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Speaker: Honourable Thomas Lush

The House met at 2:00 p.m.

MR. SPEAKER (Lush):
Order, please!

The hon. the Member for Humber Valley.

MR. WOODFORD:
Thank you, Mr. Speaker.

Mr. Speaker, approximately fifty years ago today, a call came from Britain to the Commission of Government in Newfoundland to try to find 2,000 volunteers to go to Britian to take part in the production of wood. This was part of the war effort. This was previously done by Russia and the Baltic States. By January, 1940, approximately 2,150 had signed up voluntarily to go to Britain to take part in the production of wood for the war effort. On approximately December 13 or December 14, 1939 the RMS Antonio was the ship to sail for Britain with the first compliment of Newfoundlanders to take part in that effort. Later on, many enlisted in the Armed Forces in Britain. The Unit operated until July 1946 and was another example, Mr. Speaker, of what Newfoundlanders did to secure our freedom. I would like the House through the normal channels to pass along the usual congratulations to the Newfoundland Overseas Forestry Unit.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
The hon. the Minister of Forestry and Agriculture.

MR. FLIGHT:
Thank you, Mr. Speaker.

Mr. Speaker, the hon. Member indicated when he first rose that the call came from Britain this morning. That may well be, but I would point out to the House that I have been in meetings since 8:30 this morning and I would not have heard of the call.

I wish to say to the hon. Member that we have no difficulty at all in associating ourselves with the -

SOME HON. MEMBERS:
Oh, oh!

MR. SIMMS:
That was fifty years ago, Graham.

MR. FLIGHT:
Mr. Speaker, I am simply repeating what I heard the hon. Member say, or I thought I heard him say. I may have misunderstood what he said.

In any event, Mr. Speaker, the hon. Member made a good case and I want to say on behalf of this side of the House that we have no problem in supporting the sentiments and thoughts expressed by the Member, and we will so do.

SOME HON. MEMBERS:
Hear, hear!

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

MR. DICKS:
Thank you, Mr. Speaker.

I rise on a point of privilege and, in fact, privileges of the House as a whole. I refer to a question posed by the Opposition House Leader, the Member for Grand Falls, in yesterday's Question Period, and I suggest and submit to Your Honour that it was in fact misleading to the House.

If Your Honour recalls, the question that was posed was that a person had walked into the Grand Falls court with a rifle wrapped in a blanket and was not stopped from doing so by any security or other officials. The intent of the question, and the question submitted to me was whether because of this serious breach of security we had any intention of changing security arrangements at the court in Grand Falls. Following that serious accusation of which I knew nothing at the time, I contacted our Director of Public Prosecutions who contacted our Crown Prosecutor in Grand Falls, who in turn contacted both courts, which knew nothing about the alleged incident. I was then interviewed by the Press. I then saw on television last night the hon. Member indicating that in fact it was a person who brought the rifle as evidence to court.

I checked again with the court in Grand Falls, and I am now told through my DPP who checked with the court clerks that the only thing it could be that they may know of is that last week there was a prosecution in which a Wildlife Officer showed up to give evidence with a rifle in a plastic bag. Now, Mr. Speaker, it very greatly concerns me for several reasons: One is the Member obviously knew the full context, or had withheld from the question and the House an important factor in posing the question, and if this is the case, and the hon. Member when asked yesterday by the media would not disclose the name of the person, he knew or should have known that a Wildlife Officer intending to give evidence would be expected to bring with him any relevant evidence that would not be stopped.

It is the same as if I said to this House right now that there are twenty or thirty people in courts in this Province with hand guns. Unless I tell the court they are Police Officers, I would leave a very distinct wrong, misleading impression.

SOME HON. MEMBERS:

Hear, hear!

MR. DICKS:

Now the point of privilege I have is that if I as a Minister or any Member of this House or Government or any other person are to be asked proper questions and to respond accordingly, we have the right and the Member has the obligation to provide all relevant evidence to properly frame his question so that we can deal with it. In this case, a valuable point of information was withheld. It raises a serious question as to the level of security in court. And what is perhaps more important is not the breach of the privileges of this House or my own, for that matter, but that such an improper and irresponsible question put to the Government raises a larger issue in the Province as to the security of our courts. Now this invites disaster, because I think it leaves the wrong impression abroad that our courts are not properly secured and it invites those who may be so inclined, and one hopes they are few in number, to test the security of the court.

Now what I would like to say in conclusion, Mr. Speaker, is that I would ask you to rule on this as to whether it is a proper point of privilege. I would like you to consider the things I have mentioned. I believe it goes to the proper framing of questions so as to allow Members of the House,

and particularly Ministers, to properly respond. The Member would obviously want to consider whether it undermines his own credibility, and the extent to which I as a Minister and any other Member of this Government will deal with questions raised in that fashion in the future. And I also want to consider a Member's obligation to the Province at large, and to the system of justice, and I pose this question as Attorney General, as to an irresponsible accusation being made so as to endanger the court officials and people who may have to appear there.

Now if the Member did not know that, and I seriously doubt it, and if a Wildlife Officer or some other person did this act and that person was not entitled to be there, then I would point out that the Member has an obligation to disclose that. Now he need not do it through the House, but he has an obligation, because on the face of it, it appeared that a criminal offence had taken place, a breach of security of the court. If that is not the case, if it was not a person who had every right to be there bringing it as evidence, then I point out to the hon. Member that he has an obligation to report it to the police and I will direct that a proper police investigation take place.

So I think the hon. Member owes it to this House to clarify what he knows about this particular incidence and to do us the courtesy, the courtesy to this House, to put the proper information before us to deal with it adequately. Thank you, Mr. Speaker.

MR. SIMMS:
Mr. Speaker.

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

MR. SIMMS:
Mr. Speaker, we are seeing here a perfect example of a Minister who forgets he is a Minister and not a lawyer. He is not in the courtroom right now, Mr. Speaker, and that is what he is trying to do. Mr. Speaker, what is irresponsible and improper is the fact that the Department of Justice and this Government have no plans to provide security for the new courthouse, and that was the point I was trying to make yesterday.

Now, Mr. Speaker, I might submit there is certainly no point of privilege, obviously, it is obviously a dispute arising between two hon. Members. But since he has raised it, I will take the opportunity now to respond to some of the questions he tried to raise. I noticed he, himself, in press reports said 'there is no reason for us to provide any more security for Grand Falls or for anywhere else in the Province.' That was precisely my point, because in Grand Falls there is no security planned for the courthouse in Grand Falls. That is the point.

With respect to the incident I used in making the example, I made it very clear - I made it very clear - that this individual who went into the courtroom area, which is on the second floor, I think, in the Provincial Building out there, was not doing anything alarming or trying to do anything negative. I said that. I said it yesterday. I said that the individual concerned was simply trying to make a point, and, Mr. Speaker, I think in view of what

the Minister has tried to do here today that that individual clearly did make the point. I do hope the Minister will consult with his colleague, the Minister of Works, and provide security for the courthouse. That is the whole point.

I can also tell him that he will get a follow-up concern expressed by people out in the area, judiciary, lawyers and everybody else, so he should consult with others, aside from his Crown Prosecutor.

MR. BAKER:
Mr. Speaker.

MR. SPEAKER:
The hon. The Government House Leader.

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

This is a serious matter that skirts on a lot of issues that have been bothering me for some time. "Parliamentary privilege," according to Beauchesne, p.11, paragraph 24, "is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions..." Now, Beauchesne goes on a little further to point out that they are talking about the parliamentary functions, specific reference to the parliamentary functions of hon. Members.

The Minister of Justice makes the point that in this House we are bound to accept the word of hon. Members and when an hon. Member opposite gets up and states a version of the facts, or states

the facts, we have to assume these facts exist as they state them. As Ministers, we feel an obligation to respond to the question in that manner.

Mr. Speaker, if in fact what is happening is that what is being presented to the House is a distorted version of the facts and are not the facts as the Member knows them, then that does interfere with what Ministers are doing in this House, which is properly responding to proper questions, Your Honour. So I would suggest to you that this is an interference with Ministers performing their parliamentary functions. The quote that refers to the parliamentary duties, Mr. Speaker, is Beauchesne, Page 25, Paragraph 92. "A valid claim of privilege in respect to interference with a Member must relate to the Member's parliamentary duties," and that is what I specifically refer to.

I would also like to point out to Your Honour that the defence used by the Opposition House Leader comes from Page 13 of Beauchesne, Paragraph 31, Subsection (1), "A dispute arising between two Members, as to allegations of facts, does not fulfill the conditions of parliamentary privilege." I would certainly agree with Subsection (1) of Paragraph 31 of Beauchesne. Unfortunately, the reference does not fit this particular case. This is not a dispute arising between two Members as to allegations of facts. What the Minister of Justice is saying is that the facts were known, and there is no dispute between the Members as to the facts. That is not the point. It is clearly a dispute between Members which can be a point of privilege, but this

is not simply a dispute with regards to allegations of facts. This is a dispute that deals with the very foundations of this House and what Question Period is supposed to do. Your Honour, I would suggest that this does constitute a prima facie case for privilege, and that if Your Honor finds that, that the matter be referred to the Committee on Privileges and Elections.

