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Speaker: Honourable P.J. McNicholas

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The House met at 2:00 p.m.

MR. SPEAKER (McNicholas):
Order, please!

Before recognizing the hon. the President of the Council, I want to deal with the matter raised on June 2. I refer to the point of privilege raised by the hon. the Minister of Health (Dr. Collins) on Thursday, June 2. I listened with interest to the debate by the Minister of Health, the Leader of the Opposition (Mr. Wells), the Premier, the Opposition House Leader (Mr. Tulk), the Government House Leader (Mr. Simms) and the member for Mount Scio - Bell Island (Mr. Barry). Because the matters raised were of a serious nature, I permitted a longer period for the debate on the issue than I would normally have allowed.

Upon studying the authorities, Beauchesne Fourth and Fifth Editions, and Erskine May Eighteenth and Nineteenth Editions, and after giving this matter serious consideration this weekend, I have come to the conclusion that a prima facie case of breach of privilege has not been established in accordance with the criteria as set out in these authorities.

MR. SIMMS:
Mr. Speaker.

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

MR. SIMMS:
Mr. Speaker, you will recall a few days ago, I think it was June 2 or 3, I gave notice to Your Honour and to members of the House that I intended to raise a point of privilege related to comments made by the Leader of the Opposition

which cast reflections on all members of this House, but, in particular, upon Your Honour.

I have the transcripts of the news stories and the related comments on VOCM news, which I will read just briefly for you. The reporter said, referring to the Leader of the Opposition, "he said the Speaker does not have any full control over them.", referring to members of the House. The CBC radio transcript headline "Clyde Wells says the Speaker of the House of Assembly has lost control of some members." The reporter went on and quoted him as saying, "the Speaker, Dr. Paddy McNicholas, has lost control of those members." Those are the radio transcripts.

I also have the June 2nd edition of The Evening Telegram, Mr. Speaker, where it says, 'Opposition Leader Clyde Wells finally lost his temper' - I will Table the newspaper, as the rules require. Not a clipping, but the newspaper itself - 'and angrily called on the Speaker to restrain the "undisciplined animals" on the other side. Later, outside the House the Opposition Leader told a press briefing, "I got provoked today." But he also said the Speaker, "Clearly doesn't have full control of certain members of the House."'

Now, Mr. Speaker, in presenting my case I have some references which I would like to refer to you, and you will hopefully get an opportunity to read through them and consider them before you make your decision on this matter.

First of all, I will tell Your Honour that I am prepared to move the appropriate motion should Your Honour find that a prima facie

case of privilege has been established.

Mr. Speaker, I want to quote for Your Honour, and for members of the House, from Beauchesne page 38, paragraph 117, which refers to the Speaker as the Presiding Officer. Paragraph 117, subsection (1) - I am not reading the whole subsection - says in part: "Reflections upon the character or actions of the Speaker may be punished as breaches of privilege." Subsection (2): "The Presiding Officer, though entitled on all occasions to be treated with the greatest attention and respect by the individual Members, because the power, dignity, and honour of the House are officially embodied in his person..." Beauchesne, page 14, paragraph 26, Mr. Speaker, in part says: "It is the duty of all Members to uphold at all times the authority of the Chair, reflecting as it does the House itself."

Mr. Speaker, the old **Standing Orders** of this legislature 1951, which were used up until the time we reviewed them, which were in effect when the Leader of the Opposition happened to be a member of the House, say in part: "Aspersions upon members and interference with their official duties are breaches of privileges of members. An attack in a newspaper to constitute breach of privilege must come within the above definition," which this clearly does, Mr. Speaker.

Abraham's Parliamentary Dictionary points out: "To constitute a breach of privilege a statement reflecting on the conduct of a member in his capacity as a member need not be true, but it must tend to lower

the House in the eyes of the public" which the Leader of the Opposition's statement certainly did. "When someone publishes reflections on the House, they will be treated as contempt of the House. Furthermore, reflections upon members, the particular individuals not being named or otherwise indicated, are equivalent to the reflections on the House." That is from Joseph Maingot's **Parliamentary Privilege in Canada**.

There are many more from Maingot, Mr. Speaker, which I want to refer to for Your Honour's consideration. 'If one member speaking outside the House reflects improperly on the conduct of another member's parliamentary activities and the matter is raised as a matter of privilege in the House, the Speaker has jurisdiction to examine those words and determine if there is a prima facie case of privilege or contempt of the House, and Speakers have done so in Canada and in the British House of Commons.'

Mr. Speaker, on June 5, 1985, in the House of Commons in Ottawa, there was an unequivocal withdrawal by the member for York South-Weston, Mr. Nunziata, as a matter of fact, who had claimed, or made comments outside the House with respect to the Speaker. He, however, had enough integrity to stand and withdraw. Out of respect for the Chair and the House, he withdrew all those comments completely and unequivocally. He obviously knew he was in contempt of Parliament, Mr. Speaker.

Further quotes from Joseph Maingot's **Parliamentary Privilege in Canada**: 'For any person to

say that a member was guilty of serious misconduct or that the Speaker was not impartial or biased, could amount to a contempt of Parliament.' Again, Page 215 of Maingot's **Parliamentary Privilege in Canada**: 'Any suggestion of partiality or bias on the part of a presiding officer such as the Speaker shows disrespect and amounts to contempt. Other improper reflections on the Speaker are also subject to House actions.'

From Beauchesne, Mr. Speaker, Paragraph 45, 'Reflections on the House as a Whole: Traditionally, articles in the press reflecting badly on the character of the House have been treated as contempts.' The Leader of the Opposition has been noted for it on many occasions over the last several weeks.

Paragraph 46: 'In 1906, Mr. J.E.E. Cinq Mars was examined at the Bar for an article in the press that the House eventually judged to "pass the bounds of reasonable criticism and constitute a breach of privileges of the House."'

Finally, Mr. Speaker, just to present the case, if you look at Beauchesne's Paragraph 51 you will see: "In 1974 and again in 1976 Members complained about newspaper reports and the Speaker allowed that a prima facie case of privilege existed.' Mr. Speaker, I will conclude with this final quote from Beauchesne, Paragraph 52, Page 19, Fifth Edition, which is very short, very succinct: 'The Speaker should be protected against reflections on his actions.'

Mr. Speaker, I submit to you that what I have quoted from the

newspaper articles and what every member of this House and what the people around this Province heard over the latter part of last week certainly does anything but protect the House, and does nothing but cast reflections on Your Honour and on all members of this House. There are lots of cases and lots of evidence where these kinds of situations have certainly been ruled as a prima facie breach of privilege, and I suggest Your Honour has one on his hands here. I will table the newspaper.

SOME HON. MEMBERS:
Hear, hear!

MR. WELLS:
Mr. Speaker.

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

MR. WELLS:
Mr. Speaker, it is obvious that their basic problem is they are afraid of truth. They want to do anything they can to prevent the truth from being disclosed.

MR. MORGAN:
Are we are animals over here, or what?

MR. SPEAKER:
Order, please!

MR. WELLS:
Mr. Speaker, it is clear that they are doing nothing but verifying the statements I made, and I am happy to have their support in that regard.

Now, Mr. Speaker, to address specifically the comments of the hon. member, the President of the Council, if he had quoted from a full transcript, and I do not have

a full transcript with me but I will see if I can find it now from a member of the media who taped the entire interview, he will find, Mr. Speaker, from the comments I made, that what he reported is only part of them. There were more. The comments I made were made in response to a question by a member of the media. I had talked about my inability to address questions in the House because of the constant chattering and shouting from members on the opposite side whenever I stand to speak, and that this had been a problem for some considerable time. One of the members of the media had said, 'Well, whose fault is that? Is that the Speaker's fault?' That was his question, and I am sure he will provide the tape. In response to that question here is my recollection - I do not put this forward as verbatim, but I will try to get the tape for Your Honour. My recollection of it is that my response was, "No, it is not the Speaker's fault. It is virtually impossible for him to control members of the majority of the House who want to behave in that way, particularly when they are frequently led in that kind of behavior by the Premier himself." Now, to the best of my recollection that, if not precisely what I said, is the gist of what I said.

The comment went on to include that the Speaker did not have control over those half a dozen or so members who constantly cause this disruption. That is essentially the comment and the circumstances, Mr. Speaker. As Your Honour knows, I sympathize with Your Honour's difficulty, and have for some time, in trying to maintain control over the hon. members.

With respect to the authorities cited, I can only suggest to Your Honour that it surprised me that the President of the Council would rely on repealed rules or replaced rules as his authority. Assuming they were the rules of the House, they are clearly no longer the rules of this House and so have no force and authority.

I would refer Your Honour to Beauchesne, page 12, this is the Fifth Edition, Paragraph 19, subparagraph (3): "Statements made outside of the House by a Member may not be used as the base for a question of privilege." That is the basic rule.

Our rule, to which the hon. gentleman referred in the previous rules, may have allowed it, our present rules do not. Beauchesne precludes it. As Your Honour is aware that statement, if the full statement had been made, does not cast any reflection on Your Honour. It simply tells the truth about the misbehaviour of the hon. members opposite, not all of them. I must emphasize I have frequently emphasized this for media: It is not all of them. It is a handful of members opposite who constantly disrupt this House and prevent a proper presentation of argument, as they are attempting to do today.

Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

To that point of privilege. I think I have heard enough. I have heard a presentation from both sides. I would like to study what has been said and I will have more to say about it in a few days.

Before recognizing the hon. member, I would like to welcome to the galleries 30 Grade V students from St. Paul's School, Newfoundland Drive, with their teacher, Mrs. Jane Ré and 22 Grade VIII students from St. Joseph's Elementary School, Ferryland, with their teacher James Dinn.

SOME HON. MEMBERS:

Hear, hear!

Statements by Ministers

DR. COLLINS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Health.

DR. COLLINS:

Mr. Speaker, I am pleased to advise Honourable Members that the Community Health Branch of the Department of Health will be supporting, as a co-operative venture between the Department and the Association of Registered Nurses of Newfoundland, the implementation of a Primary Care Nursing Project: A Nursing Model.

I might just add, Mr. Speaker, that the Association are currently having their annual meeting over at the Holiday Inn and they will be dealing with this subject at the present time. So this is a concurrent statement with the activities going on over there.

The project is organized as a pilot study of a new and innovative way to deliver community health services of high quality in a cost-effective approach. The Department will be providing approximately \$170,000 on an annual basis for its

duration. The project is expected to last for three years and will include a formula evaluation at the end of this period.

The purpose of the project is to demonstrate that a measurable improvement in the health status of selected communities in Newfoundland can be effected through the provision of primary health care services managed and largely provided by nurses. The project will provide a comprehensive, co-ordinated approach to the provision of a broad range of preventive and curative nursing services at the community level. The geographic site for the project will be the Southern Shore, somewhere between Bay Bulls and St. Shotts.

An Advisory Committee will be established to provide overall direction and consultation to the project. The Committee will be composed of representatives of A.R.N.N., the Department of Health, consumers, and other groups as considered appropriate.

It is hoped that the pilot project will demonstrate that community health nurses can make a major impact on disease prevention and health promotion in communities of our Province. The Department of Health sees this projects as enhancing existing services. Such services are of increasing significance especially to the elderly in our Province whose numbers are increasing.

The Association of Registered Nurses of Newfoundland has collaborated with the Danish Nurses Organization in the development of this prototype primary health care nursing service. Because the aim of this collaborative approach is to

develop a model, not only for communities in Newfoundland and Denmark but throughout the world, the two organizations received assistance from the World Health Organization (WHO) in its planning stages.

Mr. Speaker, I would like to take this opportunity to congratulate the Association of Registered Nurses of Newfoundland for initiating this most important project in the provision of health care for the people of our Province.

SOME HON. MEMBERS:

Hear, hear!

MR. EFFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Port de Grave.

MR. EFFORD:

Thank you, Mr. Speaker.

Mr. Speaker, we are pleased, certainly, to hear this news today. I do not think it could come at a better time and a time of more need when we know of the number of elderly and senior citizens who have to stay in their communities because there is not enough available nursing home beds, along with the situation with the health care system in all the hospitals around the Province where people have to be admitted to hospitals, especially our senior citizens. Certainly this is a very, very worthwhile project.

There are many, many cases you hear of from day to day in communities where senior citizens are living at home with Alzheimer's disease and many other problems. There is also just the

general day-to-day care people in the communities need. There is a great need for this type of development, not only in this part of Newfoundland where it is going to be tried, in Bay Bulls to St. Shotts, but all over the Province. I understand the reason it is going to be tried in the first instance in this particular area is because it is close to the head office here in St. John's.

Certainly, that is not to be critical of that, but what we would like to see, Mr. Speaker, is much, much more money put into the community development nursing care project, so it is could be implemented in less than three years, because I do not think it is necessary for it to take three years of study. It is a matter of just putting the program together and getting the money to put the nurses to work in the communities.

If the Minister of Health is not going to make sure there are enough beds open in the hospitals and not enough nursing home beds, then this is a substitute and a very, very worthwhile project.

We certainly congratulate the Association of Registered Nurses. We will stand behind them all the way in making sure that this project does get off the ground, Mr. Speaker, and does become a project all Newfoundland can avail of.

Thank you, Mr. Speaker.

MR. LONG:

Mr. Speaker.

MR. SPEAKER:

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

MR. LONG:

Thank you, Mr. Speaker.

Mr. Speaker, we welcome the announcement by the minister and see it as a very positive initiative inasmuch as it brings a proper focus on situations in this Province at present with the delivery of health care in which there is a very real tension between the immediate need for an infusion of funds to respond to acute care and the needs of the hospitals, but this being in a certain kind of conflict with the long-term needs of reorienting and restructuring the whole health delivery system and making them both more cost effective, more valuable and essential in terms of providing a different kind of care.

The project the minister has announced today is an excellent initiative on the part of government, not only on its own terms, but also a signal to the people of this Province and to the professionals in the health care system that we need to move toward community-based, preventive care models for the future.

Mr. Speaker, the only real problem I have with the minister's statement is he says it will take a three-year period to implement the project. There is, perhaps, an implicit suggestion the department will not be able to initiate any other such undertakings until we see what this pilot project produces at the end of three years. There is a real need for the department and the government to do more in this area right now.

Mr. Speaker, we look forward to this pilot project. We also might take the opportunity to say that we, in this party, are

undertaking our own investigation into the health care needs of the Province and the people of the Province, and we will consider this whole direction of community care as one part of our own investigation.

Thank you, Mr. Speaker.

AN HON. MEMBER:

Hear, hear!

MR. BLANCHARD:

Mr. Speaker,

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Thank you, Mr. Speaker.

Mr. Speaker, I wish to report to this hon. House on the circumstances surrounding the award of a tender for the supply of office accommodation on behalf of the Workers' Compensation Appeal Tribunal.

