being the third party or the Liberal Party, you will recognize the importance of having all groups represented on the Commission which will govern the actions of individual members and caucuses in this House.

Thank you, Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

I would like to have just a few brief words. I understand the Leader of the Opposition wants to have a couple of words too, just

to what the hon. member has said. It seems to me to be a bit strange to be putting forth the argument that the reason we are making this amendment that minutes of the Internal Economy Commission - God knows, there is nothing in it anyway - should be made public because we may not have a member on the Internal Economy Commission.

Their other amendment they have coming behind is an amendment to somehow give them representation on the Internal Economy Commission. I do not know why they did not present that amendment first.

MR. FENWICK:

Pick one.

MR. SIMMS:

Well, I prefer to deal with the other one. In fact, I am anxiously waiting for the hon. member to put it forward. I have some thoughts on it, some views on it, you might to be pleased to know.

Anyway, Mr. Chairman, with respect to this particular amendment, we will not be supporting the amendment. It is so incidental and nonsensical it is not even worth wasting the time of the House debating it, as far as we are concerned.

The other thing is - I apologize again for my voice - the hon. member says they do not have the opportunity to participate on the Commission. That is not so. In fact, where the legislation provides for an additional member from the Opposition side, I understand that the Leader of the Opposition had, in fact, offered to alternate representation on the Commission with a member of his party and a member of the NDP, one

year - one year. That opportunity exists for members to sit on it. Because they have this silly notion that somehow they are the government, or they are the Opposition, or whatever, they should get all kinds of recognition.

They have this silly notion they have been recognized as a third party. The only thing that has been recognized in this House by the Speaker has been the right of the members opposite to respond to Ministerial Statements, nothing else.

SOME HON. MEMBERS:

Oh, oh!

MR. SIMMS:

Oh, is that so?

MR. LONG:

Read the ruling! When was the last time you read the ruling?

MR. SIMMS:

Mr. Chairman, with respect to this particular amendment, I just serve notice that we will not be supporting it. We do not think it requires a lot of debate. It is just wasting the time of the House so as soon as you are ready to put the question, we are ready to vote.

MR. WELLS:

Mr. Speaker.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

Mr. Chairman, I have to address, for a few minutes, some of the comments made by the hon. the member for St. John's East (Mr. Long). They are clearly unfair and, I think, they are clearly intemperate.

When this suggestion was made, that there should be a revision to the Internal Economy Commission, we agreed. We put forward a recommendation which would have the Opposition House Leader as one of the members and a member from each of the backbenchers. The government did not see fit to do that. They said they would agree with the Opposition House Leader being on it and one member from the Opposition side of the House, and one member from the government side of the House, other than the ministers that were on it. It was also suggested that we might consider alternating. Well, that did not seem to me to be unfair.

I have never, ever, thought that two equal seventeen, but as they are somewhat different than the rest of us, I was prepared to alternate and give them a fair chance. I also suggested that we would determine who sat on it first by the flip of a coin, which the hon. member does not like.

MR. LONG:

That is not fair.

MR. WELLS:

Which the hon. member does not like. He thinks it is unfair so I will happily withdraw it and we will decide it by vote instead.

SOME HON. MEMBERS:

Hear, hear!

MR. LONG:

It is not the way to do our business.

MR. WELLS:

We will decide it by vote instead.

MR. SIMMS:

You have lost your opportunity now.

MR. WELLS:

That is alright. If he does not like it and he thinks it is ridiculous, I will not foist it on him. He does not have to participate in it so we will withdraw it and we will decide it by vote of the majority members on the Opposition side of the House. I have no problem with that.

I want to remind the hon. member as to what he said, that all members of this House, in their status and rights as members, are equal, and that is exactly right. All members in their status and rights are equal and two has never equalled seventeen in any mathematics I know, never, ever, equalled seventeen, but the problem is they insist they have to be equal to the Official Opposition. If and when they ever become the Official Opposition, I will have no right, no problem, according to them that status, but until then, when they are talking about rights as members, they have equal right with each other.

Hon. members might be interested in knowing, for example, that the NDP has more staff members than the Official Opposition. Despite our responsibility to be the Official Opposition, to shadow the government, they have more staff on a per capita basis than we do, and that is fundamentally wrong. I hope the members of the Internal Economy Commission are listening. I understand there is a meeting scheduled for this Friday to deal with our requests. I hope they deal with it fairly and bear that in mind, and bear in mind the responsibility of the Official Opposition. Yet, the members of the NDP have, when you compare them with us in numbers, they have the equivalent of about seventeen on the staff and we have fifteen, despite our responsibility and

obligation as Official Opposition. That is fundamentally wrong, and I have no doubt the Internal Economy Commission is about to correct that injustice this coming Friday when, I understand, they are going to meet.

To the hon. member for St. John's East, I say to him, we are prepared to be fair for the brief period we are going to be on this side of the House. We will be fair with the NDP but we do not like the derisive comments when we offer to be fair and treat people on a fair basis. I offered that decision to flip a coin to be fair. I did not want to call it and say, 'Well, we have the biggest number, we will go first, and you can go second.' I gave you a fair chance. You do not like it and you want to deride the fairness and the sense of fairness with which the suggestion was made, that is fine. We will withdraw it and we will decide it on the basis of a vote of the majority of members on this side of the House.

SOME HON. MEMBERS:

Hear, hear!

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Thank you very much, Mr. Chairman.

I think that the Leader of the official Opposition has the wrong concept that we are dealing with here. He keeps on repeating the word 'fairness'. He is saying that it is not fair that two members should have the same privileges as fifteen and so on. Well, we do not. The question is

not fairness. Fairness has nothing to do with it.

What it has to do with is the rules of this House should be available for all members of this House to know what they are. The rules that govern a lot of the very important things, such as the amount of staff and the regulations in terms of transportation and all the rest of this, should be available to myself, should be available to the member for Fortune - Hermitage, to the member for Windsor - Buchans, and all the rest of us, on the same basis as it is available to the members in the P.C. caucus.

The fact of the matter is, it is not. The decisions of the Internal Economy Commission right now are privileged information, and that information is not made available to any member of the House, quite frankly, other than those who have access to the individuals on that Commission.

If you look at our amendment, that is all the amendment addresses. What it says quite clearly is that when the House starts to sit each year, the Commission will table the rulings it has made so we will have a chance to know what the rules are in this particular Legislature.

I do not think that that is a question of fairness. That is a question of access to knowledge and to regulations that are available. So it is a completely different matter here.

If we want to get into the question of representation on it, I look at it as two arms. Quite frankly, I do not care which amendment you adopt. If you adopt this one, I am not as desperate

about the other amendment. But if you do not adopt this one, if you keep the information secret, then I ask you one thing: If you adopt a resolution within the Internal Economy Commission that says, for example, that only certain kinds of travel are acceptable to the district and back, if you adopt a resolution on that, a particular regulation, and you never tell anybody about that other than the people within the P.C. caucus and, if there is a Liberal member on it, the Liberal caucus, then how do we know that that regulation is changed?

MR. SIMMS:

Ask the Speaker.

MR. FENWICK:

But the point of the matter is the Speaker will not release the information.

So what I am saying to you is it is not a question of fairness. It is a question of access to rules and knowing the rules and knowing the rationale behind them. The only way to do that, other than have a member guaranteed to be on it on a continuing basis, is to have these particular pieces -

MR. DINN:

So all fifty-two members should be on it.

MR. FENWICK:

No, I did not say all fifty-two be on it. As long as a representative of each caucus is on it, it does not make a difference.

I want to read into the record a couple of the practices -

MR. SIMMS:

(Inaudible) the amendment?



MR. FENWICK:  
The amendment is introduced.

MR. SIMMS:  
Are you going to vote on it?

MR. FENWICK:  
No, no! We are going to speak on it for the rest of the day, and then in a couple of days, maybe we might vote on it by then.

MR. SIMMS:  
Oh, you are going to waste the time of the House on this.

MR. FENWICK:  
I think it is a very important point. It is a question of whether -

MR. BAIRD:  
He will not be here in a couple of days.

MR. FENWICK:  
I just realized something. If they give me the flick for a day, they can get it through. I just had this awesome thought that somewhere along the line the Committee on Privileges may decide that my presence is desired somewhere else for a day or two while this House sits and all this stuff will go through when I am not here.

Anyway, just getting back to it, Mr. Chairman. I am reading from, I think it is called, **Canadian Legislatures**. On it it has a section in which it compares the way in which legislatures operate throughout Canada and on a federal level.

Table 18 is called **Financial Management of the Legislature**. If you look at it, one by one, you will get to see the different ways in which each Legislature operates in this country.

The House of Commons, for example: In the House of Commons proceedings for a proceeding session are tabled in the House within ten days of the start of each session. This is the House of Commons. This is the model for all of us. Within ten days of the start of the session, they table all of the proceedings of that Committee for the previous year. That seems to me, if the House of Commons can put up with the exposure of their regulations, that we, in this House, should not be particularly worried about it.

Prince Edward Island: Let us have a look at it. The Committee has authority to report to House. (D) not published or available to the public. So in Prince Edward Island is a situation where they have the same restrictions as we have, but we have never really held Prince Edward Island up to be the light of progress it perhaps should be.

Nova Scotia: Nova Scotia approaches it by having a member from the Opposition caucus and a member from recognized party caucuses. This is on page 122 of it. This means, of course, all members of all the individual caucuses do have available to them this particular information, and on that basis, they know what the rulings are because they can be distributed and so on.