MR. SIMMS:
Mr. Speaker.

MR. SPEAKER:
I will take one more submission. The hon. the Opposition House Leader.

MR. SIMMS:
Thank you, Mr. Speaker. This is really beginning to get out of hand. The Government are obviously now trying to undermine my credibility in every possible way they can. That is obviously what they are trying to do, and they think they will score some great -

AN HON. MEMBER:
They will have Question Period done away with.

MR. SIMMS:
Yes. They think they will score some great points about it. The arguments put forth by the Government House Leader (Mr. Baker) with respect to what determines a point of privilege, are very weak ones indeed, Your Honor. I mean it is clear the dispute here is between the Minister of Justice and myself as to the allegation of facts. That is what he raised on, that is the point of privilege that the hon. Member raised.

But, Mr. Speaker, there is clearly

no point of privilege existing here. The fact is there was an incident that occurred, the Minister confirmed it himself, the Government House Leader just confirmed it himself. That was the point I made. The question had to do with providing security at the court house. So they can try to twist it, they can try to make it as big a case as they want, try to blow it all out of proportion if they wish, but I would argue, quite sincerely, that there is no point of privilege in this particular incidence. It is not even worth debating.

MR. DICKS:
Mr. Speaker.

MR. SPEAKER:
The hon. the Attorney General (Mr. Dicks).

MR. DICKS:
Thank you, Mr. Speaker. The point is not a dispute of facts, the point is on disclosure of a very vital piece of information that is important both to the question and to the answer. The hon. Member, again, when he initially rose, said that the person who went into the court was there to try to make a point. He now says that we know the incident, therefore I conclude that what he is saying is that it was the incident involving the wild life officer. The wild life officer, if that is the person, was not there to make a point, he was there to give evidence. He did not go in to test the security of the court. And again, even in his submission, Mr. Speaker, he is again misleading and he is not dealing with the facts properly. It is not a matter of playing games, Mr. Speaker, it does go to the privileges if the hon. Members want to pose proper questions, we can deal with them properly and

give answers that the people of the Province have a right to expect. We cannot deal with the Opposition in this fashion. And even in what the hon. Member has done, I think he has merely demonstrated that it is, at the very least, a prima facie question of privilege.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Leader of the Opposition.

MR. RIDEOUT:

Mr. Speaker, I have listened with a great deal of interest to the attempt by the Minister of Justice and the Attorney General (Mr. Dicks) to make a case here while, in fact, there is no case at all. The fact of the matter is, Mr. Speaker, that a person carrying a weapon passed through what should have been a secured court area of this Province. That is what the hon. gentleman was talking about.

Now, Mr. Speaker, what really is operative here - the Minister of Justice referred to it, the Government House Leader referred to it - what really is operative here is the Government trying to determine how the Opposition poses its questions, and whether or not the Government responds to them.

Now, Mr. Speaker, there was a period of time in this Assembly when there was no Question Period under a previous Liberal Government. It was a Conservative Government that brought in Question Period. Now, Mr. Speaker, if the Government does not like the way the questions are posed, they do not have to answer them. I will tell the Minister of Justice this, as long as we are

occupying the benches of the Opposition on this side of the House, neither he as a lawyer, or the Premier as a lawyer - try all they might - are going to turn this House into a courtroom. We will ask questions the way we see fit. If the Government and the Ministers see fit to answer them, they can, if they do not, they do not have to, and do not get up screaming and moaning like a spoiled brat when things do not go your own way!

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

The Chair has probably heard two too many submissions, but is ready to make a ruling. The Chair's ruling is that it is not a prima facie case of privilege, or the Chair cannot make that case.

The hon. the Minister of Justice's case seemed to be based on the premise that the Member for Grand Falls was misleading the House, and hon. Members ought to know that it is not a point of privilege to mislead the House. To deliberately mislead the House, a case could be made, but then, the hon. gentleman would have to admit that he or she deliberately misled the House, because the mere accusation itself does not lead to a point of privilege and, as all hon. Members know, the Chair has to abide by the statements made by the Member accused, in terms of accuracy and, therefore, it is very difficult to establish that misleading the House is a point of privilege. Maingot makes it quite clear that to mislead the House is not a point of privilege, and the only case the Chair could look at at all is if it were deliberate

and if the Minister admitted it was deliberate. So, the Chair's ruling is that it is not a prima facie case of privilege.

Statements by Ministers

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

Mr. Speaker, I have to address another matter of misleading the House. It happened yesterday - the hon. the Member for Kilbride.

Now, here is what is attributed to him on the air. He was asking questions yesterday of the Minister of Works, Services and Transportation, and the attempt was made to indicate that somehow, a delegation came in from the District of Bellevue to make certain representations with respect to a road, and they were refused. Then, a delegation came back again, this time, headed by my brother, and their request was accepted.

AN HON. MEMBER:

(Inaudible).

PREMIER WELLS:

No. And here is what the hon. Member said when interviewed on CBC radio. Here is the statement, and I will read it: 'As far as I can find out, the representatives of the people out there who are elected or appointed to make representation on transportation problems in the area, came to the Minister to ask him for some money for the road, and it was refused.' then he said, 'the next group that came in was a delegation led by the Premier's brother, who asked for money, and they got it. So I guess that is the point that I am

trying to make, that the elected people out there should have been given the courtesy, if the road was going to be done, they should have been told that it was going to be done; or was it just because the Premier's brother came in?' Now, that is the statement, Mr. Speaker, and I can say to you that I have done enough checking now, in the last twenty-four hours, to determine that the representations are totally false.

Here is the record of what occurred, Mr. Speaker. In responding to these questions -

MR. SPEAKER:

Order, please!

I point out to hon. Members to my right, the Chair is trying to listen to the answer and is finding great difficulty because of interruptions. So would hon. gentlemen please refrain from interrupting so that all of us can hear the answer.

The hon. the Premier.

PREMIER WELLS:

Thank you, Mr. Speaker.

In responding to these questions yesterday, the Minister indicated the person who led the first delegation and the names of the individuals who comprised both. I heard quite clearly the Minister's answer. The first delegation was led by a Mr. Bruce Stagg. He happened to have been the President of the District P.C. Association, and I might add, the P.C. candidate in that District in the last provincial election.

While the Minister did not indicate who led the delegation on its second visit, I have been informed that the meeting was

requested by a Mr. Harvey Jackman. Not, by my brother, or anybody else, by a Mr. Harvey Jackman.

I can only assume that the hon. Member for Kilbride did not hear the Minister's reply, even though he did not indicate at the time that he had difficulty hearing what he said. If he did in fact hear the Minister's reply then I must assume that he chose deliberately to make a totally false statement to the news media when he gave them the statement to the contrary that I just read.

As the Minister indicated to the House, my brother was a member of both delegations, the first and the second.

SOME HON. MEMBERS:

Oh, oh!

PREMIER WELLS:

That is correct. Yet that hon. Member made a statement, having had that information made available to him, that was designed to be totally false and mislead the public of this Province. Not only was the Minister not aware that John Wells is my brother, but I did not know that my brother was involved in a delegation, or had anything to do with it, or was anywhere near the place. I can say with total frankness to this House, and to the people of this Province, that if I had known my brother was there and he was making representation, I would have made it difficult, if not impossible, to have it done. So for anybody who wants anything done in this Province the answer is, do not get a relative of mine to come looking for it.

Mr. Speaker, neither the first nor

the second delegation was headed by my brother. He did not make the request for either of the two meetings. He was a member of the delegation, I suppose in his right as a member of the community. Although, I have to say to the House -

SOME HON. MEMBERS:

Oh, oh!

PREMIER WELLS:

As soon as the cackling stops, Mr. Speaker, I would like to proceed.

MR. SPEAKER:

Order, please!

PREMIER WELLS:

I have to say to the House, Mr. Speaker, that while anybody can reasonably expect to make a representation to a Minister, or to anybody else, I think it was totally inadvisable for my brother to make any such representation, and I will tell him and every other brother that I have, that it is inadvisable for them to do it, just to prevent Members opposite from making those kinds of ill-founded, totally false statements and representations to the House.

The hon. Member for Kilbride (Mr. R. Aylward) has chosen to misrepresent the facts by ignoring the fact that the first delegation made representation to the Minister before the Budget was brought down, and the Minister was not in a position at that time to commit any funding. The second visit was after the Budget was in place and the Minister was able to determine what priority should be given to the particular request. I might add that one of the members of the second delegation was a businessman in the community who indicated that the paving of

the Loop Road was necessary even for the survival of his business.

Now, these are the facts of the matter, Mr. Speaker. Armed with all of these facts, which the hon. Member knew, the hon. the Member for Kilbride chose to ignore them when he implied to the news reporters that John Wells was not a member of the first delegation, and told the same reporters that he actually led the second delegation, both of which statements were totally false. It was, and is, totally false misrepresentation of the facts, and I want to assure this House, Mr. Speaker, that no member of my family will ever be cause for accusation of a conflict of interest on my part.

SOME HON. MEMBERS:
Hear, hear!

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

MR. RIDEOUT:
Mr. Speaker, how pious, pure and self-righteous the Premier is.