Briefly, the facts of this tender may be summarized as follows:

1. The request from the Department of Labour in 1987 to tender for 2,523 square feet of office space for the Workers' Compensation Appeal Tribunal did not make any explicit reference to special requirements or exceptional considerations.

2. The tender which the Department of Public Works and Services advertised on behalf of the Department of Labour was based on a general specification for public, office-type accommodations. This specification makes only very general reference to parking space being adequate, space being accessible, and occupancy being

within a short period of time. In neither case, however, is the scope of these three criteria precisely defined in general specifications.

3. Eleven bids were received and inspected by the Department of Public Works Accommodations Division and by Mr. David Buffett of the Workers' Compensation Appeals Tribunal. A written commentary on the features of each property was forwarded by the Deputy Minister of Public Works and Services to the Deputy Minister of Labour. This referral made no recommendation, but referenced the need for the Department of Labour to obtain Treasury Board approval if an award was to be made to other than the lowest bidder.

4. On July 1, 1987 the Deputy Minister of Labour requested Treasury Board approval to select the bid of Terra Nova Enterprises, which is the Central Trust Building, the highest of three they considered eligible out of the total of eleven bids received. The other two were Terra Nova Enterprises (Telephone Building) and Atlantic Office Properties (the former Evening Telegram building), which were the first and third ranked respectively, in terms of price, among the eleven received. It was argued that the higher annual rent of \$8,452 to be paid for the Central Trust Building compared to the lowest bid received was warranted, given the convenience of location within the City and the availability of ample parking. Treasury Board staff accepted these arguments, and approved the award for the Central Trust space.

Mr. Speaker, there is no

suggestion that any illegitimate considerations were taken into account in awarding this tender. Indeed, the same company, Terra Nova Enterprises, submitted the bid that was the lowest price overall, including three parking spaces, at an annual rental of \$29,014. This compared to a bid of \$29,998 with 4 parking spaces by Kampa Limited, and \$31,353 with six parking spaces separately charged at \$3,600 per annum, by Atlantic Office Properties. Ashely Holdings submitted a bid of \$37,214 for space which was not accessible handicapped persons.

These procedures complied with the provisions of the The Public Tender Act and procedures as they stood at the date of awarding of this particular contract. I note that the new Public Tender Act proclaimed in force on November 1, 1987, now limits the level of subjectivity associated with such tender awards.

It is important to clearly state for the record that the emphasis placed upon accessibility for the handicapped and availability of ample parking for the public was fully warranted, even if not precisely identified in the tender documentation.

The Workers' Compensation Appeals Tribunal is a board with a permanent staff that deals with complex and difficult reviews of Workers' Compensation entitlement. Many appellants are limited in their mobility, and I have no difficulty, Mr. Speaker, in standing before this House during "Access Awareness Week" to say that I completely and emphatically support the decision to disqualify the non-handicapped accessible bidder.

The adequacy of public parking is also a significant concern and it is apparent that the three lowest bids which were handicapped accessible did not meet the implied criterion of generous public parking. While it is regrettable that this need was not make explicit in the tender document, I feel that hon. members must agree that such a Tribunal must be physically available to the public at large. It would be impractical and inappropriate not to have sufficient parking for the public.

In summary, Mr. Speaker, it appears upon review that this contract was appropriately authorized in accordance with the then existing legislation. Further, any subjectivity in the evaluation process was solely motivated by the perceived, and the real, need to make sure that the facility was completely accessible to the whole of the public, and not just the few for whom reserved parking would be available.

Thank you, Mr. Speaker.

MR. TULK:
Mr. Speaker.

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

MR. TULK:
Mr. Speaker, I thank the minister for a copy of his reply, as such, but I would ask the minister about this: He made a statement that the reasons are very straight forward. I would ask the minister: If the answers to those questions are so straight forward, why has it taken him since April 19th to supply them?

Mr. Speaker, the minister has made

an attempt to explain what goes on here. I will take a little more time and study the attempt, but I see a few little loopholes in it already.

He makes the point to us that the specifications, when they went out from the department for this tender call, make only "very general reference to parking space being adequate, space being accessible, and occupancy being within a short period of time." There is no precise definition. Yet, when the bids are awarded, there is a very precise definition.

I would suggest to the hon. gentleman that the preciseness started to come about as a result of a letter written to the Deputy Minister of Labour by the Chairman of the Workers' Compensation Appeal Tribunal, who is also the law partner of a 25 percent owner in that firm; the preciseness started to come about at that point.

Mr. Speaker, the Deputy Minister of Labour made a request to Treasury Board and I again have to ask the Minister of Labour this evening if he made that reference to Treasury Board specifically on the basis of the recommendations made to him by the Chairman, Mr. Buffett, of the Workers' Compensation Appeals Tribunal. Is that where the preciseness and the very precise requirements came about, at that point? That is the question the minister has to answer.

Mr. Speaker, he also goes on to tell us, "It was argued that the higher annual rent of \$8,452 to be paid for the Central Trust Building compared to the lowest bid received was warranted, given

the convenience of location within the City and the availability of ample parking."

I say to the minister the Workers' Compensation Appeal Tribunal is a Board which is more or less on circuit. Much of its work takes place outside the City and I would suggest to him that a lot of the clients - it is absolutely so - I would suggest to him that many of the clients who come to this Appeal Tribunal do not need parking space. Let me take it a little bit further.

He goes on and he talks about the overall price. At one point there is nothing specific and at another point there is something specific, three parking spaces, four parking spaces and so on.

He also makes the point that the handicapped were one of the prime considerations. He is honoured to stand in this House during 'Access Awareness Week' and say how important the handicapped were.

Yet, we presented him with a report done by a handicapped person, who was well capable of doing it, some two weeks ago, or at least a week and a half ago, which showed that the lowest tender, Atlantic Properties Ltd., was the building which had the greatest access for the handicapped, not the building taken at three dollars a square foot more per year.

SOME HON. MEMBERS:
Hear, hear!

MR. TULK:
So I say to the minister, while he has attempted to explain to us and to the public of Newfoundland why it was that this building, at fourteen dollars and eighty-five

cents a square foot, three dollars and eighty-five cents more than another building, was taken for the Workers' Compensation Appeals Tribunal, I say to him there are factors surrounding that tender - he used the word 'subjectivity'.

MR. SPEAKER:
Order, please!

MR. TULK:
The whole process was subjective. The minister still has some explaining to do and we will have some more questions to answer in the morning.

SOME HON. MEMBERS:
Hear, hear!

MR. FENWICK:
Mr. Speaker.

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

MR. FENWICK:
Just a few comments, Mr. Speaker.

The minister makes reference, on the first page of his statement, that the "specification makes only very general references to parking space being adequate, space being accessible," and so on.

I would imagine, then, that the minister would have no reluctance whatsoever to table the documents used in asking for tender bids on this so we could have a look at it ourselves, since that seems to be a key part of the explanation the minister is putting forward.

Actually, the explanation he seems to be putting forward is that the whole thing was bureaucratic sloppiness in the sense that you never clearly defined what you wanted in the first place and then put out for it. Although that may

or may not hold up, one of the things that is quite curious is the minister now admits that under the new procedures proclaimed on November 1, 1987, that that leeway would not have been allowed.

If I recall correctly, the Legislature last sat in June of 1987 and that new legislation would have been fully passed through first, second and third reading, and Committee stage in this House. They would have been given Royal Assent towards the end of June, and, in fact, were in a pretty good position for both the minister and his Deputy Minister to know what the requirements were. The fact they were not proclaimed until November 1, I would suggest, is somewhat academic. The guidelines and the new legislation were there, and to not follow them, I would suggest, is clearly inadequate.

The other thing, I think, which is probably the key to it is maybe the Chairman of the Board himself, a Mr. Buffett, who I understand in his law firm does have some contact with other individuals who are involved with the ownership of the building, maybe we are actually chasing the wrong person here by way of the Minister of Health. Perhaps the contact between the Chairman of the Board, his law firm, and so on, are more the reason this particular office space was taken, which was clearly more expensive than others available.

Altogether, Mr. Speaker, I am not overly impressed with the explanation and I would certainly like to see the tender documents. They may support more what the minister has said.

MR. DOYLE:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Transportation.

MR. DOYLE:

Mr. Speaker, I am pleased to announce to the hon. House today yet another list of projects valued at \$10.18 million to be publicly tendered by my department over the next few weeks for highway paving and improvements throughout the Province. Mr. Speaker, these improvement projects, which will be carried out during the 1988 construction season, will be funded entirely by the Province under my department's road and bridge rehabilitation improvement and construction program.

The projects to be tendered are as follows: Upgrading sections of Pacquet; Shoe Cove and Wild Cove roads; replace a wooden bridge at Wild Cove with a concrete bridge; complete project of a new bridge on Pacquet River; upgrading the main road through the community of Harbour Deep, in the district of Baie Verte - White Bay; miscellaneous road work in the Bay of Islands; paving of Route 205 Hillview towards St. Jones Within, in Belleview; completing the project on Hillview towards St. Jones Within, in the district of Belleview; upgrading and paving various roads in Bonavista South; completing a project on the Creston Causeway Bridge, in Burin - Placentia West; complete the project on the Winterland Road, in the district of Burin - Placentia West; replacement of a bailey bridge at Little Bay with concrete bridge, in the district of Burin - Placentia West; upgrading Triccos Road intersection with the TCH, in the district of Conception Bay

South; miscellaneous road work in Ferryland; complete a project of repairs to a culvert bridge on Witless Bay Line, in the district of Ferryland; repairs to Route 220 in St. Lawrence in Grand Bank; resurfacing Grenfell Heights Extension in Grand Falls; construction of a bridge on the Sunday Cove Tickle Causeway in Green Bay; miscellaneous road work as well in Green Bay; continue the upgrading of the main road through Jackson's Arm and various other roads in Humber Valley district; hydroseeding of an extension to Commonwealth Avenue, in the district of Mount Pearl; complete project, removal of a West Mines Bridge, in the district of Mount Scio/Bell Island; miscellaneous road work in St. Barbe; repairs to Piccos bridge, upgrade Roaches Road, complete paving of 1.5 kilometers in Flatrock, 1 kilometer in Pouch Cove, 1 kilometer in Shoe Cove and 1 kilometer of Bauline road, in the district of St. John's East Extern; the installation of a culvert bridge at St. Stephen's, in St. Mary's - The Capes; miscellaneous road work in St. Mary's - The Capes; paving of 9.5 kilometers of Route 234, Lethbridge to Jamestown; and 1.4 kilometers of Cannings Cove Road, in the district of Terra Nova; the upgrading of community roads in Coastal Labrador communities in Torngat Mountains; replacement of a concrete bridge at Tucks Cove on Route 80 in Trinity - Bay de Verde; paving of Whirlpond Road, Port Rexton, 1.6 kilometers, Trinity North; upgrading approximately 3 kilometers of Burgoines Cove Road; and miscellaneous road work, as well, in Trinity North.

Mr. Speaker, the above named projects represent approximately

27 per cent of my department's provincially funded roads program. This, combined with my earlier statement to this House, will result in expenditure of \$36.43 million which represents 92 per cent of the program. The remaining \$3.57 million is devoted to calcium chloride, pavement repairs, grants and other miscellaneous projects.

The process of early tendering in transportation projects has worked extremely well, resulting in most projects being completed within the same season.

I would like to remind the hon. House that it is difficult to address all of our transportation requirements on an immediate basis, but I feel much progress is being made. Many significant improvements have been made to the transportation infrastructure in practically every region of Newfoundland and Labrador.

This year, Mr. Speaker, will see some \$70 million worth of provincial and federal/provincial projects undertaken by my department which will be of significant benefit to the construction industry.

SOME HON. MEMBERS:

Hear, hear!

MR. GILBERT:

Mr. Speaker,

MR. SPEAKER:

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

MR. GILBERT:

Mr. Speaker, we have seen the completion of the pork barrelling for this year.

When I see the minister stand up -

this is his third stage of announcing the projects for this year - I get the distinct feeling that the minister feels he is dispensing Tory Party funds instead of taxpayers' money from the Province of Newfoundland and Labrador. I see he certainly did not follow the advice or the recommendations of the Auditor General, who said the highway funding in Newfoundland was by his department. There were no guidelines and there was no procedure used in the dispensing of these funds.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please!

MR. GILBERT:

The projects were announced in block, without saying specifically how much was allotted for each one in the various districts.

I know the minister is going to say the reason for that is because they have to go to public tender. If that is the case, why would he have someone from his office phone down to McCallum last week and tell a known Tory down there that there was going to be \$100,000 spent in McCallum? I am sure this was done, and every member over there knows how much is going to be spent in his district. I think it is a sham and a charade the minister is going through.

As to the list itself, I notice there is paving for Conception Bay South. I do not see anything for Round Pond Road, but I guess that will come later. I did notice Grand Falls. Last week, the member for Grand Falls announced \$250,000 for Grand Falls in the press, and I see it is announced

here in this statement today. To me, this seems to sort of destroy any purpose the minister has in standing in this House and announcing those projects. Why does he not admit that it is just a pork barrelling process and a sham, dispensing money in Tory districts, and not go to the bother of trying to fool the people of Newfoundland by announcing those projects in the way he has?

SOME HON. MEMBERS:

Hear, hear!

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

Thank you, Mr. Speaker.

MR. FENWICK:

Mr. Speaker, in mathematics there is a rule that you cannot get a more accurate answer than you have accurate information brought in, so if you round off numbers to gross numbers, you cannot have an answer to about six or seven decimal places.

Mr. Speaker, I look at this particular list and remarkably there is not a single dollar sign on the list of projects all the way through. Mr. Speaker, at the beginning you see there are \$10.18 million to be publicly tendered, which means \$10,180,000, which is a pretty accurate answer to be given to an addition of what looks like thirty-one different projects, yet the minister has not seen fit to give us the courtesy of putting in the actual amount for each. Of course, if he did that, Mr. Speaker, both the member for Burgeo - Bay d'Espoir and

myself, and anybody else, would be able to do an analysis of where the actual money is being spent. By doing this, they are hoping to blindfold the devil in the dark. Mr. Speaker, I find it rather remarkable that they did it that way, and I think it is an indication of the attempt to hide quite a bit.

The other thing is, Mr. Speaker, there are about four or five different opportunities, like No. 5, where they say miscellaneous road work in the Bay of Islands; No. 18, miscellaneous road work in Green Bay; miscellaneous road work in St. Barbe; and 25, miscellaneous road work in St. Mary's - the Capes; and in Trinity North, miscellaneous road work. Mr. Speaker, you can hide all kinds of sins under headings like that. It could be \$100,000 to do a little bit of work, or it could be \$2 million to do a whole bunch of work, yet, the Minister of Roads is clearly following his usual procedure, which he did when he was in Municipal Affairs, of trying to tell us he is giving us information, when in fact he is not. Thank you, Mr. Speaker.

MR. LONG:
Hear, hear!