New Brunswick: The Board of Internal Economy reports the House after each meeting and does not report when the House is not sitting. I might note, by the way, that the New Brunswick legislature does not have many problems at all now, of course, because if they have representatives from one caucus, they have representatives from all

caucuses at this point.

Quebec: All decisions of the Board of Internal Economy are tabled in the House, another example.

Ontario: A Speaker is a member, a Chairman, three ministers and one private member from each party. So, again, they have access to the reports of it. And, (d) says, published periodically and available to the public within forty-eight hours of a meeting. So, in the province of Ontario, it is also available.

Manitoba: It becomes public when tabled in the House. Again, another province that has no problem publishing it.

Saskatchewan, I hate to report, does not have public publishing and it does not have representation from all caucuses within the House. So, Saskatchewan, Prince Edward Island, and ourselves, unfortunately, are in a backward position.

MR. LONG:

They hope to change it in Saskatchewan. It is all under review.

MR. FENWICK:

My caucus colleague tells me that Saskatchewan is in the process of changing their proceedings.

Alberta: (d), Published and available to the public, so it is available even to the public.

British Columbia: They do not know because it has not reported.

The Yukon has a third-party leader on their committee so I would assume all members would know.

The North West Territories does not have party government, and I am not sure they are applicable.

So, Mr. Chairman, when you get down to it what we have, other than British Columbia, which we do not know, is Prince Edward Island as the only province in which all members of the House do not have access to the reports of the Board of the Internal Economy Commission. When the Government House Leader and the Premier put this forward as a major innovation, and a major improvement over what has been there in the past, I think, what they should also be doing is saying honestly there are only one or two other legislatures in the entire country as backward as we are in not having the records of this particular commission available.

That is all our amendment does. It just demands that the Board of the Internal Economy Commission, at the start of each session, tables all its particular orders so they are made public and are available to the members of the House, members of the public, the members of the media, so on and so forth.

I should say, from our perspective, we would be quite willing to drop this amendment and allow it to not even come to a vote if the second amendment that we are proposing later on, to have all caucus representation on the particular board, is approved, because that would accomplish, at least for the members of the legislation, the same thing. Although I would strongly suggest it is a better system to have the information public than it is to have it private.

Those are my comments on it, Mr. Chairman. It is to me a worthwhile amendment and it is one which would put us in a better position than we were before and, on that basis, I would suggest that all the members of the House should have a look at it, debate it among themselves, and if they have some comments, or some criticisms I would not mind them being made to me. We would be glad to look at it, if they want a subamendment or something like that. The fact is we think this is a good amendment and one to make the House operate more properly.

I will now sit down and let other members take part in debate on the amendment.

MR. LONG:  
Mr. Chairman.

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

MR. LONG:  
Mr. Chairman, I would like to add a few further comments to what the member for Menihek has said.

I think, Mr. Chairman, the member for Menihek has done a good job of presenting exhaustive evidence from other jurisdictions and other legislatures in the country, beginning with the House of Commons and with reference to the other provincial legislatures, in which we can see that it is common practice for internal commissions to do exactly what this amendment is calling for, namely to either report the proceedings and decisions of the commissions to the House, to Table reports of the commissions, or to publish them and make them public. In any case, the same thing is

accomplished.

It is in the interest of open government, which at sometimes this government gives a stated commitment to, the principle of working towards openness and fairness in government, which is obviously becoming more clearly a definite priority concern in public opinion polls. When people look at the business of government and see the kinds of evidence of patronage and self-interest and self-serving politics being played by governments in whatever jurisdiction, the people of this country, as the people of most democracies, are quite concerned about the very process of government and the issues of open government and good government, are in fact, in this country, according to opinion polls, among leading concerns on people's minds. The Premier has, in the past, more so than lately, given a very strong personal commitment to the process of opening up government and projecting what he calls a clean image.

The Premier loves to come in on questions of conflict of interest or other questions concerning the integrity of this government or any particular question with respect to specific actions by this government. The Premier comes in and says that he is clean, has been clean, is clean and will always be clean.

Well, in the interest of addressing a very serious concern on the minds of people in this Province about how the government conducts its business, it would seem to make basic sense to include in legislation to address the very business of government, namely the bill that is before us, revisions to the Internal Economy

Commission, that it bring

MR. SIMMS:

Would the hon. member permit an interjection?

MR. LONG:

Sure.

MR. CHAIRMAN:

The President of the Council.

MR. SIMMS:

Mr. Chairman, I have done some further research on this matter and, quite frankly, I have never seen a copy of the minutes of the Internal Economy Commission myself, even though I am a member. That is how significant and important they are. They are not really.

But I did, just for a matter of interest ask the Clerk to give me a copy of a recent meeting that was held, the last meeting in April. There really is nothing in the minutes of any significance at all.

Agreed, that the following members would be eligible for the per diem payments; agreed, that the member elected in the by-election would be paid his prorated travel or district allowance; agreed, that the Speaker would look into hiring a Hansard Historian; agreed, that the Deputy Speaker be allowed to hire a secretary for four days while his regular secretary is on sick leave. I mean, these are pretty significant matters, very, very important matters.

Since his amendment says all minutes of the Internal Economy Commission, all minutes be tabled, I wonder would he be akin to a minor compromise and say 'all decisions' of the Internal Economy Commission be tabled?

If they were prepared to consider that, then we might be prepared to go along with tabling decisions, because there are other occasions, for example, where the Leader of the NDP, as an argument, might appear in front of the Internal Economy Commission and make a case for more staff or more space or whatever, and that matter might not be dealt with, but it would be recorded in the minutes. It is not necessary or important that that be shown in the minutes.

But decisions of the Internal Economy Commission, perhaps, if you are satisfied to accept that kind of thing, perhaps we can agree to make the minor amendment to your amendment and agree to vote on it and get on with the business of the House, because I am getting a little concerned. There are a hell of a lot more important things here to deal with.

MR. LONG:

Mr. Chairman, I do not know. May the party leader respond directly to the request by the House Leader?

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Thank you very much, Mr. Chairman.

Essentially what the Government House Leader is suggesting is what we have been looking out for right from the beginning. If all the decisions that govern the regulations of this House are in some sort of form which can be published when the House starts its deliberations each year, I think that that is perfectly adequate.

If they want to keep the rest of the minutes secret, that is fine with us. From our perspective,

all we want is to have on the public record the rules which apply to this House so they are not only visible for the fifty-two members of this House, but for the 570,000 members of this Province.

So, if the Government House Leader would care to suggest exactly what wording he wishes to see changed, we will take it under advisement for a second or two and we will be glad to go along with what he is saying.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

Mr. Chairman, where the amendment you just tabled says, "All minutes of the Internal Economy Commission," blah, blah, blah, we are suggesting that the word 'minutes' be replaced with the word 'decisions', all decisions of the Internal Economy Commission be a matter of public record and those decisions be tabled in the House and all the rest of it.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Mr. Chairman, I think that that would be acceptable, but we would like to have one point clarified. Would that then mean that the first session next time, when this was implemented, that all decisions up to that point would be tabled so that they would, at least, all be on the public record?

MR. SIMMS:

'Minutes' would now read 'decisions' which are current and, in effect, shall be tabled by a member of the Commission designated to that task, no later than two weeks after a new session

of the House of Assembly, yes.

MR. LONG:

Yes, okay.

MR. SIMMS:

It is no big deal, no problem.

MR. FENWICK:

Okay.

MR. SIMMS:

The other difficulty with this, I am just advised by the Law Clerk, of course, is this amendment is not worded in legalistic terms and so on, but they will look after that, I guess.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

In that case, Mr. Chairman, if the Government House Leader would care to move a sub-amendment along those lines, then I would be quite happy to second the sub-amendment. We do not intend to debate it, in which case we could bring it to a vote right away.

MR. SIMMS:

Mr. Chairman, then, if I have the floor, I so move that sub-amendment. The Law Clerks know what I am talking about, and the Opposition, I believe, understand we are talking about decisions.

MR. FENWICK:

I think you have to have it in writing, according to the rules, do you not?

MR. SIMMS:

Would you write it down and give it to the Law Clerk there. It is no problem. That is done. 'Decisions' in place of 'minutes' basically is what we are saying.

MR. CHAIRMAN:

Shall the amendment, as amended, carry?

On motion, sub-amendment carried.

On motion, amendment as amended carried.

MR. SIMMS:

Anyway, we know what we have done. We have carried the amendment.

MR. LONG:

Mr. Chairman, just on the main motion, I believe we are now.

MR. CHAIRMAN:

Yes, the hon. the member for St. John's East.

MR. LONG:

Just very briefly, I want to say to the Government House Leader that I, as one individual member of the House of Assembly, am quite pleased to see the appeal we have made to the sense of fair play has been responded to.

I appreciate the process by which we have arrived at this and I just want to say in good faith that the Government House Leader has shown, again, a measure of leadership in the House, with agreement from the liberal caucus, to do something which is in the interest of all members of the legislature. I am pleased to be able to participate in the strengthening of a bit of legislation that is very important to us.

Thank you, Mr. Chairman.

SOME HON. MEMBERS:

Question. Question.

MR. CHAIRMAN:

Shall Clause 1 carry?

MR. FENWICK:

Mr. Chairman.

SOME HON. MEMBERS:

Carried.