PREMIER WELLS:
(Inaudible).

MR. SIMMS:
Stop interrupting, boy.

MR. RIDEOUT:
Mr. Speaker, I did not interrupt the Premier. Let him go off the deep end if he wishes. It does not bother me, Mr. Speaker.

Mr. Speaker, if there is anybody in this Province, or in this House, who wondered why the Premier would have two systems of dealing with those kinds of matters, like he did with the Minister of Social Services, then

we have seen the answer here in this House today. The Premier has a double standard, Mr. Speaker.

SOME HON. MEMBERS:
Hear, hear!

MR. RIDEOUT:
What a spectacle, Mr. Speaker, the Premier getting up, to shout, rant, and rave, about a Member of the Opposition doing his or her job in raising the question that ought to be raised, Mr. Speaker. The Premier did not say to the House, Mr. Speaker, that Mr. Bruce Stagg happened to be the Chairman of the Transportation Committee. Oh, he just said that he was President of the PC Association. Oh, he just said that he was the PC candidate in the last election. He did not say anything about him being Chairman of the Transportation Committee, Mr. Speaker. Talk about misrepresentation, talk about misleading, Mr. Speaker.

Now here are the facts: the point that the hon. gentleman from Kilbride was trying to make is that a delegation lead by the Chairman of the Transportation Committee for that community came to this Government and was turned down, Mr. Speaker. A second delegation including the Premier's brother led by others came to this Government and received funding. Now what happened in the interim? The Premier did not tell the House any of the facts, Mr. Speaker. What happened in the interim? The contract was awarded for the first lot of work. The contractor went out and did the work and left the area. The Premier's brother and delegation came to the Minister, got the funding approved, and the contractor was yanked back in the area, Mr. Speaker. At what cost? The contractor was yanked back

into the District from somewhere else in Newfoundland and Labrador to pave a piece of road that passed in front of the Premier's brother's residence. At what cost to the taxpayers of this Province? These are facts, Mr. Speaker. Just as it was fact that another extension to a contract was done to pave in front of the residence of the Member for Port de Grave, Mr. Speaker. There were six extensions that we know of made to existing contracts over the last several months, Mr. Speaker. Five of them were in Liberal Districts, one of them was in a District that did a piece of work that passed in front of the residence of the Premier's brother, the other was the Otterbury Road out in Port de Grave District. How much, Mr. Speaker, does this House have to take from that Government?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The Minister of Forestry and Agriculture.

MR. FLIGHT:

Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to inform this hon. House today that the hon. Donald Mazankowski, Minister of Agriculture Canada, has announced an assistance package for the red meat industry in Newfoundland and Labrador.

While the program has been discussed since early September, the announcement today comes as a result of a meeting I held with Mr. Mazankowski earlier this week.

Mr. Speaker, the purpose of the program is to provide temporary assistance to producers to

increase efficiency and sustainability of red meat production. The program, to be 100 per cent federally funded, will provide \$600,000 to the red meat sector in Newfoundland over a three year period beginning with the fiscal year 1989/90.

Mr. Speaker, the hog industry in Newfoundland, like other areas of the country, has experienced very hard times in the past two years due to higher feed costs and lower market prices. Even with assistance from the Province's price support program, producers are still suffering substantial losses. For this reason, \$552,000 has been allocated to the hog industry.

Payment to hog producers will be based on the previous years marketing of hogs and hybrid gilts. Payments will be determined on the basis of total industry sales.

Mr. Speaker, the sheep industry in this Province recently formed an Association - The Sheep Producers Association of Newfoundland and Labrador. A grant of \$24,000, over the three years, will be provided to this Association to help strengthen their organization. A similar amount has been set aside to assist beef producers.

Mr. Speaker, I am pleased that the Federal Government has acknowledged the special needs of the red meat sector in this Province and I wish to thank Mr. Mazankowski for his support.

Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Member for Humber Valley.

MR. WOODFORD:

Thank you, Mr. Speaker.

Mr. Speaker, the Statement by the Minister is a positive one and I would like to commend the Minister wholeheartedly on his success with Mazankowski in Ottawa. I doubt if it came through one meeting held the other day. I am sure the Minister had other meetings earlier with Mr. Mazankowski. I know what he is like to deal with from the few times I had to deal with him. But anyway it is a positive step. I would be the first one - when they do something positive and constructive - to give them a pat on the back, and I say without hesitation that this is an excellent program, totally funded by the Feds. It is about time they put some money into something in the Province, for they have been dragging their feet for years.

But having said that I note it is a Temporary Assistance Program. The hog industry, where the bulk of the funds will be going, some \$552,000, is having some problems, not only in the Province, Mr. Speaker, but all across Canada, more so in the Western Provinces where they are close to the U.S. Border. So there are only some thirteen or fourteen hog producers in the Province and that will auger well for them because it gives them a substantial amount of funds over the next few years, not enough, but along with the Provincial Program it will keep them going for a while.

The bulk of hog production is on the East Coast of the Province, because of the problems we had

with Newfoundland Farm Products some years ago where they would not slaughter the hogs along with the broilers on the West Coast of the Province. The West Coast producers more or less had to get out of the industry, forced out of the industry.

But I hope again that Mr. Mazankowski has not done this at the expense of a Stabilization Program. I would like the Minister to take note of this. When I was there in my short stint as Minister I would not sign the Hog Stabilization Program that he had recommended for the Province. We were the only Province who stayed out of it, and for good reasons. I would not have anything to do with it because it would have been detrimental to the industry three or four years after.

Mr. Speaker, as it goes on it says the sheep producers have formed an association. Yes, they did. And that is an industry in the Province that is just starting to crawl. It is an industry in the Province that can be a very productive one. Just about, I think, 90 per cent of our lamb is imported into the Province. For the amount of lamb that is produced here in the Province the producers get a very high price for it. It could be a self-sustaining industry. Right now the only way that it could be self-sustaining and self-sufficient is if it were mixed with something else, some other form of mixed farming, whether it be forage, whether it be poultry or beef or whatever.

A similar amount has gone to the beef production industry. I was told back in 1972, when I started to raise some beef on the West Coast of the Province, that it

would be uneconomical, and it was said that I was foolish to raise a beef cow anywhere east of Bellville, Ontario. So I had to prove my point to the officials at that time. That attitude is still there today, I say to the Minister, and until we root that attitude out of the Department and certain officials in it, we will always have it. But it is there. It can survive along with something else and it is something that should be taken into account when the Minister does up his Budget for 1990, the whole agricultural industry.

If you go back to the recommendations made by Dr. House on Employment and Unemployment, some of the greatest recommendations in there, and some of the most basic recommendations pertaining to rural Newfoundland, is in the agriculture sector. I take note of that and I am sure that Dr. House and his Recovery Commission are looking at those things right now.

But then again the point I would like to leave with the Minister is to have the Province look at a certain amount of funding in their 1990 Budget to match something similar to what the Feds put in.

Thank you.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
Order, please!

The Chair should point out to hon. Members that in Statements to Ministers they ought not try and occupy too much time. The Chair did not notice how long the Minister took. But since I did not notice I was rather generous

with the Member for Humber Valley, and the Chair apologizes for that. But normally responding to Statements By Ministers is not to be nearly as long as the Statement itself. But in no case should it exceed the time it took the Minister to give the Statement.

Oral Questions

MR. MATTHEWS:
Mr. Speaker.

MR. SPEAKER:
The hon. the Member for Grand Bank.

MR. MATTHEWS:
Thank you, Mr. Speaker.

My question is to the Minister of Fisheries. Before getting into the question, I would like to say that from all indications the meeting held in Montreal a couple of weekends ago between the Premier and the Minister of Fisheries and Newfoundland's representative in the Federal Cabinet was a pretty heated meeting, and I guess it goes without saying that if it was open to public scrutiny, viewer discretion, apparently, would have been required, and apparently that dispute was over the closure of the St. John's fish plant, where the Province insisted that St. John's be closed.

My question to the Minister of Fisheries is, is the real reason why Fishery Products International has not announced their plant closures for the Province is that there is a disagreement between the Provincial and Federal Governments as to the plants to be closed by Fishery Products International?

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. W. CARTER:

Mr. Speaker, I should, first of all, correct the statement the hon. Member made in his preamble to his question about the quality of the meeting that was held in Montreal between Mr. Crosbie the Premier and myself. It was a good meeting. I do not know where he is getting his information about it being a rough meeting. Again, it is obvious his pipeline is not functioning very well.

Mr. Speaker, to get to the question of course FPI is now in the process of deciding what plants they will be closing in the Province. Any delay in making that decision is certainly not caused by the virtue of the Province and the Federal Government being incapable of deciding what plants they should close. That is entirely wrong, just as wrong, by the way, as the statement made in the preamble to his question.

MR. SPEAKER:

The hon. the Member for Grand Bank.

MR. MATTHEWS:

Mr. Speaker, my pipeline was supposed to be incorrect when, last week, I said that the St. John's fish plant was going to close down as well, and, at the same time, indicated that three Fishery Products International plants were going to close. The Minister said in the House and said it publicly that that was not the case, and just a couple of days after that he had to take back water, of course, and admit that indeed St. John's was closing, on the insistence of the Province that Burgeo be kept open and St. John's close.