MR. SIMMS:
Mr. Speaker,

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

MR. SIMMS:
Mr. Speaker, on behalf of the Minister responsible for Newfoundland and Labrador Housing Corporation, I am pleased to announce today that approvals for conditional allocation of funding under the private non-profit and

urban native non-profit housing programs have been made for 1988.

These programs are delivered by the Housing Corporation and funded in conjunction with CMHC.

The call for proposals under these programs, Mr. Speaker, was advertised earlier on a province wide basis and generated some twenty-six responses from non-profit groups representing different areas of Newfoundland and Labrador. Following a careful review of these proposals, based on a variety of established criteria, I am pleased to announce that a total of 66 units of non-profit housing for senior citizens and families have been approved for conditional allocation.

Under the private non-profit housing program, Mr. Speaker, the following groups and communities have been selected for conditional allocation of projects:

Hon. members will have to forgive me. I had a really, really, terrific, enthusiastic weekend this weekend and I am still trying to get over it.

Mr. Speaker, Bonavista North Integrated Senior Citizens' Association of Badger's Quay have received approval for twelve senior citizens' units; St. Anthony Interfaith Home, St. Anthony, have received approval for twelve senior citizens' units; Random Interfaith Senior Citizens' Home, Clarenville, sixteen senior citizens' units; The Garnish Local Care Committee, Garnish, eight senior citizens' units; and the Marystown Kinsmen Club, Marystown, have also received approval for twelve units.

SOME HON. MEMBERS:

Hear, hear!

MR. SIMMS:

As well, Mr. Speaker, two groups have been placed in a back-up position in the event additional units become available this year under the private non-profit program, or to facilitate advanced planning for 1989. These are:

Branch 35 of the Royal Canadian Legion, Stephenville, twelve senior citizens' units, and the Botwood Senior Citizens' Housing Committee, Botwood, twelve units.

In addition, Mr. Speaker, under the urban native proposal call, I am pleased to announce the Melville Native Housing Association will be building a housing project for six (6) native families in Happy Valley Goose Bay. In the coming weeks, Mr. Speaker, officials of Newfoundland and Labrador Housing Corporation will be working with all these groups to finalize design and tender awards so that projects can proceed at the earliest possible date.

This is the first proposal call conducted by the Corporation and represents the commitment of the government of Newfoundland and Labrador to providing a range of housing services to the people of our Province. In addition, Mr. Speaker, this serves to illustrate the Corporation's new and growing focus to involve the residents of the Province, through community-based organizations, in the actual development and delivery of these social housing programs.

SOME HON. MEMBERS:

Hear, hear!

MR. K. AYLWARD:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Stephenville.

MR. K. AYLWARD:

Thank you, Mr. Speaker.

On behalf of my colleague for Waterford - Kenmount (Mr. Gullage), who is not here today, I would like to express our pleasure on hearing the announcement that there will be funding to build a number of housing units in the Province for seniors. A measure of any society, Mr. Speaker, is how it treats its elderly and senior citizens. A start in that direction is being made today. It is a start, Mr. Speaker, but there is a lot more to do. We have an aging population in this Province, and in Canada, and we have taken action in the coming months, and in the next few years, to address the problems.

Senior citizens are having a tough time out there finding suitable housing. This is a start, Mr. Speaker, but we have to take a lot more funding and a lot more resources and throw them at the problem in order to deal with it. It is not going to go away; it is something that is going to increase. I think many members, especially on our side and I am sure on the other side, Mr. Speaker, get many phone calls from senior citizens in this Province who are looking for good housing.

Mr. Speaker, we are hoping to see more announcements in the future, and we are hoping to see more funding. But the only problem is, Mr. Speaker, that with the way this government operates, we are probably not going to see that

much in the very near future, so we intend to do something about it in the very near future, as soon as the Premier drops a writ. Thank you, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

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

MR. LONG:

Thank you, Mr. Speaker.

I do not know where the Minister responsible for Newfoundland and Labrador Housing Corporation is, but I am sure -

AN HON. MEMBER:

He is in Labrador.

MR. LONG:

- the House Leader will take all the comments he receives and pass them on to the minister. I have a real concern about the statement, although the statement is a positive initiative inasmuch as five groups will be getting some assistance to develop senior citizens' projects, but there are twenty-one groups which who will not be receiving any assistance this year from NIHC to develop their proposals further than the idea stage.

What I would like to know from the Minister of Housing is where is the survey the minister undertook to put in place over a year ago, which was a parallel activity to the process of asking people for submissions for non-profit housing projects? At the same time as groups out there were developing proposals for this program, they were also meeting with the minister, when he travelled around the Province giving information

about what the housing needs of various regions in the Province were.

One area that is of critical importance, alongside senior citizens, is the needs of disabled people in this Province. Mr. Speaker, I would tell the Government House Leader that it is fine to make such a positive announcement but, in the absence of any clear picture of what the housing needs are for the various regions of the Province, it is very hard to do a valid assessment of such an announcement. There are five projects accepted out of twenty-six proposals. On their own, they will be good for those communities, but there is a lot more to be said and done yet to meet the housing needs in the Province. Thank you, Mr. Speaker.

Oral Questions

MR. GILBERT:

Mr. Speaker.

MR. SPEAKER:

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

MR. GILBERT:

My question was originally intended for the Premier, but in view of the fact he is not here I will have to ask the Minister of Transportation (Mr. Doyle). I wonder is the minister aware that equipment and repair maintenance workers with the railway in Bishop's Falls are simply reporting for work every day, they are not being assigned jobs, they are not instructed to do anything, but sit around all day, even though there is lots of work to be done?

Now will the minister come clean and advise the people of Newfoundland and Labrador that a railway deal has been signed in secret and is just waiting for the appropriate time to announce it?

MR. DOYLE:
Mr. Speaker.

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

MR. DOYLE:
No, Mr. Speaker. As I indicated to the member last week, that is a question that he would more appropriately address to CN, and I am sure they would only be too happy to provide an answer for him.

MR. GILBERT:
A supplementary, Mr. Speaker.

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

MR. GILBERT:
Well, I wonder, Mr. Speaker, would the minister, in view of the fact that it is reported that the workers in Bishop's Falls are just sitting around, and being paid to sit around all day and not doing anything, would he check to see if this is indeed the case and then report back to the House?

MR. DOYLE:
Mr. Speaker.

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

MR. DOYLE:
Mr. Speaker, when the hon. gentleman brought this matter to my attention last week I instructed my officials to get in touch with Terra-Transport to find

out the reasoning behind that particular policy this year, and I am awaiting word back from the President of CN on that, Mr. Speaker. When I am given an answer I will be only too pleased to provide that answer to the hon. gentleman.

MR. GILBERT:
A final supplementary, Mr. Speaker.

MR. SPEAKER:
A final supplementary.

MR. GILBERT:
The minister did not answer the question because I asked about the workers in Bishop's Falls today, and it was the Summer employees I asked about before. Now will the minister admit that a press conference is being set up for this Thursday with Mr. Crosbie and Mr. Bouchard to announce the closing of the railway?

MR. DOYLE:
Mr. Speaker.

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

MR. DOYLE:
Mr. Speaker, that same question was addressed to the Premier on Friday past and the answer that the Premier gave at that time is still operative today. Talks have been ongoing between the Province and the federal government with respect to the railway, as they have been over the last number of months. When and if any deal is reached on the disposition of the railway, it will be announced to the hon. House.

MR. SIMMONS:
Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fortune - Hermitage.

MR. SIMMONS:

Mr. Speaker, I have a question for the illustrious Minister of Career Development and Advanced Studies (Mr. Matthews). It relates to The Private Sector Employment Program. The minister will be aware that in the terms and conditions of the agreement which is signed by successful applicants under the program there is this provision, Clause No. 20, which provides, "No member of the House of Commons or Provincial Legislature and no federal, provincial or municipal government employee shall be admitted to any share or part of this agreement or to any benefit arising therefrom." I wonder would the minister indicate to the House what is the reason for that specific exclusion of government employees and members of this House from benefits under the program?

MR. SPEAKER:

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

MR. MATTHEWS:

Mr. Speaker, I think this Clause is found in a number of program that come under the Province's jurisdiction, and I guess this is just a continuation of that. I think the answer is quite obvious. We have heard a lot about conflict of interest and other things lately, and I sort of think that this particular guideline falls in line with that to prevent any abuse or anything else. If the hon. gentleman has a specific case that he wants to refer to me for investigation, then I would ask him to get on with it and I will gladly do it.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

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

MR. SIMMONS:

Indeed I have, Mr. Speaker. I wonder would the minister reconcile for the House the requirement here that members of the House cannot benefit from this program? A legitimate requirement, by the way, and he is right, it is a pretty universal one, which in spirit is the right one. Now, Mr. Speaker, can he reconcile that requirement with the situation we have with the Minister of Health? His company, Terra Nova Enterprises, could not qualify for a \$2000 grant under this particular program, yet it can qualify for \$487,000 under another program. Can he reconcile the two? There seems to be a contradiction in terms there.

MR. SPEAKER:

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

MR. MATTHEWS:

Mr. Speaker, I can only answer questions about the Private Sector Employment Programme, on which the hon. member rose in his place and rightfully asked a question under that program, and now we see, of course, the real reason for the question, which is to try and throw curves and cast innuendo upon the Deputy Premier, and maybe other members of the House now as the hon. member goes further with his questioning. But, quite honestly, I am not going to get into a matter with you that we have seen dragged up in this House over the last couple of weeks, because I think the story has been told in spades, and I think that

the Deputy Premier has been truly vindicated.

MR. SIMMONS:

Mr. Speaker.

MR. SPEAKER:

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

MR. SIMMONS:

Mr. Speaker, I think the minister might have missed the import of my second question to him. It had to do with consistency.

MR. SPEAKER:

Order, please!

MR. SIMMONS:

I ask the minister, Mr. Speaker, in view of the exception made to what he has said is a fairly universal requirement made in the case of the Minister of Health under another program, I ask him would he, would his department consider an application from Terra Nova Enterprises for funding under this program, albeit much less funding than they are getting under another program?

MR. SPEAKER:

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

MR. MATTHEWS:

Mr. Speaker, there is no doubt the question is out of order. Let me just say that with the Private Sector Employment Programme every application that comes into the department is duly registered on the date that it is brought into the department, it is scrutinized by a project officer, and it goes to a committee. If there are any flaws or problems with any application, such as the hon. gentleman has outlined, that is duly considered and, in such a case, the application would be

recommended for rejection. All applications, as I said here last week, are duly considered, whether for small business or larger corporations, or anyone else in the Province. It is a Private Sector Employment Program of which the private sector is paying at least 50 per cent of the wages paid, and we are very proud of it. I cannot understand why some members opposite are trying to destroy what has been a very good and productive program in this Province, one that has created some 2,000 jobs, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. W. CARTER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, my question goes the Minister of Fisheries. In the absence of a statement today on the developments in St. Lawrence, if any, on the Ting fish plant, the holdings up there, in light of the minister's reply to my question last week, wherein he said that Mrs. Ting will be in the Province the first part of this week to undertake, hopefully, negotiations, I wonder can the minister give the House an update as to what the situation is now with respect to the St. Lawrence and Lawn and, probably, the Port aux Basques and Rose Blanche plants as well?

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. RIDEOUT:

Mr. Speaker, let me tell the hon. gentleman that discussions are

continuing with Mrs. Ting and her representatives. They have reached, I suppose to be honest, a delicate stage. Those discussions are continuing and I do not think it would be appropriate for me to give any detail about those discussions other than the fact that they are continuing.

MR. W. CARTER:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, I am not suggesting that the minister reveal any delicate negotiations, but I am asking can the minister, Mr. Speaker, put the minds of the people in the area at rest and give some indication now as to when that plant will reopen? Can we expect an announcement within days, maybe, that negotiations have been completed and the plant will reopen?

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. RIDEOUT:

Mr. Speaker, when negotiations are completed one way or another, successfully or unsuccessfully, obviously the people of St. Lawrence and the other communities will be so notified.

MR. SPEAKER:

The hon. the member for Menihek.

MR. FENWICK:

Thank you, Mr. Speaker.

My question is for the Government House Leader and President of the Council. It has to do with the letter I sent him over a month ago enquiring about Stephen Delaney

and two other individuals who work for Newfoundland Computer Services and are on the Board of Directors of Information Services Incorporated, a software company that may do business with the government.

We asked at that time if he would investigate whether an apparent conflict of interest existed in this situation? And my question is has the minister investigated it and what conclusions did he come to?

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

Mr. Speaker, I have the same answer the hon. member got today when he telephoned over to NLCS to find out. The answer is that that is going through the process. There is a tribunal that assesses these allegations or alleged charges. That tribunal, I understand, has just recently dealt with that question. The individual involved has an opportunity and a right to appeal whatever that decision may have been if it was not necessarily in his favour. It is going through the process, the proper channels.

MR. FENWICK:

Mr. Speaker,

MR. SPEAKER:

A supplementary, the hon. the member for Menihek.

MR. FENWICK:

My supplementary is that since the individual is considered to be in conflict of interest or in a possible conflict of interest, could the minister explain to me, why last week, on June 2, the provincial government announced a

\$21,412 grant under the Offshore Oil Fund for this particular company, Information Services Incorporated?

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

Mr. Speaker, I am not aware that the question, the allegation being considered had anything to do with the company's ability to access funding from federal government programs, like ACOA or anything like that nature. The allegation was, as I recollect, something to do with the company perhaps having something to do with doing business with the provincial government. I understand, in fact, that that is not the case yet. They have not done any business with the provincial government.

But I will take the question as notice and try to find some further information on it. But I do not know, I had no idea that they got a grant.

MR. FENWICK:

Mr. Speaker.

MR. SPEAKER:

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

MR. FENWICK:

The minister is correct, the original allegation was with regard to a federal grant. But, last week.

MR. SPEAKER:

Order, please!

MR. FENWICK:

— the Department of Development announced a provincial grant. My question is this: If you knew a

month ago there was a possibility of conflict of interest with these individuals who work for the provincial government and are on the board of directors of this software firm, why did your government allocate a \$21,000 grant under a fund that has considerable control by the provincial government, and would not the minister admit that that now is a direct conflict of interest and not a possibility of a potential one?

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

Well, Mr. Speaker, I mean, one thing is not related to the other. The allegation the hon. member made last month in a letter to me is one that I have had investigated and it has gone through the process. There is a proper process. I mean, a person in this Province is not guilty simply because the member for Menihek gets up and says he is.

MR. LONG:

He did not do that.

MR. SIMMS:

He did do that. It was referred to the tribunal and that is going through the process. The question he is asking today is something totally separate from that altogether. He is trying to tie it in somehow but it is not tied in. The only thing I can say to the hon. member is that there is a Management Committee made up of federal/provincial officials and bureaucrats who make the recommendations on any funding out of the Offshore Development Fund. So, I mean, I do not know the answer to his specific question. I will have to check it out and

see what I can find out in the way of information.