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

In speaking to the committee stage on the bill, there is another amendment we have. In the spirit of the co-operation here, we would, in this situation, since we now will know what the decisions are, much less paranoid about decisions being made in that commission. Quite frankly, if the suggestion that the Leader of the Official Opposition has made, that there be an alternation when there are other recognized caucuses within the House is enshrined someway in some sort of regulations so that we can ensure that it will occur, then on that basis, I think, we would be willing to see some sort of an amendment along those lines as well.

I wonder if the leader of the Official Opposition would be willing to respond to that suggestion.

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

I do not think an amendment is necessary for that purpose. I have given an undertaking that I am quite prepared to have it alternate, and I am with no

difficulty at all.

MR. FENWICK:  
Mr. Chairman.

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

MR. FENWICK:  
In that case, Mr. Chairman, we have not introduced the amendment, so we do not have to withdraw it, but we would like to say if the understanding clearly is that every member of the legislature really has access to what is going on in that committee therefore, I think, there will be a lot more confidence in the kind of decisions coming out of it, because, quite frankly, I have been paranoid for the last three and a half years.

It is so much that we have not been able to get any facilities to work with, although I suggest, in common with the Official Opposition, we would like more resources, but we have not even received explanations for why what we thought were legitimate requests were turned down. It was that blank wall we were facing which made us somewhat suspicious of the whole process.

On that basis of that, if the Leader of the Official Opposition is of the opinion that we will flip a coin and determine who the initial person will be on it, I will be quite happy to take part in the coin flipping at whatever time he wishes, and suggest that even the Government House Leader will hold the coin and call it, since he may be the only neutral person we would accept on it.

On that basis, we would be quite happy to see the bill go through the way it is.

MR. SIMMS:  
May I have a word, Mr. Chairman, on that?

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

MR. SIMMS:  
I want nothing to do with the internal conflicts of the two opposition parties. If they cannot flip a coin on their own and make their decisions, then that is just an indication of their competence. Anyway, I understand that is the commitment that the Leader of the Opposition has given, and he will proceed along those lines, eventually, sometime, flip a coin, or whatever.

MR. WELLS:  
They want it (inaudible).

MR. SIMMS:  
Oh, yes.

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

MR. WELLS:  
Flipping is not dastardly and devious anymore?

MR. SIMMS:  
I understand he has agreed. It is consistent with their position on just about everything, of course, flip-flop, yes. The other thing I will say, just to show the sense of fair play, there was a lot of debate, negotiation, and discussion with the Opposition on the other amendment that we just accepted, so they too should be given credit for fair play.

But, I will tell you this, I was more interested in the second amendment coming forth. I tell the hon. member now that I had a

plan to introduce a sub-amendment to that one as well which would not have been nearly as acceptable to the hon. members as they might have thought. In any event, Mr. Chairman, now we can get on with carrying on with some legislation.

MR. CHAIRMAN:

Shall Clause 2 carry?

MR. LONG:

Mr. Chairman.

MR. CHAIRMAN:

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

MR. LONG:

Thank you.

I just want to have a word on this thing as I have been participating for some time in this debate, and spoke the last time. Now that we are close to a resolution in which it is going to be the responsibility of the two opposition parties to determine the actual membership, I want to say to the Leader of the Opposition that in my earlier remarks, which he described as intemperate, I was not suggesting the toss of the coin as an idea from the Liberal Opposition, or it was something I was blaming them for as lacking integrity.

I was suggesting that the source of the problem is in the way the bill is proposed. I still do not believe doing the business of this House by the toss of a coin demonstrates a whole lot of commitment to integrity in the way we do our business.

Now, we have agreed that this is the way we are going to proceed, but I think that simply reflects the weakness of the bill as it has been proposed. I still have some

concerns about how the Internal Economy Commission is going to go about its business in the event that we, as a third group, lose this toss of the coin and do not have the right to sit in on deliberations of this Committee, when, for instance, a situation arises that we have lost the toss and are not sitting at the table and the question is brought to the Commission about how much in the way of support services the third minor group, as members will want to refer to it, especially when we are not there, should be given.

I would hope that in the interest of maintaining the commitment to fair play, which we have seen today, that there will be some consultation with the members. I still have concerns about not being at the table when issues are discussed that are directly going to impact on our ability to do the job we are sent here to do. I want to put that on the record, Mr. Chairman.

We have agreed with the suggestion that the Liberal Opposition has made about rotating the membership on the Committee, but I still believe that if the government was committed, as it says it is, to open government, it would have brought in a bill in the first place which would have guaranteed representation by all caucuses in the House.

So I am not entirely happy, but I will accept the process in the interests of negotiation and getting some resolution so we can get on to other issues of the day which may be of a different nature, but to my mind are no less important to the functioning of this House.

MR. SIMMONS:



Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Chairman, the expression that comes to mind is, you can lead a horse to water, or, I suppose, to adapt it to the current circumstances, you can lead a mule to water, but you cannot make it drink.

Mr. Chairman, the leader's preferred option on this, as spelled out in his letter to the Premier - let us be clear about who created heaven and earth, since we heard so much about that in the last half hour or so, as though somehow the knight from Menihok, hyphen, Port au Port, hyphen, wherever else he might want to run later on, the Knight in Shining Armor rushes forth and saves us from this terrible nightmare of an Internal Economy Commission without any representation except by the government caucus. But for him and his letters and his constant, unending crusade, we would be still back there in the Dark Ages somewhere.

Mr. Chairman, some other people wrote letters as well. I am among them and the Leader of the Opposition wrote a letter in which his preferred option was to include all recognized groups. Mr. Speaker, that option was not accepted by the Premier. That is out of our hands as the caucus here. But, let it be known that the Leader of the Opposition, and this caucus, wanted all groups to be represented on the Internal Economy Commission.

Now, in this age and in this

light, you take what you can get. We could not get the preferred option, and the next one was to have some kind of an alternation. But he was not even satisfied with that. He said, 'I am going to be completely fair about it, we will toss a coin.'

While he is banging around whether two equals fifteen, I have to accuse him as being one of the people to introduce that concept, that for these purposes he was going to allow two to equal fifteen. He wanted to be fair enough about it, that he was prepared to say, 'We will toss a coin.'

Mr. Speaker, that tossing of a coin has been tossed. The idea is gone. He withdrew it just now. It is not there. We were even toying with the idea of using a NATO coin, the kind the boys use down in Goose Bay where they have the same thing on each side and they flipped it and they won no matter which way they came up. We were going to get a special coin and mark NDP on each side, and let them think they had won on this particular one, because we have our Opposition House Leader on that new refurbished Committee anyway. But that is all gone now, Mr. Chairman.

We are going to deal in the realities of the day, and the realities of the day, as the Leader of the Opposition has said to the Committee a moment ago, is that there are seventeen people on this side of the House at the moment, and they will decide who shall be that other non-government member sitting on that particular commission.

Mr. Chairman, before I sit down, -

MR. WELLS:  
We will alternate.

MR. SIMMONS:  
We will alternate. I think that is what you said. We will alternate, and we will decide. So if we decide that the seventeen, or those of the seventeen who want to participate in the decision, if we decide that it shall be -

MR. WELLS:  
(Inaudible) by the flip of a coin.

MR. SIMMONS:  
Yes, we may decide it is going to be by the flip of a coin. But it will be understood that if it is a member of this caucus this time, then the next time it will be a member of the other caucus, or vice-versa. We still stick by the undertaking we made earlier, that it would be an alternation. We thought it would be even a little fairer to introduce our own little lottery, but that was kicked out by the creators of heaven and earth, so we have withdrawn that one.

Mr. Chairman, the other thing I really have to get off my chest just in thirty seconds, because I think we have said more than enough on this, I have to say to the gentleman from Menihek, I really find it amusing that he talks about the rules of the House; and today, he reaches out for the protection of the rules of the House.

I wanted some protection a few days ago when he was talking to **The Sunday Express** reporter. Had he then been as circumspect about the rules of the House as he finds it convenient to be so today, we would not have had the hassle in this House yesterday and today about the privileges that we

have.

So, Mr. Chairman, I really need no lectures from that member on the observance of the rules of the House. I see many more consistent practitioners of the rules of the House in this Chamber than the member for Menihek. But, not to re-open old wounds, I am delighted we reached a compromise on this.

We are now going to have an Internal Economy Commission that has some Opposition representation on it and whose decisions shall become the property of all members of the House. I think that is a good decision and I support it.

SOME HON. MEMBERS:  
Hear, hear!

MR. CHAIRMAN:  
Shall Clause 1 carry?

SOME HON. MEMBERS:  
Carried!

MR. CHAIRMAN:  
Carried.

MR. FENWICK:  
Mr. Chairman.

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

MR. SIMMS:  
We agreed to that amendment so we could get on with other business.

MR. FENWICK:  
Yes, I know. I did. It was before the member for Fortune - Hermitage got up with the usual bile-ridden comments that he makes.

I find the member for Fortune - Hermitage to be extremely annoying when he brings things up like that. I stood up in this House

and said I had made a mistake. I said that in honesty, and I said that I was sorry that I made the mistake and I apologized to the members of the Committee and the members of this House.

Now, most of the members seemed to accept that, that there is a way in which you can make mistakes and you -

SOME HON. MEMBERS:

Oh, oh!

MR. FENWICK:

Well, maybe some of them do not. But the member for Fortune - Hermitage has always got to stick his little knife in. It always has to be some sort of personal little crack on it.

I like the positions taken by the Leader of the official Opposition, the current one, not the previous one, because what he said was there should be a high level of decorum. He has kept his members in line. They have not done the amount of heckling they have done in the past.