Let me be more specific to the Minister. Is it not a fact that Fishery Products International is asking to close four plants in the Province, the Province agrees with closing four plants, and Mr. Crosbie will only agree to the closure of three?

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. W. CARTER:

Mr. Speaker, before I answer the question let me again correct the misstatement. He quoted me as refusing to give the name of the plant being closed by NatSea. I informed the House last Thursday that I was in fact aware of the plant that was to be closed, but that I felt the employees of that plant had a right to hear it from their employer and not on the evening news. With respect to the last part of his question, Mr. Speaker, of course the answer is no.

MR. HEARN:

Mr. Speaker.

MR. SPEAKER:

The hon. the Member for St Mary's - The Capes.

MR. HEARN:

Thank you, Mr. Speaker.

My question is also to the Minister of Fisheries. Will the Minister tell us what the status of the fish plants in Trepassey is in relation to discussions that are underway with the Federal Government and the Company.

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. W. CARTER:

Mr. Speaker, the status of the fish plant in Trepassey is no

different from the status of the fish plant in Grand Bank or in Catalina or Marystown or Gaultois or Ramea or any other fish plant owned and operated by FPI.

MR. SPEAKER:

The hon. the Member for St. Mary's - The Capes.

MR. HEARN:

Thank you, Mr. Speaker.

I think the Minister knows that the status of Trepassey and a few of the others mentioned will be quite different from Catalina and Marystown and some of the other plants. However, I will ask the Minister does this Government believe that the fishing industry generally in the Province can make a comeback over the next four, five, six years, or whatever, if proper conservation and management procedures are followed?

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. W. CARTER:

I will not comment on the calibre of the question, Mr. Speaker, but certainly I can tell the House that this Government looks forward to the day, and maybe in the not too distant future, when our fish stocks will be back to where they were at one time, indeed even better, and when all the fish plants in the Province which are now operating will be operating then.

MR. SPEAKER:

The hon. the Member for St. Mary's - The Capes.

MR. HEARN:

I thank the hon. Minister for his answer, because we also hope and believe that there is a chance that the fishery can come back.

In light of that I ask him then, especially since he said they will look forward to seeing the day when all the fish plants which are presently operating will continue to operate, would it not make much more sense, especially as it relates to FPI, where this Government can say to them keep the plants open and keep communities viable, rather than spend the millions or billions of dollars it would take to come up with some kind of substitute employment, to keep them employed directly in the fishery over the next few years? Because if we let plants die now, they know and we know those plants will never open again. Is it not more sensible to put our money into subsidizing the fishery and keep employment there in that area rather than try to create jobs in some other sector?

MR. W. CARTER:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. W. CARTER:

Mr. Speaker, the hon. Member must know, and if he gets Hansard today he can read it - by the way, these questions were all discussed and debated at length yesterday. In fact, over the past two or three weeks I am sure we have answered that question many times.

MR. MATTHEWS:

So you do not want to talk about the fishery now. (Inaudible). I already know, Walter, and so do you, and so does (inaudible).

MR. WARREN:

Mr. Speaker.

MR. SPEAKER:

The hon. the Member for Torngat Mountains.

MR. WARREN:

Mr. Speaker, my question is to the Minister of Justice. On April 18, 1989, four Inuit from Sheshatshit, namely, Chief Daniel Ashini, Elizabeth Penashue, Peter Penashue, and Ben Michel, were acquitted of mischief by a Provincial Judge, James Igloliorte. Would the Minister now advise if those four Inuit will be retried for the same offence.

MR. SPEAKER:

The hon. the Minister of Justice.

MR. DICKS:

Thank you, Mr. Speaker.

I have difficulty answering the Member's question in the sense that he is asking if they will be retried. There is some technical legal issues as to whether or not it is, in fact, a retrial. I can advise the hon. Member that I learned yesterday that the Departmental Director of Public Prosecutions had resummonsed the four individuals to appear in court, I believe it was December 13. That was made necessary by the fact that there had been a substantial period that had elapsed from the time of the initial trial and the Court of Appeal determination that the initial proceeding was a nullity, which in law means that because there have been a procedural defect in the way the informations have been put together, where the four individuals were charged on one document rather than several, that, therefore, the proceeding was improper, so that to that extent, it was the same as if the trial had never taken place.

At this point in time, the time period for appeal to the Supreme Court of Canada had not yet

expired, and my understanding is that it does not expire until December 19. How exactly we will proceed in the matter, and if we will proceed, has not yet been subject to a final decision by Government. The matter that they have been summonsed back at this point in time is just to prevent any further delay that could result in the defendants, if they are to be tried, having an additional constitutional argument on the basis of undue delay. So, at this point in time I am not in a position to make a firm commitment or to answer the hon. Member's question firmly as to whether or not new trials will take place on these particular informations. But it is under consideration, and at this point it would probably be premature.

MR. SPEAKER:

The hon. the Member for Torngat Mountains.

MR. WARREN:

Mr. Speaker, my supplementary will be to the Premier. I have a copy of a Fax that was faxed to the Premier yesterday from the lawyers representing the four Inuit people mentioned. I would like to ask the Premier now would he not think that by retrying these four Inuit who were acquitted by a Provincial Judge your Government has adopted a policy of vindictive and confrontational action against the Inuit people, and the Government is violating a basic principle of Justice, that an accused is not to be tried twice on the same charge.

PREMIER WELLS:

Mr. Speaker.

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

Mr. Speaker, frankly, I have not seen the letter, so I do not know what it says.

MR. WARREN:

That is not my point.

PREMIER WELLS:

I will see it, no doubt, today or tomorrow sometime; I have been a bit busy with fish plant matters.

Assuming what the hon. member is saying is correct, and I do not know with certainty that it is, but on the assumption for the moment that what he is saying about the letter is correct, I can say to the House, Mr. Speaker, that matters of when and how people are tried, when and how trials are conducted, are matters that are decided by the law officers of the Crown involving the Director of Public Prosecutions, and perhaps a Deputy Minister and Deputy Attorney General. Those are proper functions for the law officers of the Crown, and neither the Minister nor myself, nor the Government as a whole, will get involved in making those decisions unless, I suppose, the law officers submit something and ask the Attorney General for direction; they may want to change course or do something out of the ordinary, and then, I would suggest, they would probably ask the Attorney General or the Government for direction.

In the ordinary course the law officers of the Crown will make the decision, and I have no doubt that they will do what is right. I have a high level of competence. They are the same law officers who have been there for the last few years now, I believe. I do not think the Director of Prosecutions has

changed, and the people involved are essentially the same. I have a high level of confidence in them and I have no reason not to have confidence in what they do.

MR. SPEAKER:

The hon. the Member for Torngat Mountains.

MR. WARREN:

My final supplementary is to the Premier, Mr. Speaker. First and foremost, it is not my problem that he does not read his mail. That is number one. Secondly, I will table the correspondence. However, I would like to ask the Premier a final supplementary. It was his Government, through law officers of the Department of Justice, that asked for a retrial. Now, would the Premier not take appropriate steps, as illustrated in this letter which he has not read, and request the Department of Justice to withdraw the action, and to sign a policy to implement the Inuit's basic, human and aboriginal rights, and that is to begin active land claim negotiations with the Inuit people?

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

Mr. Speaker, it is not that I do not read my mail, it is that I spent most waking hours in the last few weeks trying to save fish plants and jobs for people involved in the fisheries.

Mr. Speaker, I say again, what course will be followed or should be followed, should be decided by the law officers of the Crown, and will be decided by the law officers of the Crown, unless there is some totally proper reason for the Attorney General, or the Government as a whole, to

make some kind of a policy decision in relation to this matter. As I understand it, the law officers of the Crown decided to appeal the original conviction and an appeal was conducted. I have not seen the details, but my recollection from what is in the news is that the Court of Appeal on the appeal procedure had decided that there was an improper laying of the information, and all of the proceedings that took place were therefore considered a nullity, and the matter has to be proceeded again. Now, we have a fundamental principle in this country that you do not place people in jeopardy twice for the same crime.

MR. WARREN:

Then what are you doing now? What are you doing now?

MR. SPEAKER:

Order, please! Order, please!

I have listened to the member for Torngat Mountains interrupt the Premier continuously as he has been answering the question. I ask the member for Torngat Mountains for a final time, please, to refrain from interrupting the Premier.

The hon. the Premier.

PREMIER WELLS:

As I was saying, Mr. Speaker, we do have a principle that we abide by, that people cannot be put into jeopardy twice. Now it might be a nice legal question as to whether these individuals who were charged were in jeopardy in a trial that from the beginning was a nullity. But that is something for the law officers of the Crown to decide, and I have no doubt that in the course of making their decision on that issue they will take all of

those matters into consideration.

MR. WARREN:

(Inaudible).

MR. SPEAKER:

Order, please!

The Chair wants to make it quite clear that when it asks for no interruptions and comments, that is what the Chair means.

The hon. the Member for Burin - Placentia West.