MR. LUSH:
Mr. Speaker.

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

MR. LUSH:
Thank you, Mr. Speaker.

Mr. Speaker, I have a question for the Minister of Fisheries. Yesterday afternoon my friend and colleague, the member for Fogo (Mr. Tulk), attended an emergency meeting in Lumsden with Fishermen's Committees from the district of Fogo and Bonavista North. Your Honour, I want to inform the House that last week a ferocious and tenacious storm hit the Northeast Coast, resulting in destruction of lump nets, lobster pots and cod traps, ranging in damage from 75 per cent to 90 per cent of fishing gear for each fisherman, affecting the livelihood, really, of some 700 fishermen. In view of this, I wonder can the minister indicate whether he or his department officials are familiar with this situation? And if so, whether he can verify the seriousness and the graveness of this situation?

MR. RIDEOUT:
Mr. Speaker.

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

MR. RIDEOUT:
Thank you, Mr. Speaker.

I can advise the hon. gentleman that we are aware that some very significant destruction took place along the Northwest Coast in various places during a severe

storm last week. In fact, in my own district, particularly the Green Bay side of the district - Nipper's Harbour, Snooks Arm, Round Harbour, that area - there were tremendous losses as well. So we have instructed our field staff, Mr. Speaker, to do a very urgent assessment of the losses, and instructions have already gone out for that to be done in the Fogo - Bonavista North area as well. As soon as we have that assessment we will attempt to deal with the problem as best we can.

Now the hon. gentleman is aware no doubt that we do have a Pilot Gillnet Replacement Program that I believe I announced in this House last year, that hopefully can be of some assistance. We have the Lobster Pot Replacement Programme for severe losses and damages, and that hopefully can be of some assistance. In terms of lump nets used in the lump fishery, of course, there is not a program at the moment. But the first thing we are doing is to do a quick assessment and then we will see what we can do to help alleviate the very serious matter that he is raising.

MR. LUSH:
Mr. Speaker.

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

MR. LUSH:
Thank you, Mr. Speaker.

My question really is to reinforce what the minister said in his answer. I ask the minister this: Would he ensure that the survey, the investigation, whatever we call it, is carried out as quickly, as expeditiously, as possible, with a view to achieving

two things: One, to try and salvage what is left of this fishing season; and in an effort to determine what levels of compensation we can give fishermen to avoid financial disaster?

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

MR. RIDEOUT:
Thank you, Mr. Speaker.

Also, of course, I forgot to mention in my previous answer that we do have a Cod Trap Leader and Bottom replacement program as well. So I understand there were some cod traps in some areas of the Province that were lost, too, so we can assist in that area.

Yes, Mr. Speaker, I have instructed my officials to get the assessment done as quickly as humanly possible.

MR. LUSH:
A final supplementary, Mr. Speaker.

MR. SPEAKER:
A final supplementary, the hon. the member for Bonavista North.

MR. LUSH:
I want to ask the minister a question in relation to the lobster trap banks in the Province. I wonder can the minister, to help in this situation, to help take away the impact of the storm, and also in view of the low prices this year for lobster, these two factors, indicate what numbers of lobster traps are available in these lobster trap banks throughout the Province, and whether, in view of the seriousness of this storm in particular, the minister would be prepared to reduce the prices of these lobster traps, and, indeed, give them free to the fishermen?

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

MR. RIDEOUT:
Mr. Speaker, I would have to check, but my memory seems to tell me that we have about 20,000 lobster pots in various parts of the Province.

MR. W. CARTER:
Botwood, I think.

MR. RIDEOUT:
Well, there are some in Botwood. There are some in Stephenville. They are located at various strategic areas around the Province where we can lease space to store them.

My memory seems to tell me that we have just over the past Winter, through the Social Services Programs and so on, replenished our stock back up to the 20,000 trap level, which is where we want it to be, having sold a number of those pots during storm damage situations last year.

In terms of reducing the price, of course, that would have to be a government decision, a Cabinet decision. The price of the pots is set by a Cabinet order. We will certainly assess the situation, Mr. Speaker, and we will attempt to be as flexible as we can within the constraints of the program that we are working under.

MR. TULK:
Mr. Speaker.

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

MR. TULK:
Mr. Speaker, I have a question as well for the Minister of Fisheries, connected to the same

meeting that we held yesterday. The minister is probably aware at this point that at this point in time there are approximately 700 fishermen on the North East Coast of the Province who are technically, because of the loss, unemployed.

I say to the minister that much of this lost gear we are talking about is still unpaid for, because we have had low prices this year as compared to last year and, of course, we have had low catches, and now the wherewithal to catch a bit of fish is gone as well. I say to the minister that there is a very real possibility that those debts are not going to be repaid. So I ask him, in the review of the situation he is carrying out, as to compensation for fishermen, if he can compensate fishermen, will he take this state of indebtedness that has obviously been caused by lower prices than any of us expected, I think, and those three areas - cod traps, and particularly lump roe and lobster gear - and the fact that they have now lost all their gear, and most of those fishermen are in debt and owe various fish and supply companies, would he take this state of indebtedness that fishermen now find themselves in into account when carrying out his survey and his assessment?

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. RIDEOUT:

Mr. Speaker, once we get the report from our field personnel we will be reviewing the matter and we will consider all factors in that review in keeping with the seriousness of the situation, including the factors just raised by the hon. gentleman.

MR. TULK:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Fogo.

MR. TULK:

Would the minister take into consideration that when there are a farmers in this country, and I am talking about the country of Canada, who have problems, the federal government immediately steps in to try and help them, as they should, in my opinion, with emergency funding. Would he also take into consideration the thought of approaching -

MR. MORGAN:

The Liberal government would not do it. We tried hard enough to get it, but your friends in Ottawa would not help.

MR. SPEAKER:

Order, please!

MR. TULK:

Push your glasses up so I will be able to see you better.

Would the minister, when he looks at the problem, consider approaching the federal government to take into consideration the fact that our fishermen and farmers should be on the same basis and that, indeed, they should get involved in emergency funding situations as well?

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. RIDEOUT:

Mr. Speaker, the first thing we are going to do is get an assessment of the seriousness of the situation, the seriousness of the loss, the dollar value of the losses and so on, and once we know the magnitude of the loss then we

will determine what other steps have to be taken. Secondly, I should say to the hon. gentleman, Mr. Speaker, that one of the things I have tried to move along over the last three years is the implementation of some kind of a gear insurance program. The problem I have is that I cannot find anybody willing to touch it, including the Fishermen's Union. I guess it is not an easy thing to put together, but on several occasions over the last three years I have tried to get a pilot program going to see if we could do something of a permanent nature so that there will be a program there to react to this kind of thing. But, like I said, I have not been able to attract any interest in it, not even among the representatives of the fishermen themselves, which is their union.

MR. BARRY:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Mount Scio - Bell Island.

MR. BARRY:
Mr. Speaker, I would like to ask a question to the Minister of Justice (Ms Verge), or possibly the President of Treasury Board. I will leave it up to them as to which one wants to deal with it.

I wonder would either minister indicate to the House the position of government with respect to the request of the Royal Newfoundland Constabulary for the right to bear arms?

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

MS VERGE:
Mr. Speaker, the position of this administration, based on advice of

the Chief of the Royal Newfoundland Constabulary, is that there is no need for Constabulary members to bear arms.

SOME HON. MEMBERS:
Hear, hear!

MS VERGE:
The present Chief, Chief Coady, has recently given me that advice. His predecessors consistently held that view, that policing requirements in our Province do not necessitate officers routinely carrying arms. The policy also provides for the regular training of officers, training that is given in the preservice phase before they are actually made officers, at Holland College in Charlottetown, and then on an ongoing inservice basis, training in the use of firearms. When in the course of responding to difficulties, the police feel that there is a need to use arms, then superior officers, in their discretion, may authorize the use of arms and issue them to the officers. This is a policy that has served our Province very well and we see no need to depart from it.

MR. BARRY:
A supplementary, Mr. Speaker.

MR. SPEAKER:
A supplementary, the hon. the member for Mount Scio - Bell Island.

MR. BARRY:
Mr. Speaker, would the minister indicate to the House whether this is a serious issue in the course of negotiations with the Royal Newfoundland Constabulary?

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

MS VERGE:

Mr. Speaker, I really cannot comment on internal collective bargaining negotiations, or speculate about the weight given to various issues by the members of the association.

MR. BARRY:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

A final supplementary, the hon. the member for Mount Scio - Bell Island.

MR. BARRY:

Mr. Speaker, would the minister or the President of Treasury Board indicate whether this is an item which is on the table in the course of ongoing negotiations with the Royal Newfoundland Constabulary?

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

Mr. Speaker, many items on the negotiating table are not necessarily always the items that both sides agree to. But, with the greatest of respect to his specific question, I would prefer not to indicate that because tomorrow he will be up asking, 'Is this on the table?' and the next day he will be up asking, 'Well, is this on the table?'

All I can say, and I am happy to say it, by the way, is that negotiations have resumed with the Constabulary. As you know, they broke off a couple of weeks ago, but we have them back at the table again today. All matters put on the table by both sides will be addressed, and hopefully at the end we will have a collective agreement.

MR. K. AYLWARD:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Stephenville.

MR. K. AYLWARD:

Thank you, Mr. Speaker.

I have a question for the Minister of Labour (Mr. Blanchard). Could the minister inform the House as to the policy of the Workers' Compensation Board with reference to accessed information by claimants? Could he tell us if claimants have to pay for copies of their own files when they request them?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, if I am not mistaken, that same question was asked in the House by the hon. the member for Menihek and was answered some weeks ago, so it is a repetition of a question, but it has been looked into.

MR. K. AYLWARD:

A supplementary, Mr. Speaker.

MR. SPEAKER:

A supplementary, the hon. the member for Stephenville.

MR. K. AYLWARD:

Mr. Speaker, for the benefit of some of us, or for myself anyway, would the minister attempt to answer the question yes or no? Then, if these people who request their own files have to pay fees, does he agree with the policy of the board to charge people, who can least afford to pay these fees?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, whether or not I agree with the policy of the board is irrelevant. Obviously if it creates a hardship on somebody who has already had an accident, it is to be regretted, I guess. But actually that was answered in the House.

MR. STIMMS:

They can actually go in and look at it without paying any kind of a fee.

MR. BLANCHARD:

As my colleague, the House Leader, has said, Mr. Speaker, they can actually go in, and they can take a person with them, too, and examine their files.

The hon. member for Stephenville is shaking his head no. Maybe he wants to write me on it, or document the actual case and we will have it looked at. I am sure, Mr. Speaker, if I were to get involved in trying to juggle the policies of the board every other day, there would be criticism about that, because there is an Appeals Tribunal for things like that. Maybe if the hon. member wants to ask me about it privately, or write me or give me more information, I will have it examined.

MR. K. AYLWARD:

A final supplementary, Mr. Speaker.

MR. SPEAKER:

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

MR. K. AYLWARD:

Mr. Speaker, I would like to know who is responsible for the Workers' Compensation Board, under whose jurisdiction it comes, if not the Minister of Labour? Well, could he check it out for us? I

have many cases of people who are requesting copies of their files and so on so they can prepare themselves for this wonderful Appeal Tribunal that is working so well, so obviously well, and one that is supposed to be independent and everything else. Could he tell us if he will check into the policy and give us an answer?

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, I am not too sure why the hon. member is raising all of those issues. Sure, I am responsible, Mr. Speaker, they report through me. But there is a Board in place which is representative of workers as well as employers who pay the assessments.

But I do not know how many times I can tell the hon. member, Mr. Speaker, that I would be happy to look into any aspect that he wants looked into and will certainly question the Board on it.

MR. FUREY:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for St. Barbe.

MR. FUREY:

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

I would like to welcome him back from his trip to the United States. I wonder could the minister tell the House why the Boston wholesale price for cucumbers is thirty cents Canadian, while in Newfoundland the wholesale price is seventy-nine cents Canadian? Why is it that a product grown here in Newfoundland costs nearly three

Answers to Questions
for which Notice has been Given

times the amount here as the same product delivered to the Boston market? Why is it that Newfoundland Enviroponics, Mr. Speaker, is charging Newfoundlanders nearly three times the amount that it is charging its American customers?

MR. SPEAKER:

The hon. the Minister of Rural, Agriculture and Northern Development.

MR. POWER:

Mr. Speaker, I thank the member for his welcome back to the House. I did not think that I was missed. We had gone through almost all of Question Period and no questions about cucumbers.

I think the last day I was in the House the Premier and I issued a statement and we both confirmed, after Question Period, the fact that we will not be answering those kinds of detail questions about the Sprung Organization. We have no intention of doing it. We found every time we tried to do that members opposite or persons in the press would misconstrue what we were saying.

The Newfoundland Enviroponics facility is going to run and, as I mentioned in the Legislature the last day I was here, I will be glad to make a statement when we give our first financial statement at the end of twelve months.

MR. FUREY:

Mr. Speaker, a short supplementary.

MR. SPEAKER:

Order, please!

The time for Oral Questions has elapsed.

MR. SPEAKER:

The hon. the Minister of Labour.

MR. BLANCHARD:

Mr. Speaker, I have some information to table for hon. members opposite. It seems they want to try, by all means possible, to discredit the Tribunal. They do not like to see it working, so I have some complete answers to questions to table.

Orders of the Day

MR. SIMMS:

Mr. Speaker, we will do a few first readings here: Motion No. 11.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act Respecting The Enforcement Of Support Orders," carried. (Bill No. 52).

On motion, Bill No. 52 read a first time, ordered read a second time on tomorrow.

MR. SIMMS:

Motion 12.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act Respecting The Reciprocal Enforcement Of Support Orders," carried. (Bill No. 51).

On motion, Bill No. 51 read a first time, ordered read a second time on tomorrow.

MR. SIMMS:

Motion 13.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act Respecting The Law Of The Family," carried. (Bill No. 50).

On motion, Bill No. 50 read a first time, ordered read a second time on tomorrow.

MR. SIMMS:
Motion 14.

Motion, the hon. the Minister of Justice to introduce a bill, "An Act Respecting The Law Of Children," carried. (Bill No. 49).

On motion, Bill No. 49 read a first time, ordered read a second time on tomorrow.

MR. SIMMS:
Motion 15.

Motion, the hon. the Minister of Consumer Affairs and Communication to introduce a bill, "An Act To Incorporate The Association Of Professional Engineers And Geoscientists Of Newfoundland," carried. (Bill No. 54).

On motion, Bill No. 54 read a first time, ordered read a second time on tomorrow.

MR. SIMMS:
Order 19, Mr. Speaker.

Motion, second reading of a bill, "An Act To Amend The Mineral Holdings Impost Act." (Bill No. 12)

MR. SPEAKER:
The hon. the member for Gander adjourned the debate and he has not spoken.

MR. BAKER:
Thank you, Mr. Speaker.