But I suggest to him that the kind of vituperation that is coming out of the member for Fortune - Hermitage is much worse than any of the heckling done by the PCs on that side. It is because there is nothing that that member can say that is not vile in terms of his comments about the Speaker and his comments about the other members. He gets up here and starts talking about NATOs with two-headed coins, even though we made very clear our position on those things. He talks about the member for Menihek 'hyphen' Port au Port, despite the fact that his own leader is going to run in another district afterwards, and he is doing it for the same kinds of reasons I am,

because there are other urgencies in the place.

I should stand up here and remind the member about his income tax returns and the problems he had with them, but those are the kinds of scurrilous comments he makes about the other members and, as a result of it, I think he debases this whole House and it makes the whole thing much less than it can be.

I find it very objectionable, I do not know about other members here, but I certainly am not going to allow him to go on with his scurrilous comments without at least making some comments back.

SOME HON. MEMBERS:

Carried!

MR. SIMMONS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

I believe the comments were misunderstood. Insofar as my accountability to the public is concerned, the member has my unfettered invitation at any time at any place to raise any matters for which I am accountable. I think that is not only his privilege, but it is his responsibility.

Now, surely having said that, we should come to two points that he made. Surely, if he has any sense of humor in him at all he knows my reference to Menihek, hyphen, Port au Port was strictly in humorous terms. If I were he, seeking the nomination in Port au Port, I would welcome any promotion of his connection with Port au Port any

member of this House gave him, whatever the party that that member represents. Surely, nobody could take offense from my reference to Menihek, hyphen, Port au Port. If he finds it offensive, then I will not do it.

There is one other issue and it has to do with what I believe to be a very serious breach of the rules. I agree, and I have heard his apology, and I was the one who whispered to the gentleman who is Opposition House Leader, not that he needed any coaching from me, but I said, we accept that apology. There is no problem with that. That is fair. I admire a guy who would stand up in this Chamber. I thought that the House showed that today, that we accepted the apology.

Mr. Chairman, to accept an apology is one thing, to have made amends is one thing, but, Mr. Chairman, that does not mean we condone what he has done. I find it a little inconsistent that the member in one mouthful would apologize for a breach of the rules and then in the next mouthful lean on the rules for his protection.

I said to him, as gently as I could, that it is all our protection, but we are only protected by them if we all live equally by them.

MR. CHAIRMAN:  
Shall Clause 2 carry?

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

A bill, "An Act To Amend The Trustee Act", (Bill No. 3).

MR. CHAIRMAN:  
Shall Clause 1 carry?

MR. SIMMS:  
Mr. Chairman.

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

MR. SIMMS:  
Mr. Chairman, just a minor amendment in Clause 1 which I believe all parties have a copy of.

The amendment is to paragraph (c) of Clause 1 and it is amended by striking out the word 'that' and replacing it with the word 'this'. It would now read: "Approved for the purpose of this Act" as opposed to 'Approved for the purposes of that Act'. For whatever reason it is being changed, I have no idea, but I am sure the legal minds do know.

MR. CHAIRMAN:  
Shall the amendment carry?

On motion, amendment carried.

MR. WELLS:  
Mr. Chairman.

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

MR. WELLS:  
The amendment is correct and is necessary because it is talking about this particular statute.

But, Mr. Chairman, are we satisfied, or is the government satisfied that trustees will feel confident investing in credit unions in the manner proposed here? Does the government accept responsibility for giving whatever guidance is necessary to trustees who are going to invest on the basis of this piece of legislation? Because when you talk about their investing,

you have to remember what the trustees are doing here; they are investing funds belonging to the estates of deceased persons, funds belonging to children who cannot look after their own interests, funds belonging to disabled persons who have no means of doing it. So when you authorize trustee investments, trustees can at will, if they see fit, invest funds they are holding for the benefit of others in this, and I would like to have some assurance that the co-operative societies which are talked about here, a credit union incorporated under The Co-operative Societies Act, that the government is going to use some means or some standard of judging the financial viability of the institutions in which trustees will be investing those funds. That is important.

I do not want to convey the impression that credit unions should be excluded, but I want to be satisfied that the government is going to use some standard of judging the viability and the economic stability of the credit unions into which the trustees are going to invest.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

Mr. Chairman, just to give the assurance that that is the intent in any event, I believe the minister alluded to it when he introduced the bill and when he closed debate on the bill.

What was described by the Leader of the Opposition is exactly the intent of the government, and we will give him that assurance.

On motion, clause (1) as amended,

carried.

On motion, clause 2, carried.

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

A bill, "An Act Respecting Judgment Recovery (Nfld.) Ltd. (Bill No. 37)

On motion, clauses 1 through 3, carried.

MR. CHAIRMAN:

Shall clause 4 carry?

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

Mr. Speaker, it has been suggested that all this is is the present judgment recovery sections which are in The Highway Traffic Act taken out and put into one bill, and there is no change in principle. The preliminary indication indicates that. On that basis, we have no problem with it.

On motion, clauses 4 through 39, carried by agreement.

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

A bill, "An Act To Amend The Consumer Reporting Agencies Act." (Bill No. 5)

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

A bill, "An Act To Amend The Fisheries Loan Act." (Bill No. 13)

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

AN HON. MEMBER:  
Have you carried Bill No. 13?

MR. CHAIRMAN:  
Yes.

MR. BAKER:  
Somebody wants to speak to it.

MR. EFFORD:  
Sure you cannot hear it.

MR. WELLS:  
We do not hear what is happening. You cannot have carried Bill No. 13 yet.

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

MR. WELLS:  
We just finished Bill No. (5), and Bill No. (13) has not been carried, surely.

AN HON. MEMBER:  
Yes, it has.

MR. WELLS:  
Would the Committee agree to open it again?

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

MR. SIMMS:  
Just so we understand the process that is taking place, it is not an unusual process. This is the way it is done. In this case the problem with it is there was only one clause in Bill No. (13), so it is quite possible that somebody, if they were not following it, might miss it. In any event, we will just revert back to Bill No. (13), by leave, to give the hon.

member an opportunity to speak to it.

MR. CHAIRMAN:  
Bill No. (13), "An Act To Amend The Fisheries Loan Board."

The hon. the member for Port de Grave.

MR. EFFORD:  
Thank you, Mr. Chairman.

This gives members of this House, Mr. Chairman, an opportunity to speak to matters pertaining to the Fisheries Loan Board and The Fisheries Loan Act, and it is very important to the members of the various communities that we make their concerns known, and there are a couple of areas where we need the opportunity. In my district, which is a very, very large fishing district, over the last couple of years, especially this year and last year, the number of boats constructed is rising at a tremendous rate.

One of the questions I wish to address, and I need an answer from the minister, has to do with the high cost involved in boat building. I will use as an example a sixty-five foot longliner, but it follows right through. Each person who applies to the Fisheries Loan Board for a loan to build a particular vessel has to come up with a downpayment, which is quite natural. Naturally, if you go to purchase any article, whether it be in the fishery or outside the fishery, you must have an amount of money to put in on your own in order to get a loan. Since loans of over \$50,000 have been referred to the banks, this is where the problem comes in. Because in order to obtain a loan from the bank, you have to have a portion of that

downpayment.

Now, here is where the problem gets worse. In order for a fisherman to apply and get approval for a loan, he must have - let us use a figure of \$50,000 downpayment. Most of them do not have that type of cash floating around. Usually he goes to one of the local fish plant operators. Now, the problem begins to get really bad here, because we are back in the old days where the merchant controls the fisherman and he then has to sell all of his fish to that particular merchant. This is where the problem really comes in. Because if I am tied to a particular merchant because of the money I owe him, then, no matter what fish I bring in, I cannot try to seek the best price or the best place in which to sell my fish, no matter what inconvenience it costs me or what money I lose.

I know you can put forth the argument that the price is set by the companies, by the unions, and one price structure is in place, but that is not how the system works. Because I have found, in my experience in dealing with fishermen, that in many types of fishery - the crab fishery, the cod fishery, the mackerel fishery - each individual fisherman deals with each individual plant and sometimes they get as much as five and ten cents, and more, per pound for their catch by dealing on an individual basis, for whatever reason. It may be that a particular fisherman is bringing in good quality fish, he takes care in processing his fish on the Grand Banks, he freezes them properly, he ices them in and cleans them properly. He comes in and it is, 'Yes, that is a good catch of fish. It is better than

the other guy brought in the other day. We did not get good processing out of it, therefore, I can pay you...' That is done from day today and from week to week. And that is good business. But if I am tied to a particular plant, I cannot negotiate a price. Because no matter what he can pay me, he has me over a barrel. I owe him that amount of money, that downpayment, and therefore I either negotiate with him or take my cod, or my catch of whatever species of fish, to another merchant and negotiate. So that takes away the whole process of marketing and competition, and really puts us back to the problems we had years ago, and we know how much that cost.

In fact, the most fishermen got then for their catch of fish for all Summer was enough groceries to get them through the Winter. I know that is highlighting and escalating the problem and we do not want to see it coming back to that anymore, but that is what used to happen. It is equally as bad today if a fisherman is tied to a plant. In my meetings with the fishermen in my area, we are looking for another answer. Probably there is something which can be done by the Fisheries Loan Board to overcome this problem. I really do not know what the answer is, but the best way out is for the fisherman to get the money on his own, to save the money. But they cannot always do that. The minister of Social Services (Mr. Tobin) is pointing at his watch. I am in no hurry to get out of here. I have all Summer, all year, all Fall and all next year, no problem whatsoever.