MR. TOBIN:

Mr. Speaker, let me say to the Premier if he is busy keeping fish plants open it must be those depending on the fish in Meech Lake to survive. It is certainly not the ones in Newfoundland and Labrador.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Order, please!

I again make the comment that when an hon. Member gets up to ask a new question that hon. Member is not permitted to debate a question that was asked previously. The hon. Member should get into the question immediately or into his own preamble.

The hon. the Member for Burin - Placentia West.

MR. TOBIN:

Mr. Speaker, the Minister of Municipal and Provincial Affairs (Mr. Gullage) stated that capital works projects would be announced in this House before the end of November. He then further stated that it would be done before the House closed. The statements he has made, Mr. Speaker, and his

actions, are consistent with the action of the Premier and his Government as it relates to plant closures. Now, Mr. Speaker, let me ask the Minister, does he still intend to stick by that statement?

MR. GULLAGE:

Mr. Speaker.

MR. SPEAKER:

The hon. the Minister of Municipal and Provincial Affairs.

MR. GULLAGE:

Mr. Speaker, obviously I will not make it by the end of November now.

AN HON. MEMBER:

That is what he was talking about (inaudible).

MR. GULLAGE:

I did say in the last session of the House, the first part of this House session, that I would attempt to bring down the capital works, water and sewer and roads, before the end of this year, and hopefully during this session of the House. We do not know how long this session is going to last, Mr. Speaker, I may still make that deadline.

MR. SPEAKER:

The hon. the Member for Burin - Placentia West.

MR. TOBIN:

Mr. Speaker, let me tell the hon. gentleman that it lasted beyond the last of November, which was his commitment, number one, so he is as consistent as the Government.

I suggest, Mr. Speaker, in this question that the Minister is not going to table the capital works before the House closes because it is going to be saturated with the type of patronages that we have been witnessing in the last few

days.

Mr. Speaker, as the councils throughout this Province are debating capital works and trying to get Capital Works Programs, I want to remind the Minister that there are relatives of certain Members opposite who do live in my District so I would ask them to give consideration to that?

The council delegations who come into to meet with the Minister are now directed to meet with people from the regional offices. Can I ask the Minister if he would change that policy and let Councils come directly to him to discuss their problems?

MR. SPEAKER:

The hon. the Minister of Municipal and Provincial Affairs.

MR. GULLAGE:

Mr. Speaker, no I will not change that policy. As a matter of fact, that policy is being welcomed by the councils. I have not heard any Council make any comment to me contrary to that. In fact, they have said that the procedure is an excellent one, the opportunity of being able to meet with the regional offices that are now staffed with engineers. Decentralizing the Civil Service out into the regions is something that should have been done for a long time.

Mr. Speaker, what I have been saying to these councils is it would be far wiser to go to the regional offices and have consultation concerning their capital works, the phases of their Capital Works, so that when they do meet with me at least they are able to talk on the basis of having consulted with the engineer, having consulted with

the regional manager, and, at that point, of course, they are able to come into see the Minister, or to see the Deputy Minister or anybody else in here, in this building, with more knowledge of how the engineer and the regional manager feels about their particular capital works and the phases that are being recommended in the current year.

MR. SPEAKER:

The hon. the Member for Burin - Placentia West.

MR. TOBIN:

Mr. Speaker, the Minister has now confirmed he is not willing to meet with councils and we will accept that. That is what the Minister said, and I guess he is the Minister, not us. He talks about moving the regional offices out into the areas. Mr. Speaker, I must say the one that covers my area had a big move, from St. John's to Mount Pearl. It is certainly not in the rural area.

Let me ask the Minister, when he is putting forth the capital works budget, will councils who are willingly participating and discussing amalgamation be given any priority over councils who are flatly refusing to participate in this?

MR. SPEAKER:

The hon. the Minister of Municipal and Provincial Affairs.

MR. GULLAGE:

Mr. Speaker, we said when we started the amalgamation procedure, and announced that we would be having feasibility studies conducted in some forty-five areas of the Province, that we would have to give priority to these particular areas because of the fact that

throughout the feasibility process and throughout the hearings process we would have to consider several communities together rather than separately. I think it is quite logical that if you have two, three or four communities being considered in an amalgamation process it is far wiser for the engineers and planners to look upon those communities as a group, because it is more cost effective to do one large water and sewer project, or roads project, whatever it happens to be, versus looking at communities in isolation.

So yes, Mr. Speaker, we did say we would give priority consideration, we would look at the communities as a group if it was more cost effective to do it that way. Certainly an analysis would take place to determine whether or not it would be more cost effective to do it on a shared basis, co-operation between the various communities. Whether they be amalgamated or not, Mr. Speaker, that makes good common sense.

MR. PARSONS:

Mr. Speaker.

MR. SPEAKER:

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

MR. PARSONS:

Thank you, Mr. Speaker.

My question is to the Minister of Works, Services and Transportation.

Because of the serious employment situation caused by the National Sea closure, where new programs and initiatives are sought, would the Minister give serious consideration to the calling of tenders for the Outer Ring Road, which would be employment oriented

and again would be a major source of employment for the work force whom we now find has nowhere to turn in a climate of complete hopelessness? Would the Minister now allocate the millions of dollars which were earmarked for this development in St. John's and environs, and live up to what the Premier describes as fairness and balance and help a desperate situation?

MR. SPEAKER:

The hon. the Minister of Works, Services and Transportation.

MR. GILBERT:

Mr. Speaker, as I have told the Member before, consideration of the Outer Ring Road is now being studied as a priority as to when the money will be spent. I might also point out to the Member that the cash flow from the Railway Agreement does not really start until 1991, so I do not think there would be much point of -

MR. SPEAKER:

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

MR. PARSONS:

I am not talking about when the cash flow will start. I know that. The point remains he should give the people some hope right now in telling them that it is going to go to tender.

Mr. Speaker, my next question is to the Minister of Environment and Lands. Again, due to the serious situation that is now a reality with the closure of the National Sea Plant on the Southside, where hundreds of jobs are lost and the people have nowhere to turn, and because there is a proposed federal facility to help the fishermen at Prosser Rock with an expenditure of millions of

dollars, again labour intensive, and the only holdup on this project is an environmental impact study by his Department, would the Minister now give a ray of light, and give this project the green light?

MR. SPEAKER:

The hon. the Minister of Environment and Lands.

MR. KELLAND:

Thank you, Mr. Speaker.

The BIS process is currently in process and a decision is required very shortly. At that time you will have a decision. I cannot tell you anymore than that.

MR. SPEAKER:

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

MR. PARSONS:

Mr. Speaker, that has been ongoing now for the last year.

AN HON. MEMBER:

No, it has not.

MR. PARSONS:

Oh yes it has. Longer than a year.

I think it is about time for the Minister to finally get this thing finalized. We are going to lose the money. The point remains you do not care about the fishermen.

Let me ask the Minister of Works, Services and Transportation, because he is laughing over there, getting a great joke out of 600 people from around St. John's and the St. John's area, getting a great kick out of those people being unemployed, is the Minister telling the people of this area that because they are residents of St. John's he has no intention of lifting a finger to help? Is that

what he is telling the people of St. John's? Is that what your people over there are telling you to say, or are you doing this on your own? Come clean with the people of St. John's.

MR. HYNES:
Mr. Speaker.

MR. SPEAKER:
The hon. the Member for Trinity North.

MR. HYNES:
Thank you, Mr. Speaker.

Mr. Speaker, my question is related to the fishery and I would like to address it to the Premier. I would like the Premier to inform this House who will be making the final decisions as to what plants will be closing in the Province if and when FPI decides to close plants. Will it be the executives of FPI, or will it be this Government?

MR. SPEAKER:
The hon. the Premier.

PREMIER WELLS:
Mr. Speaker, it will not be the Government. The Government has set down the principles that the Government expects to be followed. We made that clear to both National Sea Products and to FPI, and we did it essentially in these terms: You must bear in mind you may have enterprise allocations, but those fish offshore are not assets on the balance sheet of either FPI or National Sea Products. We understand you have to make decisions that will provide for the continued viability of the company within reason, because not much is going to be gained by saving one plant here and three months later causing six more to

be closed because the company is bankrupt. So you have to balance the overall interest. We understand, companies, that you have to do that, but when you make these decisions, you must take into account the overall impact of your decisions on the people as a whole in the Province and, in particular, on people in one-industry communities. You must take that into account, as well. That does not say that you cannot ever close down a Ramea, or you cannot ever close down a Burgeo. We understand that that can happen. If all of the other conditions make it right, on occasion that can happen. We understand that. But you must take into account the overall interests of the people of this Province and if plant closure is the only means by which it can be achieved, then we understand that. But it is essentially the company's decision. To the best of my knowledge, the Federal Government has no right to dictate what plants should or should not close.

SOME HON. MEMBERS:
Oh, oh!

MR. PARSONS:
If you were thinking about the economy, you would not close St. John's.

MR. SIMMS:
Mr. Speaker, it is a very long answer. It was only a short question.

PREMIER WELLS:
If I am not interrupted, I will finish it very quickly.