Just to summarize, this particular

bill, "An Act To Amend The Mineral Holdings Impost Act," is to make a change in that particular Impost Act which would drop the requirement that a fine for non-development, if I can put it that way, not be paid after the mineral rights to the land is taken back by government.

The purpose of the Act, as we have been told by the minister, is to prevent companies, really, if I can put it in my own words, from holding on to land leases for a long term on speculation and, therefore, tying up land in the Province.

In 1978, government saw fit to charge companies a certain amount of money per hectare. This charge rapidly escalated from 1978 to 1982, and the purpose of the act was to get back the rights to explore on land that was being tied up in the Province. I think, as far as I can ascertain, this worked very well - a lot of land was turned back to government because of this.

Since 1978, I understand there have been fourteen forfeitures under the Act. I do not know how much land is involved, but I do know that the average tax liability on these forfeitures was \$3,800. The government claims that it would cost more to collect this revenue than it is worth and so on. If that were to be the real reason for the Minister of Finance bringing in this bill, I would have to say that I would not agree with him. Because if a company owes \$4,000, there should be mechanisms in place to get that money from the company. It is very simple. However, the real reason for this particular piece of legislation is simply to go back to the original intent: Land

that is not being developed should be forfeited back to the Crown.

I do not like the way The Mineral Holdings Impost Act reads right now. Unfortunately, the Minister of Finance is not here, and maybe the Government House Leader can take the message back to him. There, perhaps, should be some provision in there that would guarantee that rights to underdeveloped property be turned back. The way it reads now is that if this impost is not paid, the Crown may declare the holdings forfeit. There is not really a time limit on it and so on. It seems to me the Minister of Finance should go back and have another look at that bill and bring in another amendment, sometime in the near future, which would make the forfeiture of land a little bit more definite, so that it is not a matter of simply the choice of Cabinet or the choice of the minister. I think if we can take political choice out of any decisions like this, we would be far better off.

Mr. Speaker, the purpose of the bill is to simply say that once land has been forfeited, anything owing on that land is then deemed to be no longer owing. We are prepared to support that kind of position, because the original intent of the legislation was not to collect money, it was to get land back, and the Mineral Holdings Impost Act can get land back without this particular provision in there. So we would tend to support this particular bill.

MR. SIMMS:
Mr. Speaker,

MR. SPEAKER:
The hon. the House Leader,

MR. SIMMS:
Mr. Speaker, on behalf of the Minister of Finance I would like to close the debate.

MR. SPEAKER:
If the minister speaks now, he closes the debate.

MR. SIMMS:
I did have a brief chat with the minister and he indicated that the hon. member for Gander might have some points to raise and asked if I would make reference to them for him - he would be willing to deal with them at some later date - and I would be happy to do that. As I understand the legislation, the current mineral holdings impost tax does not provide for the taxpayer to no longer remain liable after the Crown has taken back his holdings. There is no provision there to allow that, and that, obviously, is not very fair.

MR. BAKER:
He has to forfeit plus pay more taxes.

MR. SIMMS:
Yes, and that is obviously not very fair. So the whole purpose of this amendment, of course, is to correct that situation. If we take back the land, well, then, fine, you do not owe the tax. The primary purpose of the legislation, of course, is not to generate revenue or raise revenue, the primary purpose is to encourage development, and that is what the Act does.

I will certainly take the points the hon. member raised about the other matter he referred to and pass them on to the Minister of Finance for his consideration. Perhaps, as a result of your input, we may even see another amendment one of these days along

those lines. I move second reading, Mr. Speaker.

On motion, a bill, "An Act To Amend The Mineral Holdings Impost Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 12).

MR. SIMMS:

Order 20, Mr. Speaker.

Motion, second reading of a bill, "An Act To Amend The Newfoundland And Labrador Housing Corporation Act And To Repeal The Harmon Corporation Act, 1966-67." (Bill No. 6)

MR. SIMMS:

Mr. Speaker.

MR. SPEAKER:

The hon. the House Leader.

MR. SIMMS:

Mr. Speaker, just a very brief comment on this particular piece of legislation, on behalf of the Minister of Development and Tourism (Mr. Barrett), who is not here today, unfortunately. Everybody knows what has transpired with respect to the Harmon Corporation and the transfer of its assets, and everything, to the Newfoundland and Labrador Housing Corporation. This took place some time ago, and the purpose of this particular piece of legislation is to repeal the old Harmon Corporation Act, 1966-67, because it is no longer required, and also to transfer all title and property and assets of the Harmon Corporation to the Newfoundland and Labrador Corporation. That is really all this piece of legislation does. The hon. member for Stephenville (Mr. K. Aylward) might want to elaborate a bit. I am sure he

might have a few questions or comments which, when he makes them, I will pass on to the appropriate minister at the appropriate time. I move second reading.

MR. SPEAKER:

The hon. the member for Stephenville.

MR. K. AYLWARD:

Thank you, Mr. Speaker.

Pertaining to the Bill brought forward today by the Minister of Development, it is really a housekeeping measure, but, in many ways, it is rather a bigger moment in the sense of the future of Stephenville with relation to its development. The Harmon Corporation Act was brought in by the former Liberal Government over twenty years ago to address the problem of the closure of the American base that was there at the time. The Harmon Corporation was formed to deal with the buildings and assets which were left behind by the Americans.

The Harmon Corporation, throughout its twenty year history, carried out its mandate very well. At the end of its mandate, which was decided by this government, the numbers looked very good. The Harmon Corporation had put in place more jobs, more businesses, more civilians employed than had previously been employed at the American base.

I think in the long run the Harmon Corporation was a success in the Stephenville-Bay St. George area in that it was able to make use of many of the buildings left behind by the Americans. It made use of the buildings for business use and for residential use. The apartment buildings were also run

by the Harmon Corporation for a number of years and then transferred to Newfoundland and Labrador Housing. Most have, since that time, been sold to the private sector, but these apartment units were able to offer people coming into the Stephenville area a fairly low rental fee with which to undertake to work in the Stephenville area. For that reason, that was a major benefit.

Again, the buildings were there. A lot of them have been converted and sold to the private sector for businesses. We have a fairly active and thriving business community in the former Harmon Base now, in Stephenville. I think it is due to a large part to the setting up of the Harmon Corporation by the former Liberal provincial government of the day, in 1966-67.

Mr. Speaker, in reading my history of the area, I was very impressed that the former provincial Liberal government would undertake such measures to deal with the problem of the downturn of the economy at Stephenville. In reading some previous correspondence of that day, it was worthy of note that a number of measures were attempted and adopted for Stephenville to deal with the problems they were now experiencing with the outflow of people and with the lack of employment. At the time it was brought in and I think the act itself was a very good act.

I think in the future it might be a possibility for some provincial government to look at the act as a possible model act for development authorities in the Province. It allowed the Harmon Corporation to carry out a development of Stephenville and of that area with

a very strengthened in the mandate with which to do so.

It is the end of the Harmon Corporation, Mr. Speaker. They made a contribution. The late Derrick Hammond was an officer with the Harmon Corporation for many years. He made a great contribution to the area, along with Jim Cochrane, who was the Chairman of the Board for a number of years. A number of other people like the employees were able to contribute over the years to the maintenance of the buildings and so on and the promotion of the area. All are owed a debt of thanks by the residents of Stephenville for their contribution.

Mr. Speaker, just a few more comments to clue up. The amendment to the act says the Corporation is charged with and assumes all of the obligations and liabilities of the Harmon Corporation. The Newfoundland and Labrador Housing Corporation will now assume the obligations and the liabilities.

I hope the Minister of Housing (Mr. Peach) will undertake to ensure that any of the previous lease arrangements and previous agreements signed with tenants who are now residing there, that these arrangements will be able to continue to be worked out in a very reasonable manner to promote business opportunities in the Stephenville area.

It also says here, Mr. Speaker, the Corporation is assuming the obligations of the Harmon Corporation, which I think assumes the mandate of putting in the area an industrial park which I think is definitely needed in Stephenville and which we hope to

see in the very near future.

Stephenville one of the only areas in the Province now which does not have an industrial park area with industrial land. We are suffering because of that. It is more difficult to attract businesses to an area when serviced land is not available.

So I would ask the Minister of Housing, who has now taken over the responsibilities of the Harmon Corporation in the promotion and in the sale of industrial buildings and land in Stephenville - and he knows I have made representations to him - I ask that they undertake to finish the assessment they are doing now on Stephenville and its potential, and that an industrial park on industrial land be built in the very near future.

It is now in the hands of the Newfoundland and Labrador Housing Corporation, taken over from the Harmon Corporation, and I would assume and would hope this mandate will be carried forward by the Housing Corporation.

We have experienced some problems with the changeover, with previous leases and so on. I would hope the Minister of Housing would ensure these arrangements are addressed in very short term so those problems arising due to previous arrangements can be taken care of.

Also, Mr. Speaker, we have a development officer who has now been hired by the Department of Development and Tourism in Stephenville to promote the area. I think it is a very good move. It was something we asked for from the provincial government in place of the Harmon Corporation, that a

development officer and a development office be opened there to help promote the area.

So there are some positive developments occurring, but major developments will occur when we get an industrial park, which we have been fighting for for a number of years, and once the government recognizes the potential of the area. I think, Mr. Speaker, it has probably one of the best and the greatest potentials of any area of the Province, with its very excellent airport and location, the Port Harmon area, which can handle a great deal of traffic, and also the access road into the highway.

I hope these concerns will be addressed by the Minister of Housing and the Minister of Development and Tourism over the next little while so that Stephenville, with its strong representation from its wonderful member, will be able to promote, promote, promote and move and move and move.

Thank you, Mr. Speaker.

MR. SIMMS:

Mr. Speaker.

MR. SPEAKER:

If the hon. minister speaks now, he will close the debate.

The hon. the President of the Council.

MR. SIMMS:

I thank the hon. member for his comments. I again will pass those comments on to the Minister of Development and the Minister of Housing, who will be interested in those as well. I pass along as well, in their absence, their best wishes for the hon. member.

Mr. Speaker, there is not much else I can say about the bill. It is very straight forward and simple. It repeals another bill and replaces this one. That is it.

So, having said that, Mr. Speaker, I will simply move second reading.

On motion, a bill, "An Act To Amend The Newfoundland And Labrador Housing Corporation Act And To Repeal The Harmon Corporation Act, 1966-67" read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 6)

Motion, second reading of a bill, "An Act To Amend The Fish Inspection Act." (Bill No. 15)

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. RIDEOUT:

Mr. Speaker, I am very pleased at this time to introduce this particular amendment to The Fish Inspection Act. On the surface of it, it does not seem or appear to be a very significant amendment and, I suppose, it is not, except from an administrative perspective.

Presently under the act our field representatives in the various parts of the Province, or federal fish inspectors who also help enforce our Act, if we wish to appoint any of those people to enforce the act on our behalf, on each occasion we have to have approval from the Lieutenant-Governor in Council to do so. So that means, Mr. Speaker, as I am sure

MR. TULK:

What is the problem?

MR. RIDEOUT:

It is just a problem

administratively. By the time the minister does up a paper, submits the paper to Cabinet, it goes to the Resource Policy Committee, it goes to Treasury Board, perhaps, and then it goes on to Cabinet. I might have wanted an emergency inspection done in Port aux Basques yesterday with fish being transported out of the Province or something of that nature, and administratively, in my opinion, these steps are unnecessary. I believe it is more administratively sound for the minister to have the authority to appoint any person presently employed in the department or in the federal department in the inspection branches, to appoint that person to enforce the Act on our behalf.

That is what the amendment is all about, Mr. Speaker. As I said, it is proper administration of the Act more than anything else but it would allow us the flexibility and the timing to be able to respond quickly to appointing any particular individual to be an inspector under the Act, rather than having to go through the Lieutenant-Governor in Council position and the time lag that incurs, as is presently the situation.

Obviously, I would be pleased to answer any questions hon. gentlemen opposite might have.

I therefore move second reading.

MR. W. CARTER:

Mr. Speaker.

MR. SPEAKER:

The hon. the member for Twillingate.

MR. W. CARTER:

Mr. Speaker, I have some problems

with the amendments, as we would, of course, with any amendment which would give the minister full authority to hire whoever he wants to hire to put on the public payroll.

You are saying here you want to remove it from the ambit of the Cabinet.

MR. RIDEOUT:

These people are already our field service personnel or those employed with federal Fisheries and Oceans. It is not to hire new people, it is just to give them the authority to be inspectors under the Act, people we presently have.

MR. W. CARTER:

Oh, alright, Mr. Speaker, I would assume then from what the minister is saying then this amendment would effect only those people already on the public payroll -

MR. RIDEOUT:

Oh, yes.

MR. W. CARTER:

- that the minister might want to second or deputize or call it what you want, to go out into the field and act as inspectors.

Well, there is not too much, Mr. Speaker, we can say about that. I had the impression, I might add, this would include absolutely brand new appointments. Of course, if that were the case, then we would not be able to go along with the amendment.

Mr. Speaker, there is another section to The Fisheries Act I think the minister should take a look at. I do not have it here in front of me now. I have a note on it.

I believe that particular section of the Act gives the minister the authority to refuse a licence, and I presume it is a processing licence, without explanation, without having to provide any details as to why the refusal was made.

Maybe the minister can comment on this when he rises to close the debate, but if that is so, and I repeat, Mr. Speaker, it is my understanding there is a section now in The Fisheries Act which gives the minister the right to refuse a processing licence without the benefit of an explanation as to why it was refused.

If that is so, then I believe it is obvious the minister should give serious thought to introducing an amendment to that particular section because to me it is not right. I do not know how it would fare from a constitutional point of view. The lawyers can probably deal with that much more effectively than I can, but certainly it does not seem right where people engaged in the private sector, in the business of developing and processing a resource here for the common good of all, I suppose, that the minister should have the authority to say no to an entrepreneur who wants to get involved in processing at least without the benefit of an explanation. That to me is a bit too arbitrary and I think the minister would agree maybe it does need some amendments.

Maybe the minister can indicate in the course of his remarks if in fact that section still stands and if so, what action he would contemplate taking to correct it.

Mr. Speaker, while we are discussing fisheries, there are another few items maybe I can touch on which are of concern to me and members of this side of the House. I have heard a summary on the benefits of the Canada-United States Free Trade Agreement. This was a summary distributed to members of the House one day last week, along with certain other items of information; published, I presume, by the Government of Canada. In this summary, Mr. Speaker, there is a section here dealing with the fishery, as it will be affected by the proposed Canada - United States Free Trade Agreement.

Mr. Speaker, in the summary it states, 'The Canada - U.S. Free Trade Agreement will be of significant economic benefit to the Canadian fishing industry.' Then it says, 'The Agreement will:' - and then it lists five benefits that will accrue to the Canadian fishing industry, by virtue of passage of this Canada - U.S. Free Trade Agreement, if and when it becomes law.