SOME HON. MEMBERS:

Hear, hear!

MR. EFFORD:

Our fishermen have problems and we want them straightened out. Probably the Minister of Fisheries could address it, because it is a question that I am sure he has heard before. I would like to hear the Minister of Fisheries' reaction to that particular problem.

MR. W. CARTER:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Twillingate.

MR. W. CARTER:

Mr. Chairman, I am not going to speak at length except to add to what my colleague for Port de Grave has said. I believe what he is saying I have been saying now for quite some time. In fact, I spoke in the House on second reading, at which time I pointed out some of the problems our fishermen are encountering in securing sufficient working capital to start-up in the Spring of the year. As my colleague says, the banks are reluctant to make business loans or personal loans to fishermen. In many cases the security is not there and, I suppose, the banks would look rather leary toward taking the Summer's catch as security. Because until that fish is actually in the boat, and processed and sold, then there is not much security there for anybody.

I think, Mr. Chairman, there is a need for some kind of working capital program to be established, maybe by the Fisheries Loan Board, and, as I see it, it would not take too large an amount of money to operate that kind of working capital fund. It would be a

revolving fund, where a fisherman in Twillingate, or in Port de Grave, who needs money in the Spring of the year to upgrade his boat, or his gear, or to buy paint to repaint it, or to repair the boat generally, and who does not have the necessary cash himself, and who more than likely would be refused credit at the bank, could go to the Fisheries Loan Board and could borrow what is required to get himself started in the Spring of the year, whether it be \$2000 or \$5000, pay a reasonable rate of interest on that loan, with the clear understanding that the loan must be repaid during the fishing season unless there are circumstances that would prevent the fisherman from so doing.

But what is happening now, as my colleague pointed out, is the fishermen are literally indenturing themselves. They have to go to the village merchant, the fish plant owner, and they have to borrow money for the down payment on an engine or a boat, or find money with which to repair their boats, and in so doing they then have to give an undertaking that their fish will have to be sold to that particular plant during the coming season, thereby, of course, denying themselves the right to be able to sell their fish at competitive prices.

And that is going back to many years ago, Mr. Chairman, when the Labrador fishery was in its heyday, and when fishermen of those days would have to come into St. John's and go to one of the Water Street merchants and take out - I believe it was referred to as his crop, or was that for the seal fishery? It might have been for the seal fishery. But, anyway, he would arrange credit with that particular company to



look after his family during the Summer and to provide the necessary provisions for the voyage to Labrador, it being clearly understood that when that fisherman returned home in the Fall of the year, that Water Street merchant would have first call. In fact, there would be a legal obligation on that fisherman's part to sell his entire catch to that merchant for that merchant's price.

Now we all know what happened, Mr. Chairman, and we can see the evidence. You can drive down King's Bridge Road and Rennie's Mill Road and Circular Road and see evidence of just how unfair that system was, in that there are still palatial homes there, with their ornate iron fences, which were put there through the proverbial blood sweat and tears of the fishermen who had been taken advantage of by the system of that day. Now, I have some very strong feelings about that system and just how unfair it was. I suppose I am the product of that kind of system, and I certainly do not want to see fishermen in my district becoming indentured again to the village or the town merchant.

Mr. Chairman, this amendment is not world-shattering. Whether or not the Fisheries Loan Board reports in August or in May month, does very little for the price of fish. But certainly I would like for the minister to give some serious consideration to maybe commissioning a study within his department to investigate the feasibility and the cost, I suppose, of putting that kind of revolving working capital fund in place to accommodate the small, independent inshore fishermen during the time of the year when

they need a small amount of credit to get started. Four, or five million dollars might be all it would take to establish that kind of revolving credit, if it were properly administered and if the accounts were collected as they should be.

Mr. Chairman, maybe next session the minister would be able to bring in an act that would have the effect of establishing that kind of - call it what you want - an extension of the Loan Board, a fishermen's bank, a co-operative bank, or whatever, the purpose of it being to accommodate small inshore fishermen who cannot get credit at the bank, who should not be forced into the clutches of the merchant, and who needs money in order to get started.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. RIDEOUT:

Mr. Speaker, I indicated, I think to the hon. gentleman during the Estimate process, that I thought the suggestion he has articulated again today, and his colleague just previous to that, has some merit. Frankly, I do. I think it has some merit.

We are actively investigating that. The model of the special sawmill assistance programme has some of the generalities the hon. gentleman is talking about. We are doing that, and maybe it will be an initiative that we can address in the next session.

MR. SIMMS:

Mr. Chairman, is everybody ready to proceed now?

AN HON. MEMBER:

Yes.

MR. SIMMS:

We are going to jump over Order 9 for the moment, because there are some technical difficulties with the numbering of the amendments and the Law Clerk is trying to straighten it out. So rather than waste time, we will move on to Order 10, Bill No. (7).

A bill, "An Act To Amend The Schools Act." (Bill No. 7)

On motion, clause 1, carried.

MR. CHAIRMAN:

Shall clause 2 carry?

MR. SIMMS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

There is a minor amendment to The Act To Amend The Schools Act.

Clause (2) of the bill is amended by striking out the word 'shall' in the first line in the proposed sub-section (1) of the proposed section 9 and substituting the word 'may'. I so move, Mr. Chairman.

AN HON. MEMBER:

What is the idea of that?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

I do not know why it would be changed from 'shall' to 'may'.

MR. WELLS:

'Shall' is mandatory. 'May' is

permissive.

MR. SIMMS:

Okay. There is the answer. I thank the hon. the Leader of the Opposition.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

The House Leader might tell us, in the new Clause 1.1, which is part of Clause 2 of this bill, what general election is referred to there. Is that a school board election or a public general election?

I do not know that the definitions in the act make it clear when you read it. It says, 'Until the next general election.' What are we talking about?

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

Oh, yes. 'A school board elected under paragraph (a) shall hold office only until the next general election.' The next general election of the board?

MR. WELLS:

School Board?

MR. SIMMS:

Yes. Board election.

MR. TULK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fogo.

MR. TULK:

On that point, it should read 'Until the next school board election.'

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

Mr. Chairman, that is a minor amendment. We will accept the amendment.

On motion, amendments carried.

On motion, clause 2 as amended, carried.

MR. SIMMS:

The Law Clerk will fix the wording.

MR. WELLS:

It should be fixed now. There is no point in leaving it to create difficulty later.

On motion, clauses 3 and 4, carried.

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

MR. SIMMS:

Is everybody read to proceed with the next item, Mr. Chairman?

AN HON. MEMBER:

Yes.

A bill, "An Act To Amend The Education (Teachers' Pensions) Act." (Bill No. 8)

On motion, clauses 1 and 2, carried.

MR. CHAIRMAN:

Shall clause 3 carry?

MR. WELLS:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

Mr. Chairman, just before we do, I want the Minister of Education to confirm for us that the obligations on the pension funds, which are going to be created as a result of these changes, will be provided for with adequate funding and the minister is satisfied, on the basis of actuarial assessment, that the fund will retain its integrity and that these changes will not adversely affect the actuarial integrity of that fund.

MR. HEARN:

Mr. Chairman, the only way, I suppose, the fund would be affected is if we had a prolonged strike, or a number of prolonged strikes. If the payments are being made to the fund in the meantime, there would be no adverse effect, because it would be the same amount coming out as if the teachers were teaching, working regularly and contributing. From what we can determine, the actuarial considerations involved will not be affected.

On motion, clauses 3 through 6, carried.

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

MR. SIMMS:

Is everybody ready to proceed to the next order?

A bill, "An Act Respecting The Regulation Of Private Training Institutions." (Bill No. 2).

On motion, Clauses 1 through 7, carried.

Shall Clause 8 carry?

MR. FENWICK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Menihek.

MR. FENWICK:

Before you go on any further, there is a section, I am not sure of the exact one, where the maximum fine is listed as \$250. I am not sure what section that is. Do you have it there? Section B (ii), is it?

MR. SIMMS:

It is under offences, maybe?

MR. FENWICK:

Under the offences there is, 'A person who violates a -

MR. SIMMS:

We have not come to Clause 20 yet.

MR. FENWICK:

Well, I just wanted to make sure you did not slip through it.

MR. SIMMS:

We are on Clause 8.

MR. FENWICK:

Which section is it? Is it Clause 20?

MR. LONG:

We are trying to jump on board 'boy'. Your choo-choo is moving pretty fast.

MR. SIMMS:

There is no problem if you pay attention.

MR. FENWICK:

It is Section 20, is it?

MR. SIMMS:

I do not know.

MR. WELLS:

We have the one that provides for a \$1,000 fine.

MR. FENWICK:

Well, it is my understanding that a person who violates a section, operates illegally private institutions, is liable under summary conviction to a fine of not more than \$250. We felt, in reading it, that that was a very minimum slap on the wrist if somebody was operating an institution outside the guidelines, and we were hoping that when we got to that particular section we would at least have the Minister of Education address why it was so low and if, indeed, it is appropriate to have that fine raised a bit.

MR. SIMMS:

You will have to find the section, and when we come to it read it. Do not hold up the whole House for it.

MR. FENWICK:

What section are we on now, Mr. Chairman?

MR. SIMMS:

We are on Clause 8. If it is not in Clause 8 -

MR. FENWICK:

It is in Clause 8. I am sorry. It is in Clause 7, if you will just look through it.

MR. SIMMS:

Oh, yes.