Neither the Federal Government nor the Province have the right to dictate which plant must stay open unless either or both are prepared

to subsidize the cost of keeping that plant open; then there is a right, in the case of FPI only, but not in the case of National Sea Products. However, that might throw our whole fishing industry in jeopardy if it results in countervailing duties being applied.

MR. SPEAKER:

The hon. the Member for Trinity North, on a supplementary.

MR. HYNES:

Mr. Speaker, if what the Premier is saying is so, and I have no reason to disbelieve him, then he had better call in the Chief Executive Officer of FPI and have a pow wow with him. Because just last week, at a meeting attended by the Mayor of Port Union and the Mayor of Catalina, as well as councillors from both communities, held in Mr. Young's office, Mr. Young said that although FPI have no intentions at this time of closing the Port Union facility, the ultimate decision rests with the Provincial Government.

SOME HON. MEMBERS:

Oh, oh!

MR. HYNES:

Mr. Speaker, my supplementary question to the Premier is this: I would like the Premier to assure the residents of the District of Trinity North and, more particularly, I guess, the workers at the plant in Port Union, that my sitting in this House as an independent MHA will have no bearing on the closure of that plant, should it close. Because if my position in this House were detrimental to that plant, then, Mr. Speaker, you would have my immediate resignation.

MR. SPEAKER:

- The hon. the Premier.

PREMIER WELLS:

I am not sure there is a question there, but I would like to correct the misstatements that were made. I can say with absolute certainty that it is not up to the Provincial Government and, from what I know of the competence and basic honesty of Mr. Young - or at least I have always found him up to this point, at least, to be competent and basically honest - I do not think he ever made such a statement. So the hon. member must be misinformed, and I can only assume that he has been misinformed, because no such statement has been made.

As to the other comment he made about the plant being in jeopardy because the hon. member is sitting in the House, I have no idea what he is talking about or why he should assume the plant is in jeopardy because he is sitting in the House. Whether he sits in the House or he does not sit in the House, I doubt very much that it will make any impression on the Board of Directors of Fishery Products. I do not think they will consider it for one minute.

MR. SPEAKER:

Question Period has expired.

Answers to Questions for which Notice has been Given

MR. SPEAKER:

The hon. the Premier.

PREMIER WELLS:

Mr. Speaker, yesterday I started to give an answer but I ran into Private Member's Day and was called to order, and I may say, properly so. I was not watching

the clock. The day before, I think, Mr. Speaker, it was the Leader of the Opposition who asked the question as to whether National Sea Products have plans of mothballing the plant in St. John's, or if they can find somebody to buy it. I cannot say with certainty, but I will undertake to find out and advise the House, so I told the House I would undertake to advise the House and I received advice from National Sea Products as follows: 'At the News conference on Monday, I was asked if the St. John's plant was for sale. I responded that if the company received a serious offer for the St. John's plant we would give it serious consideration, but that no offer had been received. Our current plan continues to be to operate the plant until March 5th, and beyond that date, to operate St. John's as a trawler port only.' That was signed by Murray Coolican, the Vice-President, Government Relations. The question was also asked about whether or not the plant would likely come back into operation if there was an increase in the allocation, so I asked them to advise me as to their position on that as well and here is the advice with respect to that matter. 'The question has been asked, what happens if the stocks recover. This is not a simple question to answer, because any decision National Sea might make would depend upon the rate and timing of the recovery of the stock. Which species recover and the fishing areas in which the recovery takes place. The plan that National Sea announced on Monday will give us the flexibility to respond, should the stocks recover and our quotas increase. First, we will still have a significant capacity in our

plants to handle increases that might occur both in Newfoundland and in Nova Scotia. Second, the plants in Canso and St. John's will be mothballed to protect the equipment and the buildings. This plan will allow the company to process our share of the quota when the stocks recover.' Now, Mr. Speaker, I was not satisfied that that answer really addressed the question, because the question I put to him, was that, it is my understanding that National Sea Products intends that after the reduction takes place it would be operating its plants at about ninety per cent of capacity, which is markedly different from the approach that FPI is taking, which I believe is somewhere in the vicinity of sixty-five per cent of capacity, so that, obviously there would be a great deal more room to absorb additional fish in the case of FPI, and his response on the telephone, was, to the effect that they did not rate their productive capacity in the same way that FPI did. Well, I do not know whether they did, or not, but I had the clear understanding from them in our earlier conversations that they were looking at something in the neighbourhood of ninety per cent capacity, so, what I conclude from all of the information that I have and I cannot say that I have precise information, is that, if there is any significant increase, and he did say this to me, because I put it to him directly, if there is any significant increase in the stocks available, they would be in a position to reopen one of the closed plants. He would not say whether it would be Canso or St. John's, but he did say they would be in a position to reopen one of the closed plants, otherwise for a relatively small, say, 500 or 1,000 ton increase, he said, we could absorb that with the

additional capacity that we have now. And that is the fullest information that I have on the matter, Mr. Speaker.

MR. GILBERT:
Mr. Speaker.

MR. SPEAKER:
The hon. the Minister of Works, Services and Transportation.

MR. GILBERT:
Mr. Speaker, yesterday the Member for Kilbride (Mr. Aylward) asked a question about the contract for the Loop Road pavement and the Hillview extension and Contract No. 6688.

Now first of all I would like to correct the hon. Member in the preamble to the question. Contract No. 6688 was not extended to accommodate the paving of the road in front of the Premier's brother's home or any other home in the area. The extension, including the pavement of this section of the Loop Road was done to correct the serious drainage problem. Now I heard the Leader of the Opposition (Mr. Rideout) make some statements today.

So in response to the hon. Member's question the contractor was still in the area working on the original contract at the time the contract was granted. Consequentially he was not requested to come back to finish the pavement. And again I reiterate -

MR. RIDEOUT:
They had finished their job and moved.

MR. GILBERT:
I reiterate now that similar instance raised by the hon. Member previously. This work was

undertaken in recognition of the serious problem that existed and needed to be corrected, and I will in future continue to address such problems, as long as I am the Minister of Works, Services and Transportation and where, in my opinion, and the opinion of my officials, the action needed to be taken.

SOME HON. MEMBERS:
Hear, hear!

MR. GULLAGE:
Mr. Speaker.

MR. SPEAKER:
The hon. the Minister of Municipal and Provincial Affairs.

MR. GULLAGE:
Mr. Speaker, several days ago I was asked a question by the Member for St. John's East, Shannie Duff, concerning the suggestion that land next to City Hall -

MR. TOBIN:
Oh, listen to him now.

AN HON. MEMBER:
The Member for St. John's East.

MR. SPEAKER:
Order, please!

The hon. Member should not name a Member. I am sorry, he should refer to the hon. Member for whichever District.

The hon. the Minister.

MR. GULLAGE:
Mr. Speaker, several days ago I was asked a question by the Member for St. John's East (Ms Duff) concerning a suggestion that land next to City Hall be used by the Province for an art gallery and a theatre complex. Specifically the Member was asking questions

related to the timing of a decision. And if the Province was to proceed on that location what then might be included in the new facility?

When I answered the Member's questions I was in the process of finalizing the appointment of Walter Noel, MHA for Pleasantville as Chairman of a Committee which would be given responsibility for examining the feasibility of such a proposal and report directly to me as quickly as possible. I said at the time I realized the urgency of making a decision pertaining to the land offered by the St. John's City Council, given the deadline for such a decision as May 31, 1990. This matter will be considered by Mr. Noel's Committee with consideration for the possible need of an art gallery and a 400 seat theatre.

Also I have asked the hon. Member to consult with Mr. William Frost, Assistant Deputy Minister of Culture, Historic Resources Communications and Youth and co-ordinate with his Committee as well in consideration of their work regarding a new museum and archives building. I would hope that this better answers the questions of the Member for St. John's East. I know Mr. Noel will be consulting with Members of the Arts Community, previous studies available, and also members of elected councils.

SOME HON. MEMBERS:
Hear, hear!

MR. SPEAKER:
Before proceeding on to the next item of business the Chair had meant to make a comment after the Minister of Works, Services and Transportation finished the answer to his question but because there

was a lot of talking going on I could not. I shall do it here. On a couple of occasions the Chair has noticed that after someone has given an answer there has been loud rumblings in the House before we get onto the next item. To a certain extent that is tolerable, but when it involves a sort of derision as to the answer given, and that kind of derisive laughter, with respect to that matter, the Chair needs to point out a very important clause by Beauchesne, Page 125, 428, which points out that it is not proper for anyone to impugn the accuracy of information conveyed to the House by a Minister. I want hon. Members to be aware of that.

MR. SIMMS:
What book was that?

MR. SPEAKER:
Beauchesne 428.

Petitions

MR. SPEAKER:
The hon. the Member for Lewisporte.

MR. PENNEY:
Mr. Speaker, I wish to present a petition from the Notre Dame Branch of the Newfoundland Teachers' Association pertaining to the Teachers' Pension Plan.

Mr. Speaker, in showing Your Honour this petition before, it was explained to me that it was not done in the proper fashion.

MR. SPEAKER:
Order, please!