The last item, having to do with fisheries, says 'The agreement will maintain the Government of Canada's ability to operate social and regional development programs which benefit the fisheries, such as the Unemployment Insurance Program. These programs are not affected by the agreements.'

This summary, Mr. Speaker, states certain social and regional development programs - they mentioned U.I. as an example - will not be affected by the agreement. That is what the Government of Canada says.

Mr. Speaker, I do not know if the minister has a copy of this paper

or not, but I have here a paper prepared by the Finance and Ways and Means Committees, in which they recommend to their respective Houses in the U.S. certain recommendations on the Canada - U.S. Free Trade Agreement.

Again, in dealing with the fisheries, Mr. Speaker, one of the recommendations of these two all-powerful committees, who have made the recommendations, is that 'special emphasis should be given to obtaining discipline on Canadian subsidy programs that adversely affect U.S. industries that directly compete with subsidized imports.' Then it says, 'Report language to note that such industries include, but are not limited to, coal mining, oil and gas production, nonferrous metal mining and smelting, agriculture production, lumber production, and fisheries.'

Mr. Speaker, the paper put out by the Government of Canada says one thing. It clearly states that the Free Trade Agreement will not effect social and regional development programs, such as U.I. Yet the paper prepared and presented by the Committee on Finance in the United States Senate, and the Committee on Ways and Means in the U.S. House of Representatives, their recommendations clearly state any such subsidies or programs will be frowned upon by their government.

Mr. Speaker, it is interesting to note too that in this same report or recommendations, it talks about 'exceptions for trade in goods, miscellaneous exceptions.' It says, 'Within thirty days of the application by Canada of export controls on unprocessed fish or the application of landing requirements for fish caught in

Canadian waters, the President of the United States shall take appropriate action to enforce U.S. rights under the GATT as retained in Article 1202.'

That would indicate to me in simple layman's language that the President of the U.S., in cases where agreements might arise with respect to the sale of unprocessed fish, I presume, in the U.S., fish caught in Canadian waters, that the final decision as to what happens will rest squarely on the shoulders of the U.S. President. That again is hardly consistent with what we have been told by our government in Ottawa and by the minister who is now responsible for selling the Free Trade Agreement and concept. One would think, Mr. Speaker, that once the Free Trade package is signed and made law most of our problems in the fishing industry will be behind us.

Mr. Speaker, there are questions, I think, which should be addressed by this government and by Canadians generally. Certainly insofar as it affects the fishing industry is concerned, because there is a very strong feeling in the U.S., and I know this from my days in fisheries and my subsequent involvement with the Atlantic Salmon Advisory Board, there is a strong lobby in the U.S. which does not take too kindly to some of the subsidies and social benefits made available to people engaged in the Newfoundland and Canadian fishing industry.

In fact, as we all know, about the time of the election in the States, almost invariably the Senators who represent the States on the Eastern seaboard are approached by various interest

groups with a view to advocating that certain actions be taken to maybe curb the amount of fish imported into the U.S., fish that in their view was highly subsidized. Luckily, we have managed to get around that kind of representation on the part of the American fishermen but, Mr. Speaker, it might not be so simple under the Free Trade Agreement, especially given the fact it is clearly stated in the U.S. position they will obtain increased and more effective discipline on Canadian government subsidies that have the most significant adverse impact on U.S. producers that compete with subsidized products of Canada in the U.S.-Canadian market. Mr. Speaker, these are things the minister can touch on when he ends the debate on this particular Bill.

Again, in light of the minister's explanation, we do not see too much wrong with giving the minister that authority, especially in light of the fact that these are not new positions being created or to which appointments are being made, but they are existing positions already filled by personnel within his department. The minister now wants the authority to be able to appoint or to deputize these people to act as fishery inspectors, if and when the need arises. We do not see too much wrong with that and therefore we do not have any problem supporting that amendment.

MR. RIDEOUT:
Mr. Speaker,

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

If the minister speaks now he will

close the debate.

MR. RIDEOUT:

Thank you, Mr. Speaker.

The hon. gentleman's comments are well taken. As I indicated to him as he began his remarks, this particular amendment does not entail the hiring of additional people by the department. It gives the minister the authority to appoint present employees, whether in the provincial Department of Fisheries or the Federal Department of Fisheries in their inspection branch, the authority to be inspectors under the Act on the minister's behalf, to enter into and inspect fish processing premises throughout the Province, or to inspect trucks going out to Port aux Basques with unprocessed fish, or things generally of that nature.

As for the other observations made by the hon. gentleman, he is correct. Apparently, Section 6 of The Fish Inspection Act which was passed in the 1960s, I believe, -

MR. W. CARTER:

Before my time.

MR. RIDEOUT:

Before your time, and certainly long before mine - presently empowers the Minister of Fisheries to refuse to issue a processing license. It specifically says in that particular section that the minister does not have to defend his action for refusing it.

I can tell the hon. gentleman, in my tenure as Minister of Fisheries, we have set up an arms length appeal tribunal so that, first of all, internally in the department, and it was probably the same when the hon. gentleman was here, there is a licensing

committee which hears applications for various licenses in whatever form they come in.

That Committee then makes a recommendation to the minister, and the minister can accept or reject the Committee's recommendation and the applicant is so informed.

I instituted an arm's length Appeals Committee about three years ago, and that Appeals Committee appears to be working well. I am not saying it is perfect, but it appears to be working well and it is generally acceptable, generally speaking, to the industry. So there has not been any refusals without giving a reason for the refusal, whether it is overcapacity, too much capacity already in place, or whatever. So a reason is always given. Of course, there is that arm's length Appeals Committee, as I mentioned, which we have instituted, as well.

In terms of the free trade agreement, Mr. Speaker, I should say to the hon. gentleman that back in the bad old days, before there was any discussion of free trade whatsoever, there were a number of petitions, as he knows very well, made against various sectors of the Atlantic fishing industry, including the salt fish industry most recently, two or three years ago in Newfoundland.

In the determination of the amount of damage that would be assessed in terms of a higher tariff, the hon. gentleman will recall, no doubt, that The Unemployment Insurance Program for Fishermen was not cited as a program that was determinable - what is the word I am looking for? - you know, to have an additional tariff put on because of The Unemployment

Insurance Program for Fishermen. It was in the documentation that was filed with the Federal Commerce Department at the time, that the Fisheries Loan Board and UIC Programs for Fishermen, and a whole bunch of other things, should be countervailable, but in the final determination that was brought down by the US Commerce Department at the end of the day, unemployment insurance for fishermen was not one of the items found to be countervailable and, therefore, had to have an additional duty put on for it. Neither were some of the programs of the Fisheries Loan Board, by the way.

We are, Mr. Speaker, watching the progress of the Senate and Congressional hearings in the U.S. very closely; we are dealing with External Affairs and International Trade very closely on that matter. We are concerned, quite frankly, about the recommendation that has gone forward from the Joint Congressional Committee, but, at the moment, it is only that, a recommendation. Whether or not it finds its way into The Free Trade Implementation Act in the United States remains to be seen at the moment, but we have already acted, with the Government of Canada, to ensure that it does not and to ensure that the rights, under Section 1203 of the negotiated agreement, which were put in that agreement at the insistence of the Government of Newfoundland and Labrador, remain in the final agreement and in the final act.

We are cognizant of the difficulty the present recommendation - that is all it is at the moment - could cause us, and we are on top of the matter with External Affairs and with International Trade.

Therefore, Mr. Speaker, having answered the questions, hopefully, it gives me great pleasure to move second reading.

On motion, a bill, "An Act To Amend The Fish Inspection Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 15).

MR. SIMMS:

Mr. Speaker, I neglected to mention to my friends opposite, by the way, that the next Order, Bill No. 26, "An Act To Amend The Young Persons Offences Act," is being withdrawn because it was tied in with the highway point system thing. The Department of Social Services does not intend to proceed with that particular bill, so we will not be debating that. So we can either withdraw it or just not call it, whatever you wish to do; it does not matter. I just wanted to explain that to hon. members.

Order 23, Mr. Speaker, Bill 22.

Motion, second reading of a bill, "An Act To Amend The Fatal Accidents Act." (Bill No. 22).

MS VERGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Justice.

MS VERGE:

Mr. Speaker, the point of this bill is to make a simple but important change to The Fatal Accidents Act, namely, to recognize the increase in funeral expenses since this Act was passed. My colleague, the Minister of Consumer Affairs and Communications (Mr. Young), can probably testify to that economic

fact.

This amendment allows for judges to use their discretion in awarding damages to cover reasonable funeral expenses.

Mr. Speaker, the survivors of fatal accident, victims and their lawyers who have had to use this Act, for whose benefit the Act is intended, have identified the current limitation as a deficiency, and the Canadian Bar Association, Newfoundland Branch, has asked that this amendment be made. Mr. Speaker, it is a sensible change. As I say, it is a small but important amendment.

MR. BARRY:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Mount Scio - Bell Island.

MR. BARRY:
Mr. Speaker, the official Opposition accepts the principle of this bill. It makes sense. It would, as I read it, just remove the \$1,000 limitation and will now permit, either by negotiation or through court process, the award of reasonable expenses. It is an amendment that should go through.

MR. SPEAKER:
If the minister speaks now, she will close the debate.

The hon. the Minister of Justice.

MS VERGE:
Mr. Speaker, I do not think I really need to add anything. Everything has already been said. I am pleased that my friend opposite so readily agrees with the principle of this bill.

I move second reading of the bill,

"An Act To Amend The Fatal Accidents Act."

On motion, a bill, "An Act To Amend The Fatal Accidents Act," read a second time, ordered referred to a Committee of the Whole House on tomorrow. (Bill No. 22)

MR. SIMMS:
Order 24, Bill No. 23.

Motion, second reading of a bill, "An Act To Amend The Legal Aid Act, 1975." (Bill No. 23)

MS VERGE:
Mr. Speaker.

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

MS VERGE:
Mr. Speaker, I am pleased to introduce this bill, "An Act To Amend The Legal Aid Act." This measure has been recommended to me and the government by the Newfoundland Legal Aid Commission. The thrust of it is to require eligible applicants for criminal legal aid to receive legal services from the staff lawyers, unless the offence with which the legal aid applicant is charged carries a minimum sentence of life imprisonment. In other words, the effect of this change would be to reduce the number of cases where legal aid clients have unfettered choice of lawyers and are allowed to go to the private Bar.

One reason for making this change, of course, is to ensure that available public funding for legal aid is used in the wisest ways to benefit the most people possible, to try to ensure that legal aid coverage is given adequately to all people of our Province who

have the need of legal representation and who cannot afford to pay all or part of the cost.

A second reason the proposal for this change comes now is that there has been a tremendous growth in the legal aid operation in our Province. When I was practicing law in Corner Brook in the 1970s, the Legal Aid Commission employed only one or two staff solicitors, and they were at the office in St. John's. Elsewhere in the Province, legal aid was farmed out to lawyers in private practice. But, Mr. Speaker, by now the Legal Aid Commission has expanded to a position where it employs fourteen staff lawyers, and the Commission is about to add two lawyers to that complement to make the total number of staff solicitors sixteen. Furthermore, the Legal Aid Commission has offices with staff lawyers in eight centers in the Province. I will read through them quickly: St. John's; Marystown; Clarenville; Gander; Grand Falls; Corner Brook; Stephenville and Happy Valley - Goose Bay.

Mr. Speaker, the commission is about to open a new office, with a staff solicitor, in Carbonear to serve the Avalon North area. With such a great number of staff solicitors, the Legal Aid Commission, through those employees, is able to provide high quality representation to the criminal clientele.

Mr. Speaker, I do not think any member of the Law Society of Newfoundland would argue with me when I say that many of our best defence lawyers are employed with legal aid. The nature of the legal aid case load is such that most of the work is criminal and

the legal aid staff lawyers develop expertise in criminal work. On the other hand, relatively few lawyers in private practice do a significant volume of criminal work.

Mr. Speaker, this amendment would retain for legal aid criminal clients the choice of an outside private lawyer where the client is charged with an offence carrying a minimum sentence of life imprisonment. Essentially, that would cover murder. In future, when people charged with murder are eligible for legal aid, those people will be able to choose a practicing private lawyer instead of using a staff legal aid lawyer, but other people, approved for legal aid, will have to use staff lawyers and by using staff lawyers, indeed they will get very, very competent representation. Thank you, Mr. Speaker.

MR. BARRY:
Mr. Speaker.

MR. SPEAKER:
The hon. the member for Mount Scio - Bell Island.

MR. BARRY:
Mr. Speaker, there is not an eyebrow raised in the House, and, I am sure, not an eyebrow raised in the press gallery. This could go through without a ripple on the water, Mr. Speaker, and it would be

DR. COLLINS:
(Inaudible).

MR. BARRY:
Actually, the Minister of Health (Dr. Collins) surprises me, that he would, as a believer in the free enterprise system, as a person who recognizes the

importance of certain principles for the preservation of a free society - and, you know, it sounds so cliched and trite to talk about the elements that go to make up a free and democratic society, the elements that go to preserve concepts such as the presumption of innocence - innocent until proven guilty - to preserve an independent judiciary, to preserve an operating legal system that has evolved over hundreds, if not thousands, of years into what it is today in those of us who - I have to be careful here. I was going to say have adopted the principles of the British judicial system, but we would go further than that and we have to recognize the Napoleonic code and others, but under the system of justice that has evolved through the British system, the right of an individual to select his or her counsel has been fundamental, and there are countless articles and books the minister should be referred to by whichever little bureaucrat snuck this in.

AN HON. MEMBER:
(Inaudible).

MR. BARRY:
Well, I will challenge the Legal Aid Commission and ask them to go back to the drawing board on this. Because I remember when Legal Aid was first debated, I remember when Legal Aid was first being introduced into Canada, and I was a supporter. I believe the introduction of Legal Aid has been a benefit to Canada and to Newfoundland and Labrador, but I can tell the minister that one of the issues that was very, very important for those who supported the Legal Aid system was that the right of an individual to select his or her own counsel be preserved.

What we are seeing with this bill is what we see oh, so often, creeping bureaucratization, and it happens, almost, without anybody becoming aware. It is an erosion away of certain basis principles. It is erosion away, in this case, of a principle which was expressly adopted as a way of gaining support for the overall legal aid system.

Frankly, I have seen it in so many instances that I get annoyed. I consider it a betrayal by government, when these things happen, of those individuals who participated, in the first place, in what they thought was an honest debate and accepted a system based upon a certain principle; the system is then brought in and a few years later the basic principles that were the reason for the developing or revolving of the consensus in the first place, those basic principles are slung out the window by individuals who do not fully understand or appreciate the importance of some of these basis principles for preserving a system which, the minister should know, did not evolve by itself, and will not be preserved without assistance, and I refer to the judicial system we now have, the legal system we now have, and I also refer to the basis concept of democracy. Democracy will not survive without individuals supporting it, as well. You know, trite and cliché though it may sound, this is a very important part of our legal and judicial system, and our system of democracy, as we know it in this Province and in this country today.