MR. FENWICK:

It says, 'A person who violates this section is guilty of an offence and liable on summary conviction to a fine of not more than two hundred and fifty dollars.' Actually, I would have liked to have heard from the Minister of Education what the rationale was there, because, as you know, this is people offences

you are talking about here, people who would hold themselves out as agents of it, and so on and so forth.

MR. SIMMS:

Registered agents.

It did seem to be a small amount if you were operating a fraudulent operation. That is the reason we wanted to get up. We were hoping we would be able to stop you before you got to it.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

If the hon. member would permit, we can proceed on. I am trying to get the minister. He is on a very important telephone call. Maybe we can get him to come in and address it.

MR. FENWICK:

Yes. If the Committee would allow us to revert to that just for a minute when the minister comes back, we would like to hear his explanation. Oh, there he is now!

MR. SIMMS:

Perhaps you could repeat your question.

MR. FENWICK:

I will repeat the question. In Bill 2, the one to regulate the private training institutions, Section 7 says, "No person shall," and then there is a list of offences, "hold himself or herself out as an agent of a private training institution...; canvas, receive, take or solicit contracts...; registered as an agent...;" Then, number 3, at the end, says, "A person who violates this section is guilty of an offence and liable On summary

conviction to a fine of not more than two hundred and fifty dollars."

We discussed this with other interests in the education field in the Province and asked them what they thought of this particular piece of legislation. There were some other technical complaints, but the one they pointed out was that \$250 is not a very large fine if, indeed, somebody has been going around advertising a private institution without a license, and has ended up getting quite a bit of money out of the whole process.

We are just wondering if the minister has some arguments about why the fine was set at \$250, and why not, perhaps, a more nominal amount of \$1,000 or \$5,000, because it is the maximum amount, and a judge, of course, could make it less if he wanted to. But this seemed to us to be an opening here under which abuses could be done quite easily. If the minister could respond to that, we would appreciate it.

MR. CHAIRMAN:

The hon. the Minister of Career Development and Advanced Studies.

MR. MATTHEWS:

Thank you, Mr. Chairman.

We just went through a consultative process involving a wide range of interests. We thought that that particular fine was adequate, really. I guess that is all I can say to it.

MR. CHAIRMAN:

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

MR. LONG:

Mr. Chairman, perhaps under this

section I might ask the minister to take a minute to consider whether this section, under Agents, which spells out a penalty for any person violating this section, might not be in contradiction with the final section, which we will come to under Offences, at the end, in which any person who knowingly furnishes false information in an application, presumably for registration and then we have a different penalty - 'is liable to a fine of not more than \$1,000.' Has the minister had any advice as to whether these might not be in contradiction?

MR. CHAIRMAN:

The hon. the Minister of Career Development and Advanced Studies.

MR. MATTHEWS:

We are talking about two different things altogether here. We are not talking apples and apples.

MR. CHAIRMAN:

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

MR. LONG:

Perhaps, Mr. Chairman, the minister could explain for the benefit of this lay person's ability to read legislation what the difference is he refers to between the two sections.

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

It is fairly clear. I am sure the hon. member can read. I know he is a lay person, but he can read. Section 7 deals with the question of a 'registered agent', but Section 20, which we have not yet come to, by the way, deals with something much more comprehensive

than simply a registered agent going around canvassing. It is very clear if you read both sections that they are two different things.

The explanation was that it was felt that \$250 was a reasonable maximum fine for an offence under clause 7, and under this clause 20, when we get to it, it is a larger fine because it is a more serious offence. I guess that is the reason. You can go on and argue all day long, why.

MR. CHAIRMAN:

The hon. the Leader of the Opposition.

MR. WELLS:

Mr. Chairman, the answer is not quite what the President of the Council said. A fairly simple explanation of it is that Section 7 provides for a specific offense and a specific penalty for that offense.

Clause 20 provides for a general penalty for any general breach of the Act. No, that is not quite right. To make it perfectly clear, what Clause 20 might say is 'contravenes a provision of this Act other than one for which a specific offense is provided'.

Now, if you did that, it would make it very clear there is no possible conflict, but I suspect a court, interpreting it, would apply the specific provision of Clause 7 to such an offense anyway. I do not think it causes any major problem as it is, but you could make it abundantly clear by putting in that simple phrase in Clause 20.

MR. CHAIRMAN:

Does Clause 8 carry?

MR. LONG:  
Mr. Chairman.

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

MR. LONG:  
I appreciate what the Leader of the Opposition has said. For our own purposes and our understanding of the issue, we have had discussions with people about their concern about the weakness of this. Under Section 20, although anybody in contravention of Section 70 would expect to have a fine of \$250, and this is the issue, as to whether the fine is enough of a deterrent. Perhaps we might be able to say that it could be argued in court that the Act, because it is not written in the way the Leader of the official Opposition suggests, could be applied, such that the \$250 is not the maximum, but that any registered agent who has been registered under false pretenses, might be liable for a larger fine. Perhaps we might come back to this again under third reading, because it is an issue that we are concerned about.

Thank you, Mr. Chairman.

On motion, Clauses 8 through 14, carried.

MR. CHAIRMAN:  
Shall Clause 15 carry?

MR. WELLS:  
Mr. Chairman.

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

MR. WELLS:  
With respect to Clause 15, I think I raised this issue on second

reading and, if I recall correctly, the hon. the minister was going to get me some explanation for why the institute might propose selling the goods and services of its students.

MR. CHAIRMAN:  
The hon. the Minister of Career Development and Advanced Studies.

MR. MATTHEWS:  
Yes, Mr. Chairman, that is correct, I did. Maybe I should pass that over to my legal counsel here to answer for me.

I did check into this particular clause as a consequence of the Leader of the Opposition's question. What we are concerned about here is on-the-job training. They go out to do on-the-job training for experience and not for service for which the institute can then charge. So that is what we are trying to prevent here.

The other thing is to avoid unfair competition in the marketplace by training institutions competing against private sector services.

I have asked the officials about this as a result of your question and they told me that is the reason for Clause 15.

MR. WELLS:  
Mr. Chairman.

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

MR. WELLS:  
(Inaudible) the institutions would be charging for the services of the students who were on on-the-job training? Is that what is proposed?

MR. CHAIRMAN:

The hon. the Minister of Career Development and Advanced Studies.

MR. MATTHEWS:

Well, I think this clause, as I understand it, is to prevent that, because they do go out on on-the-job training and so on to get experience and whatnot, and my understanding is that they could not charge for that.

MR. WELLS:

My only problem is the way it is worded. It says: 'No person who keeps or operates a private training institution shall sell or permit to be sold to the public, the goods or services of a student of the private training institution'. Now, fine, if it stopped there, that is what it would say.

My question to you was: Do they propose to sell it where somebody is of the opinion that the student has been exploited? Why is it confined to only situations where somebody feels the student has been exploited? Why should they be able to sell the goods and services of any student?

MR. MATTHEWS:

Under this clause, they will not be able to. That is what we are trying to prevent.

MR. WELLS:

No. What it says is, 'You shall not sell it where, in the opinion of the superintendent, the student has been exploited.'

Now, the corollary of that is you can sell it where, in the opinion of the superintendent, the student has not been exploited. That is what concerns us. Are there any circumstances where you contemplate selling the goods and

services of the student? I do not understand where it could happen.

MR. MATTHEWS:

My understanding is no. I have been told no, that it is to prevent that. You cannot put them out on on-the-job training and so on and then to get the institution to be reimbursed for it.

MR. WELLS:

Why do you leave it in somebody's judgement, that it is okay to sell in certain circumstances and not okay in others? That is what bothers me. What circumstances is it going to be okay to sell it?

MR. MATTHEWS:

It should not be.

MR. WELLS:

That is what I would think.

MR. MATTHEWS:

It should not be.

MR. LONG:

Take out the last clause.

MR. SIMMS:

(Inaudible) how appropriate action should be taken would be to bring back (inaudible).

MR. WELLS:

The clause should be in there, -

MR. MATTHEWS:

What he is saying is (inaudible).

MR. WELLS:

- but the last phrase should be removed, starting with 'where'. I think should be eliminated.

MR. MATTHEWS:

Right.

MR. WELLS:

It should be an absolute prohibition against it anyway.



There should be no circumstances where you can sell the goods and services of a student.

MR. TOBIN:

Everybody agrees, carried.

MR. SIMMS:

Do you agree with that?

MR. MATTHEWS:

Yes, because I have asked for an explanation as a result of the inquiry that was raised, and they told me that that was the purpose for it, to prevent that from happening.

MR. TULK:

Well, if you cross it out, then they cannot do it.

MR. MATTHEWS:

I am sorry?

MR. WELLS:

Just put a period after institution and delete the words 'where in the opinion of the superintendent, the student has been exploited.' Delete that.

On motion, amendment carried.

On motion, clause 15 as amended, carried.

On motion, clauses 16 to 18, carried.

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. WELLS:

It is just something that I know is not terribly important. It is just in the headlines on the side. "Certificate of evidence" appears to be incorrect. That does not accurately reflect what is in the statement.

What is should mean is 'Certificate is evidence,' or 'Certificate received in evidence,' or something like that surely, not 'Certificate of evidence.' I think the Law Clerk can catch that.

MR. CHAIRMAN:

Shall clause 19 carry?

MR. HISCOCK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Eagle River.

MR. HISCOCK:

Clause 19. Some of the students who have gone to private schools ran into financial difficulty, and because they ran into financial difficulty, completed their course but could not, even with student loans, come up with the amount of money to pay the institution.