I just want to point out again to hon. Members that the hon. Member for Lewisporte has a petition from a group of teachers, the NTA,

making certain requests about teacher's pensions. The petition is not properly worded, it does not have the proper procedure, and again, it is the duty of the Chair to point out to hon. Members that the petition is not in the right form, and to simply ask whether the Member has leave of the House to present the petition?

MR. SIMMS:

Is it signed by three people?

MR. PENNEY:

It is signed by over 200.

MR. SIMMS:

We have no problem with it, Mr. Speaker.

MR. SPEAKER:

The hon. the Government House Leader.

MR. BAKER:

Your Honour, I understand that you have seen it. I have not looked through it but if Your Honour feels that the spirit of the proposal is that this be presented to the House, or the petition be presented to this hon. House, then I am quite willing to accept it even though it is not in the prescribed form.

MR. SPEAKER:

Again, the Chair can only say to hon. Members that it does not at all meet the requirements for the House in terms of petitions, but again, we have allowed that to happen in the past. That is the difficulty when we allow one to pass when it is not in the form. The Chair can only be directed by what hon. Members say. So, I take it that the hon. Member has leave to proceed with the petition.

MR. PENNEY:

Thank you, Mr. Speaker, and I

thank all hon. Members for leave. I will read the petition as it is written. It is from the Newfoundland Teacher's Association, Notre Dame branch. A unique teacher's pension plan has been developed in Newfoundland and Labrador over several decades. The proposed Federal Tax Reform Legislation will negatively impact on this plan. It will have the effect of stripping from us, and a new generation of Newfoundland teachers, pension benefits which have been acquired in good faith at considerable cost and effort through collective bargaining. It is strongly recommended by us, the teachers of the Notre Dame Branch of the Newfoundland Teacher's Association, that the proposed pension reforms be abandoned. We will not tolerate any tampering with our pension benefits, or premiums, and that any discussions re. proposed changes must occur at the bargaining table. This petition, Mr. Speaker, is signed by 205 members of that branch.

Mr. Speaker, on December 7 the representative of the hon. the Member for the district of Twillingate (Mr. Carter) and I met with the Notre Dame Branch of the NTA in Lewisporte at which time they gave us a presentation very eloquently expressing their concerns. Their concerns were that the proposed federal tax reform will reduce the accrual rate from 2.22 per cent to 2 per cent thus reducing the benefit from 66 2/3 per cent down to 60 per cent. That national pension reform would limit the credit for pensionable service to a total of five years for maternity leave, for example, from the existing unlimited maternity leaves. In this regard they consider that the reforms are discriminatory against women. That under the proposed

reforms teachers will be limited to a maximum RRSP contribution of \$600 compared to over \$2000 for their counterparts in other provinces. That since the Newfoundland Government did not contribute to the NTA pension plan from 1958 to 1981 there is now a significant deficit in the plan and that the Members fear the plan is now inadequate to meet the prescribed benefits.

Mr. Speaker, these were some of the concerns expressed by the 205 members who signed this petition and on their behalf I now present the petition to the House of Assembly.

MR. SPEAKER:

Before recognizing another speaker or moving to the next item of business, the Chair would like on behalf of hon. Members to welcome to the public galleries today St. John's Councillor, Mr. Andy Wells.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. the Member for St. Mary's the Capes.

MR. HEARN:

Thank you, Mr. Speaker.

We stand in support of the petition as presented by the Member for Lewisporte. I suggest to him that he and a number of other Members will be busy people presenting petitions because I am sure there will be many, many more coming. The teachers of the Province are extremely concerned about their pension. Not only the effect that any new federal legislation will have, because we understand accommodations there might be in the process of being worked out.

A couple of years ago, I had the privilege of going to Ottawa with the President of the Newfoundland Teacher's Association and some other officials to meet with the Minister of National Revenue at the time, to discuss this very issue. At that time we were given assurances as well as they could give, I suppose, that the 2.2 would stay in effect. I have every indication even to this very day that that will be adhered to even though new changes take place.

What they should be concerned with, however, is the lack of concern and support that they are getting from the Province. Of course, they have spelled that out not only in the petition but in other correspondence to the various Ministers and to the public generally.

The teachers of the Province spend twenty-five or thirty-years or more in the classroom. It is not an easy job. And the benefits that they derive are the only things that they have to fall back on. If you spend thirty or more years in the classroom then I think you certainly deserve a pension. They are very concerned about what is happening in relation to their pension plan, from rumors emanating from the axe job that the Minister of Finance is doing and the President of Treasury Board. And their only hope, I suppose, is that the Minister of Education will stand up for them, as the Ministers of Education in the past have done. The former Government planned, as the teachers know well, to address the deficit that was there and hopefully the present Government will continue to do that also.

Finally, Mr. Speaker, one of the major concerns that the teachers

might have is in relation to changes being made in their pension plan arbitrarily by the Government. They are quite right when they ask that any changes being contemplated be discussed at the bargaining table, which is the place that any changes to that plan have to take place now unless they tamper with clause 27 of the Collective Agreement. So if the Government tampers with teachers' pensions I would suggest to them that they can look forward to many, many more petitions coming. We will certainly support them in the line that they are taking in this one and I am sure others that will follow.

MR. SPEAKER:

The hon. the Government House Leader.

MR. BAKER:

Thank you, Mr. Speaker.

First of all let me start off by saying most of what the Member for St. Mary's - The Capes just said is simply not true. A lot has been happening that obviously he is not aware of and inadvertently he has been saying some things that are not quite true.

The teachers in the Province have received total and absolute support from this Government in their concerns about the federal pension legislation, total and absolute support and not as the hon. Member opposite says, no support.

I myself have been in contact with federal people. I have written a letter of complete support to Michael Wilson who immediately passed the letter over to John McDermid, I believe, who is the Minister responsible for handling the pension legislation in the

House.

The Minister called me a few days after and informed me that he had my letter and wanted to know if we could arrange meetings. We did. The meetings were arranged between myself, representing the Government, representing Treasury Board, and the NTA and the Federal people, where they explained fully the implications of the Federal pension changes.

Mr. Speaker, we have been totally, absolutely and completely supportive of the teachers in this Province with regard to their pension concerns about the Federal Pension Plan. I believe that if the teachers of the Province do not know it now, they will in the future.

There is a great deal of alarmist comment, to the extent that a lot of teachers in this Province are not realizing there is a little game going on here and are really losing sleep over this, are really concerned that ten years down the road they will not have a pension plan. It is happening, and it is unfortunate, in a way, because what they are assuming is that nothing can be done. It is really unfortunate that that impression is being given to teachers.

In actual fact, Mr. Speaker, after doing an analysis of the Federal proposals - now the Federal Government have indicated they intend to go ahead with the 2 per cent accrual rate, period. They will not change that. However, they are making allowances for what they call offside plans to cover the other .22 per cent accrual rate, and they are saying to people in this Province who have the concerns, that our Federal regulations will not

~~will not~~ affect your pension plan.

However, Mr. Speaker, there is a slight problem, in that what the Federal Government are proposing - and I had an analysis done which was given to me only very, very recently - in terms of pension changes will change the current service costs of the plan and will probably increase the current service costs by at least 1.9 per cent. So there are some problems with it. With regard to us not giving them support

with the Federal Government, Mr. Speaker, I just reiterate again, we have given them total and absolute support. I have had many conversations with the NTA executive about this. We have now started, within the last couple of days as a matter of fact, the negotiating process for this year, and that is one of the items that will be discussed. I refuse to get into details in terms of pensions. I do not want to do this openly, and all I can say, Mr. Speaker, is we have given them 100 per cent support and we are now starting negotiations for the next year.

SOME HON. MEMBERS:

Hear, hear!

Orders of the Day

MR. BAKER:

Motion 1, Mr. Speaker.

Motion, the hon. the Minister of Social Services to introduce a Bill, "An Act To Amend The Day Care And Homemaker Services Act, 1975," carried. (Bill No. 57)

On motion, Bill No. 57 read a first time, ordered read a second time, on tomorrow.

MR. BAKER:

Order 3.

On motion, a Bill, "An Act To Give Effect To the International Convention On The

(Bill 30)
Law Applicable To Trusts And
Their Recognition", read a
third time, ordered passed and
its title be as on the Order
Paper.

MR. BAKER:
Order 4.

On motion, a bill, "An Act
Respecting The United Nations
Convention On Contracts For The
International Sale Of Goods",
read a third time, ordered
passed and its title be as on
the Order Paper.

MR. BAKER:
Order 17.

Motion, second reading of a
Bill, "An Act To Amend And
Consolidate The Law Relating To
Public Utilities." (Bill No.
44).

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

MR. DICKS:
Thank you, Mr. Speaker.

Mr. Speaker, earlier, some time
ago, the Public Utilities Board
Act which has been in existence
in this Province for quite some
time was reviewed and the
report submitted to this House.
Arising out of those
recommendations which included,
I believe, the Chairman of the
Board of Commission of Public
Utilities -

AN HON. MEMBER:

(Inaudible).

MR. DICKS:

You cannot hear? The hon. Member claims he cannot hear me, Mr. Speaker. I will certainly speak up for his benefit.