Why is that? Well, the system is built and based upon the concept that you will be able to obtain independent, fearless advocates

who will go in owing nothing to nobody and will fight for the unpopular individual, for the unpopular cause, just as well as for the popular individual or the popular cause, and will not be able to be put in the position of having hidden influence being brought to bear. For example, we will now have lawyers who will owe their salary to a Legal Aid Commission. They can be brought to toe the line, if not directly, then indirectly.

We have seen some serious cases being raised, for example, in the Province of Nova Scotia, in the course of the Marshall Enquiry, with respect to the system of justice in that Province. I can tell the minister that this little bill, these three lines in this piece of legislation, is doing nothing to advance the system of justice in this Province. To the contrary, it is bringing it backwards.

The effect of it is that there are certain offences now where, if an individual is charged, he or she can go to Legal Aid and say, 'I need legal aid, but I want to use my own lawyer. Please retain Mr. or Mrs. X, or Miss X.' Legal Aid, then, will go to that lawyer and say, 'We have been asked to have you retained.' The lawyer cannot charge whatever he or she wishes, there is a legal aid scale of fees. But what we are seeing, with due respect to members on my right - I do not know how far their concept of Socialism extends.

MR. FENWICK:
All the way.

MR. BARRY:
The member for Menihek says, 'All the way.' So that means, presumably, that he believes the

same thing as the minister, I think, indicated, either directly or indirectly, that you will get your best defence lawyers if they are within the bureaucracy, if they are employed by government or an arm or branch of government. I do not agree with that. This is one of the things I would like the minister to point out.

For example, break and entry, armed robbery - I am just trying to recall some of the offences under the Code - they are generally the more serious offences, not that in every case or in many cases there would be life imprisonment, but the Code would say there could be a maximum sentence of life imprisonment. Well, there is a whole serious of these now which have been tossed out, in terms of the right of the individual, just by the changing of one word. So you can see what a difference one word can make; changing from a maximum of life imprisonment, now they are going to say where the minimum sentence is life imprisonment.

AN HON. MEMBER:
Is it going to work?

MR. BARRY:
Basically, right now it is only murder, Mr. Speaker.

Now, I would really seriously ask the minister to go back and just consult with her officials, consult with the Legal Aid Commission and ask whether, in fact, this trend should continue.

As far as the principle I am advocating is concerned, the minister is going to have a hard time, I think, attacking the point I am making, because I have to ask if that point is not there, then why is it being preserved for the

case where it is a minimum sentence of life imprisonment? There must be some reason, or why did not the minister throw it out altogether and just say in no cases will an individual have the right to his or her own counsel? See, there is a principle that is being observed, but, unfortunately, it is being observed more in the breach than anything else by this Bill.

Now, I do not know why Legal Aid has expanded the way it has. I would like the minister to address this in her closing-

MS VERGE:

To give a better quality service to the public.

MR. BARRY:

To give a better quality service to the public. The minister said, I noted in her opening comments, that she thinks the best defence lawyers are in Legal Aid.

MS VERGE:

Among the best.

MR. BARRY:

Among the best defence lawyers are in Legal Aid, and she thinks that most of those in private practice, because they are not as experienced, therefore, there is an implication that they will not be as good. Well, I have to take issue with the minister on that.

MS VERGE:

Not all, but many.

MR. BARRY:

The minister says, 'not all, but many.' Well, you see, here again is where it should be for the individual to make that choice rather than, with all due respect, the minister or government. It should be for the individual to

decide where he or she is going to get the best defence. Because we have seen certain decisions that have been taken by government, such as how to get the best cucumber, and I do not mean to trivialize the debate, but, Mr. Speaker, I do not accept that the best decisions are always made by government. And neither do I accept that the best defence is always available to an individual through a Legal Aid lawyer.

As a matter of fact, to give him his due, I will mention the present Federal Minister of International Trade (Mr. Crosbie), who was by and large, when he was in practice, a solicitor, and shortly before he went into politics took on a murder case. His first and, I think, probably his only murder case. Maybe the Minister of Health will recall. He dug in, as he is known to do on many issues, and, Mr. Speaker, by the time he was finished - I am not sure whether he won or whether he lost the case.

AN HON. MEMBER:

The fellow was hanged (inaudible).

MR. BARRY:

I do not think the fellow was hanged. In fact, I think he won the case.

In any event, the now minister did such a job of preparation and presentation that in a highly unusual circumstance, the presiding judge made a point of commenting to the court that it was the best presentation that had been made up to then - that was before I appeared in court on my first case, of course.

MR. SIMMS:

What about the Leader of the Opposition?

MR. BARRY:

As I said, it was before I -

MR. SIMMS:

(Inaudible).

MR. BARRY:

Oh, the other leader?

Mr. Speaker, the judge said it was the best presentation in a murder case that he had received up to that time.

Now, why do I mention that? I mention that because it just goes to show that because an individual is not regularly practicing criminal law does not mean that an individual cannot present a good criminal defence. I do not recommend in all cases that individuals who have no criminal law experience jump into a criminal case because, as in every other field of endeavour, a bit of experience helps. But, again, I submit to the minister, it should be left up to the individual to decide whether or not he or she should have the right to select a lawyer outside of Legal Aid.

Now the minister did not mention any cost savings to government. That is not a factor at all - is it? - as I understand it.

MS VERGE:

(Inaudible).

MR. BARRY:

Oh! Okay. There, Mr. Speaker, we are now getting at the underlying hidden reason for this piece of legislation.

MS VERGE:

(Inaudible).

MR. BARRY:

I am sorry. If the minister did, I apologize. I did not pick it up

in the course of her remarks, I was taking some notes. I would think briefly and indirectly the minister did deal with it, but I will check Hansard. Let me say that what we should be looking at is what is necessary in order to get a better system of justice in this Province, a better system of legal services, and we should not start taking steps backwards, which, I would submit with all sincerity, this piece of legislation is. It is an erosion away of those basic principles that were in the original Legal Aid Plan which were the basis for -

MS VERGE:

(Inaudible) virtually everything being done by the private Bar with a tariff that led to, by and large, only junior members of the Bar taking Legal Aid work and Legal Aid clients were not very well served.

MR. BARRY:

I am making the same point as the minister. That is, in fact, the way Legal Aid started; it started by preserving the principle that individuals have the right to select their own lawyers.

MS VERGE:

(Inaudible) the clients got poor service, by and large.

MR. BARRY:

I will leave that one for the minister to raise at the Annual Meeting Of the Law Society, which is coming up on the 29 this month. I will let her present that to The Law Society and let her see if she can defend her position on that. I would challenge that. I would question that. Mr. Speaker, I believe there has been a place for a staff lawyer in Legal Aid. There are parts of the Province where there

are insufficient numbers in private practice, and there have been in the past, but I really challenge the minister's socialist bent, where she has decided that the system of justice will be improved by the bureaucratization of counsel, access to counsel and right the counsel.

Now, Mr. Speaker, I am going to be very interested, if this piece of legislation passes, as to how long it is going to be before it is challenged under The Charter Of Rights And Freedoms. I would question seriously whether what the minister is doing here is going to stand up against the right to counsel, which is contained in the Charter.

Now, since the Charter came in, there are a lot of challenges to legislation that I, frankly, do not have that much time for.

I consider, when you get into challenges under the Charter of situations that have been accepted for decades, if not centuries, as part of the normal system of government, or the normal system of law, and then, because there is a new Charter, ah, ha, we are going to overturn this applecart overnight, most of those challenges, Mr. Speaker, are going to be flung out by the toe of the boot of the Supreme Court of Canada, and so they should be, because there was no intent under this Charter -

DR. COLLINS:

It is because that clown, Trudeau, brought in the Charter the way he did that you get all these spurious things.

MR. BARRY:

Mr. Speaker, I thought that in the House of Commons in Ottawa, and

the Senate, there was more than one vote, just as there is down here.

DR. COLLINS:

He was the prime mover behind it, and he forced it through with the clique he had with him. You know that.

MR. BARRY:

I guess the minister would say the same thing about Mr. Diefenbaker's Bill of Rights, and would refer to that clown, Diefenbaker.

DR. COLLINS:

He did not go nearly as far.

MR. BARRY:

Mr. Speaker, Mr. Trudeau, the former Prime Minister, did certain things with which I disagree, but pressing for the Charter is not one of those.

SOME HON. MEMBERS:

Hear, hear!

DR. COLLINS:

Time will tell (inaudible).

MR. BARRY:

The minister is somewhat schizophrenic, Mr. Speaker, at the present time, because on the one hand he is saying that he wished to preserve the past that Mr. Trudeau changed, and now we see him sitting quietly and meekly by while one of his colleagues in Cabinet, presumably with his approval, because he was in Cabinet when that bill was approved -

DR. COLLINS:

(Inaudible) Trudeau should have used a rapier, not a sledgehammer.

MR. BARRY:

Well, maybe the minister would have gotten away by using her

rapier today. I would like the Minister of Health to stand up and say whether he agrees with taking away the right of the private individual to select his or her counsel in serious criminal offences.

DR. COLLINS:

Self-regulating professions have a duty to be efficient and vigilant.

MR. BARRY:

And independent.

DR. COLLINS:

And independent. When they lay that down, they ask for government to come in, for gosh sakes.

MR. BARRY:

When they lay that down?

DR. COLLINS:

Yes. When they lay down the vigilance or their self-governing activity.

MR. BARRY:

Has the Law Society done this?

DR. COLLINS:

Sure. That is the word we get.

MR. BARRY:

What?

DR. COLLINS:

That is the word we get, that the people who had to rely on Legal Aid were left with the most junior and inexperienced members of the profession.

MR. BARRY:

Mr. Speaker, I challenge that.

DR. COLLINS:

Well, we have different views.

MR. BARRY:

My last Legal Aid case I took on when I had been before the Bar

fifteen or sixteen years, I think, and I think all my colleagues have done the same thing. I know now, for example, whenever a QC is appointed, the Chief Justice sets as a requirement, as a task - I do not know where he gets his authority to do it. One does not question Chief Justices, but he assigns a Legal Aid case, he insists that the new QC must forthwith take on a Legal Aid case. The minister, if I gather correctly, says, 'A token legal aid case.' Again, I hope the minister will employ these same terms in her address to the Law Society on June 29.

Again, I am surprised by the Minister of Health who we now see, on the one hand, saying he wanted to preserve the past, but is now prepared to sit there quietly and let this basic principle of our system of justice be trodden upon, be eroded away without a remark.

DR. COLLINS:

It was let go by the legal profession. It was let go already, and now you are trying to lock the barn after the horse has gone.

MR. BARRY:

Mr. Speaker, if the legal profession was not protecting the rights of the individual, if the legal profession was not prepared to get out there and defend the little person being charged with the serious offence whether or not he or she had money, then the legal profession deserves all the scorn and opprobrium and disdain that the Minister of Health or anybody else in this House can heap upon it.

Mr. Speaker, I have not heard a debate in this House about the way in which the Law Society of

Newfoundland had abrogated its responsibilities. I have heard no debate. I have not heard the minister saying that the lawyers of this Province have fallen down to the extent that she is now indicating in order to try and slip this bill through. And I do not think that is fair game or fair ball. That is not the case.

MR. TOBIN:
(Inaudible) in the gallery.

MR. BARRY:
Mr. Speaker, for the benefit of the rude member for Burin - Placentia West, who is speaking out of turn, sitting in the wrong seat, I will mention to that intemperate member that I am not talking about lawyers here, I am talking about individuals who need lawyers and who should have the right to select their own lawyers.

SOME HON. MEMBERS:
Hear, hear!

MR. TOBIN:
You would not know the difference.

MR. BARRY:
Mr. Speaker, I have been in Cabinet and I know how these things work. Most of the members of Cabinet did not even know what was at stake as far as this piece of legislation was concerned, it whipped through, Mr. Speaker, -

MS VERGE:
On a point of order, Mr. Speaker.

MR. SPEAKER:
A point of order, the hon. the Minister of Justice.

MS VERGE:
The member opposite obviously was not present in Cabinet when this bill was discussed. I was, and I can assure him and other members

that the principle of the bill was very well explained. In my opening speech, I explained it very clearly. He keeps insinuating that I am trying to slip something through. It is here in black and white. We have all had an opportunity to see it. I explained it quite fully. All members on this side of the House are fully aware of what is in the bill, and we believe it is going to improve the quality of Legal Aid coverage for all the citizens of the Province.

MR. SPEAKER:
Order, please!

There is no point of order. The hon. the minister took the opportunity of explaining some matter, but it was not a point of order.

I would like, at this stage, to welcome to the gallery Mr. Fred Stagg, a former member of this hon. House.

SOME HON. MEMBERS:
Hear, hear!

MR. TOBIN:
He is a good lawyer, too.

MR. SPEAKER:
The hon. the member for Mount Scio - Bell Island.

MR. BARRY:
But a terrible golfer.

Mr. Speaker, we do not have enough members on this side of the House to defeat this piece of legislation if the minister insists, as she can, of proceeding with it in a bullheaded fashion. But I would seriously ask the minister to reconsider whether it is necessary to do away with this basic right. I see a lot of

members in the backbenches, and indeed, I suspect, a scattered one in the front rows opposite, who were not fully aware of just what is being done by this piece of legislation. Yes, okay, it saves government money. Everybody in Cabinet likes that. I am sure the minister made that point. And, yes, we are going to have more experienced lawyers available. But, you know, if those Legal Aid lawyers are there, and if it is so obvious that that is where the best defence is obtainable, an individual is going to select a Legal Aid lawyer.

Look, I have to say, with respect to the minister, that the individuals who come to me, whether constituents or otherwise, and raise a matter, I say to them, 'Look, if I do this for you, I am probably going to charge you a fee of x dollars. I will do it for you, but I am not sure that you can afford this. Why do you not go down to Legal Aid?' Time after time, and without attacking them - much good work is done by Legal Aid - individuals say to me, 'They are too busy down there. We cannot get a proper hearing. Our case does not get proper attention.'

I put it to the minister, if she feels this is what is best, this is where the best defence is going to be obtainable, why does she not keep it the way it is now, where people have a choice? Why is legislation necessary? If it so obvious the best defense is going to be from these Legal Aid lawyers, why is it so necessary to legislate? There is no need of this legislation if individuals believe that is where they are going to get the best defense. They can choose the Legal Aid lawyer.

If, on the other hand, many members of the general public do not think they can get the best defense from legal aid, is it right and proper, are members opposite going to accept that the minister imposes her views or the views of the Legal Aid Commission or bureaucrats in the Department of Justice on the general public? Are those views going to be imposed on the general public, whether they want it or not?

MR. TOBIN:
(Inaudible).

MR. BARRY:
The member for Burin - Placentia West (Mr. Tobin) says it is so boring. Well, there is no -

MR. TOBIN:
(Inaudible) and talk.