The end result was they are now out looking for work, trying to pay back the remainder of money to the private institution, but cannot get a certificate until they pay back the money.

Is there any way that the minister has looked at the possibility that students who go and complete the course - we realize that students have an obligation to the company, but once they do the course they should be able to get the certificate, and some other way should be given to them, because they cannot get a job without a certificate. Has the minister run into that problem very much? I know of four of five cases. My nephew, in actual fact, happens to be one.

So the question I am asking is: What about looking at the

possibility where people are looking for work but cannot get certificates because they owe money to the institution. They cannot get a job because they cannot get a certificate. Has the minister looked into a way where a student can get a certificate and still live up to their legal obligations of paying the institutions?

MR. CHAIRMAN:

The hon. the Minister of Career Development and Advanced Studies.

MR. MATTHEWS:

I have never heard tell of a situation like that, Mr. Chairman, to be very honest with you. That is the first I have ever heard tell of that. I will gladly look into it, and of course, we are talking regulations under Clause 19 and you know we can add additional regulations or change whatever we see fit. I would be interested in hearing the hon. gentleman's particular concerns about that because I have not heard tell of that before.

MR. EFFORD:

Clause 19, Mr. Chairman.

MR. CHAIRMAN:

Clause 19, the hon. the member for Port de Grave.

MR. EFFORD:

There is a couple of things that I want to say to the minister because this year I have been very heavily involved with students, not only in the private schools, but students in the Cabot Institute and other vocational schools around the Province. This has to do with the cost of going to school and especially the private schools around the Province.

There is a way that we in this House of Assembly can make representation to the federal government on behalf of the students here which can overcome the cost of going, not only to the private schools, but to the Cabot Institute. This deals with the unemployment, the UIC regulations.

Right now the UIC regulations state, if a person is going to school, he or she is not qualified because they are not available for work. I have represented fifty-seven students this year at appeal hearings. I have won thirty-five. It is very simple because what they were saying was that a standard work day is from nine in the morning until four or five in the afternoon. That is totally wrong.

A standard work is not ever set down to be from nine to five because a person can go to work at four o'clock in the afternoon and work until ten or eleven o'clock that night, an eight hour shift, or they can go to work at twelve o'clock in the night and work until eight o'clock in the morning. Many of the people going to private schools, a lot of the classes start at nine o'clock or ten o'clock and they finish at two o'clock. They do not go like the regular grade ten, eleven and twelve classes, they do not go from nine in the morning until three-thirty in the afternoon, their hours are quite different. Therefore they are available for work. But the federal regulations are not defined in a way to protect them. Although they are changing and they are flexible enough that quite a lot of the students are being able to avail of it because they have proven they could get a part-time job.

What we need is more recognition by the government in power to pass this on to the federal people in Ottawa and change the regulations. If we did that - I do not know if anybody is listening. I do not know if anybody cares about the students going into Trade Schools. I do not see anybody listening. Everybody is going on with their own little thing of trying to get out of the House.

The problem is we have got students trying to get an education who cannot afford anywhere between \$5,000 and \$10,000 cost and coming into St. John's and paying tuition and paying transportation. It is easy enough for us to slough off and try to get out of this House this afternoon and not recognize the problem, but somebody on that side of the House is going to have to recognize there is a problem here. And the problem can be solved if we recognize it and make representation to Ottawa because they are already aware of it.

I have met with the Director General of the Unemployment Insurance, Canada Manpower, in Newfoundland. He is aware of it, but he has not received any representation from one minister on the government side, absolutely none. This is a way in which the problem can be solved.

It is a very serious problem and everybody has cases of people from their district who are going into vocational schools who have this problem. In fact, I have represented students from districts represented by about every member of this House of Assembly. I have represented people from every MHA's district in this House of Assembly at the

appeal hearings.

SOME HON. MEMBERS:

Oh, oh!

MR. EFFORD:

I cannot name them but I can provide it. The member for Harbour Grace also, and the member for Carbonear, but that is not the point. The point is there is a problem and all we have to do is recognize the problem.

AN HON. MEMBER:

You are fooling it up.

MR. EFFORD:

I won thirty-five out of fifty-seven cases and that is not fooling it up. That is helping a lot of students. In fact, tomorrow I have to represent another student.

I want the Minister of Career Development and Advanced Studies, it is his department and his responsibility, to look into this, see where the regulations can be changed, and make representation to the people who are already aware of it and already listening. All we need is a little more pressure put on to get the regulations changed so that students can avail of this process and get the education which they so desperately deserve.

MR. BAKER:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Gander.

MR. BAKER:

Thank you, Mr. Chairman.

Clause 19 is the key clause in this whole bill. The bill enables certain things to be done and sets up a framework and so on, but the

real guts of the control of these private institutions is contained in Clause 19 which allows the Lieutenant Governor in Council, in other words, the Cabinet, to make certain regulations.

So, whether the effect of this bill is good or bad depends upon the regulations going to be made by Cabinet. I have reasons for worrying that these regulations are not going to be proper. Today, and for several days in the House, I mentioned a girl who is on the hook for \$5400 because of two weeks in Harbinger, and I want to know, in these regulations, and there are a number of them dealing with payments to the private schools, if these regulations are going to provide guarantees that in the future students are not going to get ripped off like they did in this particular instance. I know a girl who, after spending a year trying to get that money back and being assured the money was credited back, finds it never was credited back.

The question I would like answered by the President of Council, in the time that is remaining, if the President is listening, is, I want some assurance that the regulations have been drafted, that we will have a chance to have a look at the copy of these regulations, and have some input into these regulations. Even though we are giving the responsibility to Cabinet, can we have some input into the specific regulations that come under the House? Or, as soon as it is ready, give the Opposition a copy so then we can roast you in Question Period if need be.

MR. SIMMS:

Mr. Chairman, if I may:

MR. CHAIRMAN:

The hon. the President of the Council.

MR. SIMMS:

Mr. Chairman, I will take the member's representation and pass it onto the minister. I see no particular difficulty with being provided with a copy of the regulations once they are done. That should not be a problem. I will pass it on to the minister.

MR. CHAIRMAN:

Shall clause 19 carry?

MR. SIMMONS:

If the minister is within earshot, I would ask him to -

MR. LONG:

He has not responded.

MR. SIMMS:

(Inaudible) serious.

MR. SIMMONS:

Okay. Well, I will just put it in the record so he can see it.

MR. CHAIRMAN:

Order, please!

I have not recognized the hon. member for Fortune - Hermitage, and the hon. the member for St. John's East was standing first.

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

MR. LONG:

Thank you, Mr. Chairman.

I just want to make a brief comment with reference to what the member for -

SOME HON. MEMBERS:

Oh, oh!

MR. SIMMS:

Is it agreed to stop the clock?

MR. LONG:

it is not quite five o'clock. If I could adjourn the debate, we can pick it up again, or if you will give me leave, then I will just take a minute to say -

MR. SIMMS:

There is leave.

MR. LONG:

Okay. I just wanted to say to the member for Port de Grave that I was indeed listening closely to what he said. I think it is important that someone else make a point of applauding the efforts of the member for Port de Grave, because I have also had representation made to me on this issue. I talked to students who told me that they were getting assistance from the member for Port de Grave, and I wished them well in their efforts. The Minister of Career Development and Advanced Studies was not here when the member was speaking, and the issue he has raised is a very significant one, inasmuch as we look at the position of students who are at the behest of these training institutions and need support from this government in being able to finance their way through school. It is not good enough to have individual MHAs appealing to the U.I.C. all the time. The government has to take more significant action, and we could begin with a letter from the minister on behalf of these students who find themselves in this position.

I want to give my full support to the suggestion made by the member for Port de Grave, namely, we need more work by this government in assisting students who are trying to finance their way in a

difficult manner through private training institutions. Thank you, Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Chairman, the last few words under clause 19 are 'prescribing fees for the examination certificate.' I would like the minister to relate that to the point that was raised by the gentleman from Eagle River, I believe, a moment ago. There are students who are prevented from getting their certificate. They have otherwise met all the requirements, but I have examples where people have had their certificates withheld, although they have proven their competency by having passed the examinations and so on. I submit that clause allows the private institutions to continue to do that. I would hope the minister, when he reads the record, will look at that, because I think that is an undue power for the institutions to have.

On motion, clause 19, carried.

MR. CHAIRMAN:

Shall clause 20 carry?

MR. HISCOCK:

Mr. Chairman.

MR. CHAIRMAN:

The hon. the member for Eagle River.

MR. HISCOCK:

Mr. Chairman, I would like to adjourn the debate. I do have some things to do concerning the Marine Institute, and I do not want to keep other gentlemen here, and the Clerks.

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

MR. SPEAKER:  
Order, please!

The hon. the member for Terra Nova.

MR. GREENING:  
Mr. Speaker, the Committee of the Whole has considered the matters to them referred and have directed me to report Bill Nos. 1, 37, 5, 13, and (8) without amendment, and Bill Nos. 16, 3, 7, and 2 with amendment, and ask leave to sit again.

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

MR. SPEAKER:  
A point of order, the hon. the member for Gander.

MR. BAKER:  
I think, inadvertently, the Chairman included Bill 2. That was not passed. We are coming back to it.

MR. GREENING:  
To that point of order.

MR. SPEAKER:  
To the point of order, the hon. the member for Terra Nova.

MR. GREENING:  
I am sorry. The debate was adjourned on Bill 2. It has not been passed.

MR. SPEAKER:  
All right.

On motion, report received and adopted, amendments ordered read a first and second time, bills ordered read a third time on tomorrow, Committee ordered to sit

again on tomorrow.

On motion, amendments read a first and second time.

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

MR. SIMMS:  
Mr. Speaker, I was caught up in the progress we made here today.

Tomorrow will be private members day. Thursday we intend to carry on with legislation. Specifically, I think, we will continue with the finance motions, the Stock Savings Plan and the Venture Capital Plan. If we make progress on Thursday on those two motions, we will be dealing with The City of Mount Pearl Act on Thursday, and if we make a lot more progress we will be carrying on as we have been doing.

Friday: I will have to let the hon. members know tomorrow or Thursday, perhaps. It is now getting to that stage.

MR. TULK:  
The election call, you mean that is not on.

MR. SIMMS:  
Mr. Speaker, the hon. member will be one of the first to know.

I move that the House adjourn until tomorrow, Wednesday, at two of the clock, and that this House do now adjourn.

On motion, the House at its rising adjourned until tomorrow, Wednesday, June 15, 1988, at 2:00 p.m.

**Index**

**Answers to Questions**

**tabled**

**June 14, 1988**

*Environment & Lands,  
14 June '88*

June 9, 1988  
File No.: 812.011.6

REPLY TO QUESTIONS ASKED IN THE HOUSE OF ASSEMBLY ON MAY 24th  
by  
THE HONOURABLE MEMBER FOR STEPHENVILLE

RE: Storage of PCB's in this Province generally, and  
specifically at Stephenville

Since the early 1980's the Newfoundland Department of Environment has adopted Environment Canada's guidelines for PCB storage sites covering such aspects as construction standards and operational requirements. Licenses are issued under The Waste Material (Disposal) Act, 1973 such that the owners of PCB wastes (in storage awaiting disposal) are then bound by law to follow key terms and conditions pertaining to record keeping, inspections, security checks, surety bonding, etc.

Almost every generator of PCB wastes is required to have one or two storage locations in this Province and there are now slightly more than twenty approved storage locations. Only half of these have significant quantities of PCB transformer oil (known by several trade names including Aroclor, Inerteen, and Pyranol). The others have combinations of spill cleanup debris (contaminated soil, rags, etc.), electrical equipment other than transformers where the fluid is essentially locked into sealed metal components (compactors, ballasts, etc.), and non-PCB transformer oil (mineral oil) which has, over the years, become contaminated by PCB's such that secure storage for proper destruction is necessary (greater than 50 parts per million contamination). Usually, the level of contamination is quite low (less than 800 ppm) meaning a standard 150 litre drum would contain less than 120 ml of PCB's which is approximately equivalent to the cubic measurement of a tube of tooth paste.

Excellent factual information on the PCB problem and its management is clearly presented in a booklet and a series of three leaflets printed by the Canadian Council of Resource and Environment Ministers. These are available to the public, Members, etc., in Regional Offices of the Department of Environment and Lands and on the 4th floor of the West Block.

In the past, small quantities of PCB waste material have been stored in the Stephenville area at a number of locations. This Department has worked over the past several years with Harmon Corporation, Newfoundland Light and Power, and the Town of Stephenville, to establish a very sound method for storage and handling of the PCB material.



In 1986, the Town of Stephenville constructed a standard PCB storage facility inside their garage at the Stephenville Waste Disposal Site. Certificate of Approval Number WMS85-11562 was issued for this storage area.

During the summer of 1987, Titan Waste Management transferred PCB material owned by Harmon Corporation to the new storage site at Stephenville. This site is checked regularly (not less frequently than every thirty days) by Town officials to ensure it is maintained to the standards outlined in the Certificate of Approval.

Also during the summer of 1987 an area of contaminated floor in Building 850 was removed. Some confusion has arisen regarding whether the cleanup was completed as required. The final decision regarding this matter has been left with the Conservation and Protection Service of Environment Canada who initially decided which areas required cleanup. This is appropriate also because it is Environment Canada which administers The Environmental Contaminants Act under which PCB's are scheduled.


More recently, Newfoundland and Labrador Housing Corporation has taken over the responsibilities of Harmon Corporation including the responsibility for arranging, at an appropriate time, for the destruction of their PCB wastes. In February correspondence was exchanged confirming responsibilities for the PCB material previously owned by Harmon Corporation and for maintaining the PCB storage in conjunction with the Town of Stephenville.

Newfoundland Light and Power had several small secure sites located in Stephenville for the storage of their PCB material. Certificate of Approval Number WMS85-11560 was issued for these sites. However, all this material has since been transported, in two shipments, to their main facility at Topsail Road, Mount Pearl. On 1988 05 12, ten 35-gallon drums of liquids were shipped and on 1988 05 26 six empty transformers were shipped. Newfoundland Light and Power no longer has any PCB material remaining in storage in Stephenville.

The Department of Environment and Lands has been involved to varying degrees in several PCB sampling programs in the Stephenville area. In response to complaints in the 1970's old transformers and soil near transformer locations at the Pine Tree Radar Base on the Port au Port Peninsula were sampled but no significant levels of PCB's or areas of PCB waste that would require cleanup or secure storage were found. On reports of transformer scrapping and oil disposal at the old Dominion Metals Building (since removed) more samples were taken with the same result.

Also, there were recent reports of transformer oil dumping many years ago along the general route of the new Stephenville Crossing Arterial Road. Environment Canada sampling did not disclose any problem areas. Another sampling initiative was put forth in 1987 by the Town of Stephenville involving water quality of Noel's Pond. One of the parameters to have been tested was PCB. However, funding was not available and no sampling was done. In view of very low levels for other area PCB sampling, PCB sampling of water courses and water bodies near Stephenville would have to be considered more of a curiosity than a priority. The cost is approximately \$100.00 per sample and PCB's are not water soluble.

It is hoped this response will serve as an update of the PCB situation at Stephenville, and to ease the minds of any area residents still concerned about possible exposure to this persistent chemical.

  
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JAMES RUSSELL, M.H.A.  
Minister

## CONTENTS

TUESDAY, 14 JUNE, 1988.

### On A Point of Privilege:

Mr. Fenwick.....	2969
Mr. Russell.....	2972
Mr. Tulk.....	2973
Mr. Sinms.....	2976

### RECESS

Mr. Speaker, rules prima facie case established.....	2977
Motion, matter referred to Committee.....	2977

### Oral Questions

#### Workers' Compensation Appeal Tribunal:

Has the Chairman acted for an employer since his appointment. Mr. Tulk, Mr. Blanchard.....2977

Was the Minister advised by the Chairman that he acted for an employer after his appointment. Mr. Tulk, Mr. Blanchard.....2978

Possibility a case appealed to the Supreme Court by the Chairman could be referred back to the Tribunal. Mr. Tulk, Mr. Blanchard.....2978

If the case is sent back to the Tribunal, will the Chairman not be in a conflict of interest. Mr. Decker, Mr. Blanchard.....2979

Will the Minister admit the Chairman has jeopardized the impartiality of the Tribunal. Mr. Decker, Mr. Blanchard.....2979

Has a Vice-Chairman been appointed. If not, why not. Mr. Decker, Mr. Blanchard.....2980

Cites the Tyrone Power case as another possible conflict of interest. Mr. Furey, Mr. Blanchard.....2980

Appeal Tribunal (continued):

Asks that the Minister have Mr. Power's case heard immediately. Mr. Furey, Mr. Blanchard.....2980

Cites other cases. Mr. Furey, Mr. Blanchard.....2981

Minister's view of Chairman's letter contradicted by letter tabled by the Member from Fogo. Mr. Simmons, Mr. Blanchard.....2981

Contends a conflict of interest posed by the Chairman having collected employer assessments. Mr. Simmons, Mr. Blanchard.....2982

Suggests it would be simpler if a person not in conflict chaired the Tribunal. Mr. Simmons, Mr. Blanchard.....2983

Consumer Affairs: Drug Prices:

Increase in drug prices over recent months. Mr. Efford, Mr. Young.....2983

Asks the Minister to study recent price increases and their impact on senior citizens. Mr. Efford, Mr. Young.....2984

What is the Minister going to do about the situation. Mr. Efford, Mr. Young.....2984

Cabot Institute:

Minister's answer to concerns expressed by students and faculty. Mr. Long, Mr. Matthews.....2985

Courses being cut back among the most successful at any institute. Mr. Long, Mr. Matthews.....2986

Claims publicly funded vocational training not now available to St. John's residents. Mr. Long, Mr. Matthews.....2987

Harbinger Bankruptcy:

Suggests the Minister passing the buck by referring problem to a federal department which has nothing to do with it.  
Mr. Baker, Mr. Matthews.....2988

Suggests the Minister's department relieve students involved in the debt. Mr. Baker, Mr. Matthews.....2988

Suggests the Minister approach Treasury Board to pay the improper debt. Mr. Baker, Mr. Matthews.....2989

**Notices of Motion**

The Protection of Human Rights and Amend Corporations Act:  
Mr. Simms, on behalf of Ms Verge.....2990

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

PCBs in the Province:  
Mr. Russell.....2990

**Orders of the Day**

Mr. Speaker leaves the Chair.....2990

**Committee of the Whole**

Debate begins.....2990

Debate adjourns.....3029

Mr. Chairman (Greening) Reports:

Bills Nos. 1, 37, 13, 5, 8 without amendment, and  
Bills Nos. 16, 3 and 7 with amendment, passed.....3029

Adjournment Motion.....3029