MR. BARRY:
No, I suppose, particularly when they are talking about law or democracy or justice or fair play or basic principles needed to preserve freedom. There is nothing as boring as that.

Mr. Speaker, I would like to get the views of members opposite. I would like to, since the minister told us about the freewheeling and active debate in Cabinet, know if it was unanimous. Were there any questions raised of concern that this is taking away a basic principle of the justice system?

MR. SIMMS:
You know better than that.

MR. BARRY:
Well, the minister told us. I did not ask. The minister got up and started to tell us part of the story. I would like to know the full story, not just part of it.

The President of the Council is going to tell us. Okay, I will leave it at that, Mr. Speaker, but I will say we will be attacking this bill in Committee as well and it is a piece of legislation that should not pass. We ask the minister, the President of Treasury Board and the Government House Leader, would they consider holding off second reading of this bill until they consult with the Legal Aid Commission and establish whether, in fact, this is necessary? Maybe what government should be doing is getting out and, in conjunction with the Law Society, advertising, getting a better job of communicating the services that are available from the Legal Aid Commission. Maybe this coercion would not be necessary if a better job of communicating the benefits of utilizing Legal Aid were done. For the life of me, I do not understand why we are now going to coerce individuals into using Legal Aid when they might prefer to use a private individual as their lawyer.

Why am I spending so much time on it? It is because I believe, I really believe, it is something we are going to lose, and it will be to the detriment of the justice system in this Province if we do lose it.

It should not be done casually or quietly or without a fight from this side. If you are going to do it, you will do it, but I do not know if you realize just exactly what you are doing.

SOME HON. MEMBERS:
Hear; hear!

DR. COLLINS:
Mr. Speaker,

MR. SPEAKER:

The hon. the Minister of Health.

DR. COLLINS:

Mr. Speaker, just to have a few words with the hon. member over there, I am not a lawyer. I know very little about the legal profession but I know a fair bit about the medical profession and I have the highest regard for most members of the medical profession, but I do not always have high regard for their activities or non-activities, and I suspect the same thing applies in the law profession.

If you are a self-governing profession, you have a high level of responsibility to society. I am quite sure that many of these professional bodies do not look on it that way. They let things slide through and they do not pay attention.

For instance, we now have a consumer advocate on the medical board. Now, there is no need to have a consumer advocate on the medical board. The medical board was set up a different way.

MR. BARRY:

Would the minister please permit a question?

DR. COLLINS:

Let me finish first. The reason why a lay person was put on there was that the medical board was not performing its duties in terms of serving the public and making sure ethical practice took place, and all that stuff. They asked for government to come in and say, 'You will now have a consumer advocate or a private person on the medical board.'

I suspect that the same thing applies here, that Legal Aid was

going along, the profession as a total, the legal profession in totality had a responsibility to society, because of the high level of privileges given to the legal profession, as it is given to any profession, to make sure this very good social program worked efficiently and effectively. To some extent, I would not say totally by any means, but to some extent, it was not doing so. So it was asking for government to now come in and bring in some remedial action.

For the hon. member to get up and on a principle, say, 'No, out of principle there must be private enterprise without any bar, without any hindrance, without anything added to it at all,' I mean, that is not realistic.

Just because a lawyer speaks about the legal profession, or just because a doctor speaks about the medical profession, or a teacher speaks about the teaching profession, we should not take that, we lay people, we should not take that as gospel. We have a right and a duty to say our piece.

MR. BARRY:

I would like to ask the minister a question before he sits down, Mr. Speaker.

MR. SPEAKER:

The hon. the member for Mount Scio - Bell Island.

MR. BARRY:

I would like to ask the minister if he does, and will he, accept and advocate the same thing for the medical profession? Will he advocate legislation to prevent those who cannot pay from selecting a doctor of their choice?

MR. SPEAKER:

The hon. the Minister of Health.

DR. COLLINS:

Mr. Speaker, the way our medical care system is set up, it is a totally non, shall we say, I hate to use the word 'free' because I know, and I am sure all members of the House know, that the system is not free, but it is the same for all individuals in this Province, the health system.

So, if we say the law is the same and without any cost to anyone in this profession, I think, then you can compare what is going on in Legal Aid with Medicare, but until you can do that, you cannot compare the two. It is not apples and apples.

MR. BARRY:

By leave, a supplementary question.

MR. SPEAKER:

By leave.

DR. COLLINS:

I am finished.

MR. BARRY:

Would the minister agree, and I would like to hear the comments of the member for Exploits (Dr. Twomey) as well, would the minister not agree there has been a long and extensive debate in England and in Canada about the benefits of government-run medicine as opposed to where the individual can select his or her doctor?

MR. SPEAKER:

The hon. the Minister of Health.

MR. SIMMS:

The Minister has agreed to talk to you outside the House after.

DR. COLLINS:

Mr. Speaker, just to keep the hon.

member in order, he had to make that remark by asking a question. He could not speak twice in the same debate. So just to keep him in order, I will say that I will still have the floor and he will just asking me a question.

Again, the thing is too broad. In no part of the world is medical practice totally unregulated. Sure, it was probably over regulated in the United Kingdom and they are trying to wind it down a little bit. I suspect it has not been over regulated here, this particular legal activity, because otherwise we would not have had the problem that gave rise to the need to bring in an amendment like that. I have finished.

MR. FENWICK:
Mr. Speaker.

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

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

I would also like to thank the member for Mount Scio - Bell Island (Mr. Barry) for his comments. Quite frankly, when you look over the legislation, sometimes it is not entirely apparent what the legislation is trying to do. Quite frankly, I missed the comments from the Minister of Justice (Ms. Verge) because I assumed, quite incorrectly, that I did understand the particular thrust of the legislation itself.

If you look at the changes that seemed to be made, they say, "by deleting the words 'may be life imprisonment or death'," and then you look at the next one and it says, "a minimum sentence of life

imprisonment," if you do not look at it carefully, or if you are not a lawyer trained in legally looking at these things, there is an assumption that we are just removing in anachronism, the fact that death is a penalty we do not impose in a civilized society like ours, anymore. Therefore, the chance is just a wording one. I apologize to the minister because I really assumed that was the meaning so I did not listen that closely when she made her explanatory remarks. I understand she did explain there was a considerable difference here.

It was only when the member for Mount Scio - Bell Island rose it became quite clear we are talking about a very different practice that will occur in the future. One of the things I ask the Minister of Justice to do, and I will try and talk this out until five o'clock so she will have a chance to do it in a subsequent day, is to give us the actual numbers she is talking about here.

Are we talking about ten people last year who exercised their option to pick their own lawyer? Are we talking about two people who exercised their option to pick their own lawyer? Are we talking about hundreds?

Even though the member for Mount Scio - Bell Island approached it as a basic right of human beings to have their own legal counsel, I think it would be extremely important to understand what the background for the particular legislation was, and if there are a lot of problems like that, then maybe there is a stronger argument to be made for it.

Having listened to it, I am

convenienced it is not a progressive step to limit the number of individuals who can chose under legal aid whatever lawyers they wish to those who are subject to a penalty of a minimum life sentence. As I understand it, a minimum life sentence is only those individuals who are involved with a capital crime. That is really all we have left in society, so, if I remember correctly from the Minister of Justice and from the Deputy Minister of Justice and others, one of the earmarks of our society is actually how remarkably free we are of murders.

If I remember correctly, the Associate Deputy Attorney General a couple of months ago said we have something like six or eight murder trials on now, or in the process of being prepared, and that was a record. We have never had that many cases in existance at any other time we can possibly recall.

So, if we are averaging three or four cases a year, and I am not suggesting that it is good to have three or four murders a year but certainly in a society of 570,000 people, it is a lot better to have that many than to have something like Detroit with a couple of million, where they virtually have that in a good weekend, then, on that basis, we have to say that all the minister now is restricting it to is perhaps three or four individuals and if some of those have assets and can hire their own lawyer, maybe only one or two in the course of a year.

So, if that is the situation, then really I think the appearance that you really do have the right to select your own lawyer is somewhat of a mistaken impression, because

we are only talking a couple of people, as it happens.

Having said that, I would not pass on here without saying what tremendous admiration I have for the Legal Aid lawyers in this Province. I know a number of them.

As a matter of fact, all you have to do is make a lawyer a Legal Aid lawyer and have them practice for a couple of years with the underprivileged in our society and they show up as members of our party the next year. There is a tendancy for them to have seen the oppression and the problems that the poor of our Province have and they react in -

MR. SIMMS:

Who represented you, a Legal Aid lawyer?

MR. FENWICK:

No, I had a pro bono case actually.

What I was going to say, Mr. Speaker, is this: The lawyers who are operating in Legal Aid are some of, I think, the best lawyers in the Province. So I want to make sure that those comments are on the record. These are individuals who actually do a considerably lot more practice among individuals who are in the bottom end of the socio-economic scale.

Just to continue on with the comments that the Government House Leader was making, one of the things you do notice, if you spend any time in jail - and I was either fortunate or unfortunate to have spent a couple of weeks there a couple of years ago - the one thing that is remarkable -

MR. LONG:

Standing up for the rights of working people!

MR. FENWICK:

- the one thing that is noticeable, Mr. Speaker, is that you are not talking about individuals in our prisons who are from the top socio-economic strata for society. I would suggest to you of the fifty-odd inmates in the Stephenville Correctional Center the time I was there, virtually all of them or probably 90 per cent of them, were ones who were either represented by Legal Aid lawyers or were ones who probably could have qualified to operate with Legal Aid lawyers. I was looking at people who had a low educational level. They were individuals who had very few social skills, individuals who would go before a magistrate and unfortunately would not have the wherewithal in order to make a convincing argument about why they should be treated some other way.

Quite frankly, the only inmates I ever saw in the correctional center, who, I would say, come from a more advantaged group were the ones who were there for impaired convictions, and usually they were serving weekends, whereas the other ones, who did not have the wherewithall, were usually serving straight on, week after week.

So, on that basis, I am not suggesting to you the situation is such that I would like to see a deterioration in the representation available to these individuals. By nature, the ones who were in Stephenville were ones who would not have had the advantage to choose their own lawyers because they were there for anything less than a year, and

that would mean, quite frankly, very minor offenses.

I would think it would be extremely important for us to remember, if somebody does go up on an armed robbery charge, and armed robbery, as everybody in this House knows, could be anything down to having a letter opener in your hand if you are performing a robbery, and on that basis it seems to be appropriate the individual should have total confidence in the legal representation they have. By going outside Legal Aid, they may not get a better lawyer. But if they perceive the Legal Aid lawyer they have is not the best and they do not feel confident in that individual, whoever he or she may be, then I would think it would be incumbent upon us to at least allow them to choose another lawyer.

After all, if it is up to life imprisonment, it is their life they are going to have to spend in jail, and, on that basis, they should at least feel some sense of justice has been done on this occasion.

Mr. Speaker, one of the things I would ask the Minister of Justice to do before we closes debate on this, when next we get around to it, is give us some figures on the actual situation. Last year, did we have an inordinately large number of private lawyers being selected by Legal Aid clients or was it a manageable number? I would suggest she not go back just for the year 1987 but perhaps three or four years prior to that might be helpful. Also, give us an indication of the kinds of charges being laid against these individuals, because I think that will give us a sense of whether or

not this is an appropriate change to make to the representation that the Legal Aid clients will get.

So, Mr. Speaker, just to clue up. What I would like to say is we are unfortunately not overwhelmingly supportive of this legislation because in our initial reading of it, we misinterpreted it to mean something other than what it was. That is by no means through the fault of the minister or anybody else because it was clear after she explained it that it was that way.

On that basis, Mr. Speaker, we would like to suggest to the minister she strengthen her case for it and when she brings it back to us she might even say we will amend the legislation in committee stage in which a certain category of serious crimes would still be included rather than just arbitrarily knocking it down to capital offenses which she knows, I know, and everybody else in this House knows really only amounts to several small cases.

Mr. Speaker, if it alright with you I would like to adjourn the debate now so that we can clue up the House. I think the Government House Leader has a few announcements to make.

I will adjourn the debate and we will pick this up again on Thursday.

MR. SPEAKER:

The debate is adjourned by the hon. the member for Menihek.

MR. SIMMS:

Mr. Speaker,

MR. SPEAKER:

The hon. the President of the Council.

MR. SIMMS:

Mr. Speaker, first of all, I would like to advise hon. members on Thursday and Friday we will be continuing with legislation on the Order Paper. The only thing I would like to suggest, or advise hon. members, is that on Thursday we will be doing Orders 26, 33 and 34, those are the order numbers, Bills 20, 29 and 36 are the actual bill numbers. They are health related bills. The Minister of Health will not be here on Friday and he will be away for a few days next week so we wanted to get those done while he is here. Following those three, if we should get through those three on Thursday, or whatever, we will then refer to the regular order and then on Friday we will carry on.

Mr. Speaker, as everybody knows, tomorrow we will be closed in honour of the visit of Prince Edward. I also want to advise hon. members we have an agreement between the three parties that on Wednesday, because of the luncheon activity which is close to the opening of the House at 2 p.m., and also in the evening there is an activity, I believe, at the Arts and Culture Centre which will be close to the hour of 6 p.m., if we were to extend it to 6, we have agreed to sit on Wednesday from 3 o'clock until 5 o'clock, so we will sit for two hours on Wednesday. That is it, Mr. Speaker.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 3 o'clock.

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Answers to Questions

tabled

June 6, 1988

Howard

Tabled by the Hon. the
Minister of Labour June 6th, 198

Information provided by Minister of Labour in response to questions concerning alleged conflict of interest of the Chairman of the Workers' Compensation Appeal Tribunal:

Opposition members have questioned whether the Chairman of the Appeal Tribunal is in a conflict of interest in that he allegedly acted for employers after he was appointed Chairman of the Tribunal. I have carefully examined this question and I am satisfied that he is not.

As I have stated in the House in response to questions, Mr. Buffett, before his appointment as Chairman of the Tribunal, had represented and advised both workers and employers and had acted as legal advisor to the Workers' Compensation Commission on various matters. Mr. Buffett performed work for the Commission some years ago, more particularly when he first entered the legal profession.

More recently and prior to his appointment as Chairman, he acted on some long standing matters relating to collection of employer assessments. He also acted as special counsel for the Commission on the Ocean Ranger disaster. No new projects or assignments have been undertaken by Mr. Buffett for the Commission since he was appointed Chairman of the Appeal Tribunal. Since his appointment as Chairman of the Tribunal Mr. Buffett has not, as the Honourable Member for Fogo suggested, acted as solicitor or legal advisor to ERCO in relation to a matter that could conceivably come before the Workers' Compensation Appeal Tribunal.

I wish to affirm that Mr. Buffett's past experience and association with the Workers' Compensation Commission are, in my opinion, important assets for the Chairman of the Appeal Tribunal.

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