Arising out of those recommendations, Mr. Speaker, a new Act was prepared which is essentially on track with the recommendations that were made. I would point out that some of the substantial changes in the Act include a different mode of appointment for commissioners. As it presently stands, the commissioners are appointed for a fixed term to age seventy, and hold office till that age and subsequent retirement, one presumes. But under the new Act the number is essentially changed.

Section 6, subparagraph one provides for three full-time members with an additional number of part-time members which shall not exceed six. Those part-time members can hold office for a term not to exceed seven years and are eligible for reappointment.

The intent of the Government in changing the present procedure for appointment of commissioners is to enable various regions of the Province to have representation on the Board of Commissioners of Public Utilities, and also to enable hearings to take place

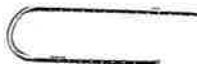
more expeditiously with some greater degree of sensitivity one holds for local concern. I mean, it is sometimes the case that a Board of Commissioners finds it difficult to travel to different parts of the Island for certain hearings, and this should help alleviate that. Although, I must say that for all intents and purposes where such applications are received and reviewed, the Board has, in fact, travelled and entered most of these types of matters. As the Section provides, new commissioners will be appointed in due course.

The powers of the Public Utilities Commission, Mr. Speaker, will be not only reaffirmed, but also strengthened and, by subsequent enactments, enlarged. We will see the Public Utilities Board of this Province playing a greater role than it has, although it may lose jurisdiction over the telephone industry as the result of a case in Alberta - the Alberta telephones case - which essentially said that those enterprises are to be governed by the Federal board, which, in this case, would be the CRTC, which, by some curious enactment, is under the Railway Act.

But in any event, Mr. Speaker, we do have hopes that the new board as presently constituted will have enlarged powers, beyond those that the present

board holds; that its new structure will enable it to operate more fully and on a more efficient basis. This, of course, is not meant as any slight to the existing board which has done an extremely good job, although it has been based in St. John's for many years.

There are other provisions in the Act. Some controversy has arisen in the past concerning the previous Government's appointment of a consumer advocate to sit as a commissioner. The present Act attempts to deal with that by not providing for a consumer advocate on the Board, where the Supreme Court, it has been argued before, may be in a conflict of interest, but rather for the Government and Lieutenant-Governor in Council to have authority to appoint an office of consumer advocate which will then be funded by the Board. So, we as the Government recognize that there is the need for consumers to have adequate representation before but not on ~~the Board~~.



the Board, since we feel that there is, indeed, some likelihood that there is a perceived bias in having that position on the Board itself which is required to act in a judicial manner.

As I say, Mr. Speaker, none of the provisions of the Act are any reflection on the present Board which I think has functioned very well for many years and done an exemplary job in many areas. What we have to review is the manner in which the Board is constituted, and to that end we have to take recognition of ongoing judicial decisions, which include a case before the Supreme Court of Newfoundland at the present time, as well as the Alberta telephone case, which is going to encroach on the jurisdiction of the Board as it is presently constituted.

However, Mr. Speaker, we have left in the Act references to telecommunications, in the eventuality and the hope, if not the expectation, that the Federal Government may, in fact, leave some of this jurisdiction with the Provincial Board of Public Utilities for some period of time. We, ourselves, are of the view that our Public Utilities Board has done an excellent job of regulating our provincial utilities and we would prefer them to continue with that particular authority. Nevertheless, given the case, it may not be possible for us to do so.

The provision respecting consumer advocate is found in section 117 of the Act, and, I think, will meet with general approval as well.

There are some consequential amendments to other Acts, Mr. Speaker, but I would hope that the present Act, in that it is

recognizing some recommendations, if not all, coming from a committee that has reported to this House, will meet with the approbation and unanimous consent of this Legislature. I commend it to the Legislature, and on that basis, move second reading. Thank you.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

Before the Chair recognizes the hon. Member, I would like to welcome to the gallery, on behalf of all hon. Members of this House, Mayor Tony Ryan of Port Saunders, and two of the Councillors.

SOME HON. MEMBERS:

Hear, hear!

MR. WOODFORD:

Mr. Speaker.

MR. SPEAKER:

The hon. the Member for Humber Valley.

MR. WOODFORD:

Thank you, Mr. Speaker.

Mr. Speaker, it was just this morning we had this Bill come before our committee, the Resource Legislative Review Committee. We had some considerable discussion on it with the officials present at the time. Some of the questions asked and some of the concerns that came out of the meeting were on three or four major clauses and major amendments. One of the concerns I had was the fact that when this Bill was introduced, or the report was submitted to Government, I think it was last June, or some time late last spring, in any case, the Premier at that time stated that one of the reasons why

they were holding off on it was so that the public and any interested groups, including consumers, would be able to have some input before legislation was introduced.

Mr. Speaker, when the report was brought in and when the committee of three met, they met with some of the utilities involved, namely, I think, Newfoundland Tel and Newfoundland Hydro and Newfoundland Light and Power, but at no time during the hearings was the public invited to partake. Now one of the main reasons that I see going through the Bill, comparing it with the other Bill, is to put in a clause, I think it is 117, concerning a consumer advocate. At the same time, one of the most important reasons why the committee looked at this Bill and made its recommendations, was to include the public sector, which had no input whatsoever, none, there were just the utilities who had a vested interest, in any case, and who would have to, under the reign of this commission, take the brunt of whatever their decisions were. Now the consumer advocate on the Board: I think it is Section 117 of the Act which states, 'The Lieutenant-Governor in Council will appoint a consumer advocate'.

AN HON. MEMBER:
May.

MR. WOODFORD:
May appoint this consumer advocate. But it is clear that it is a consumer advocate instead of a consumer rep on the Board itself, acting as a commissioner. Now my experience over the years, and the hon. the Member for Gander is certainly aware of this, with the Federation of Municipalities in the Province, it was the only one who could act as an

intervenor. I believe someone else was brought on after that, if I am not mistaken, but for a number of years the Federation of Municipalities in the Province were the only ones recognized, I should say, by Government to act as intervenors. They used to pickup the tab if they ruled favourably, but they were the ones to intervene.

Now, one of the things that I found, serving as a representative of the Federation of Municipalities, was that when you walked into those hearings, if it was Newfoundland Light or if it was Newfoundland Telephone, the Board sat there, the Public Utilities Board itself, and the companies or the utilities had a battery - a battery - of lawyers, auditors, all kinds of consultants, everything. And not only did they have them there that given day, those people were retained for months and years, retained, doing nothing else but looking at the issues of rate increases by public utilities across Canada and in this Province. I do not have to tell any Member of this House the complexities involved when the request comes in for a rate hike by any of the utilities. It is one of the most complex issues, and one of the most complex problems and whatever you have associated with any request today comes in under this. They baffle you with figures and they blind you and they snow you under, they try to do it all, but the thing I found was they had it, and the Federation of Municipalities, which was acting as an intervenor, did not. They were sort of limited. And if they did have the funds to have someone there to represent them, they probably had a week or ten days, two weeks or

probably a month at the most, to get a fellow in and put together all the stats, without access to the stats from the utilities themselves. There was absolutely nothing to go on, except for what they had from another Province, or something like that.

But, then, Government in its wisdom appointed a consumer rep to the Board, albeit a commissioner, albeit he was a paid commissioner of the Board, and I understand that some of the concerns that people had, and Government itself, was because of the jurisdiction question of having that representative sit on the Board as a Commissioner, getting paid, that probably there would be a conflict.

AN HON. MEMBER:
(Inaudible).

MR. WOODFORD:
Well, in the report. The report I should say. The officials in the recommendation and not in the implementation. Recommendation is one thing, implementation is another.

But one of the things that happened after this consumer rep was appointed, regardless of whether he was getting paid, regardless of his being a commissioner, or whatever, one of the things that happened in this Province was that finally the consumers of this Province, including all of us here, had what you would call real representation when it came to the consumers in this Province. He is in the House today, and I do not mind saying it. I served with him on the Federation of Municipalities before ever I got into Provincial politics, and I do not think for one minute if you went around each

and every municipality in this Province today, even the municipalities represented by Members opposite, and asked them when they got good representation on behalf of the consumers in this Province on the Public Utilities Board, I would say, bar none, if you talked to the leaders in those communities, the mayors and whomever is involved, they finally had it with Andy Wells. There is no doubt about that. There is no question.

He spoke up. He was always vociferous. I will not go on to name some of the other things in regard to the City Council in St. John's.

AN HON. MEMBER:
(Inaudible).

MR. WOODFORD:
He has been called a lot worse. But he was not afraid to speak up, and that is what we wanted. That is what we always wanted as municipal leaders and as politicians. No matter what stripe, no matter whom he represented or what community you represented, you wanted someone to stick up for the people. That is the bottom-line with this. The most important member on that Commission in this Province today is the consumer rep, as far as I am concerned. Whether it is Andy Wells or anybody else, the most important member on it is the commissioner representing the consumers. He spoke up, and for the first time, or one of the first times, and I stand to be corrected - I do not think we have ever seen a rollback in rates in this Province before - there was a rollback in Newfoundland Tel since he became rep, if I am not mistaken. Now, that says something.

Although there is a Clause in there, I think it is Section 120, which says that under the good behaviour clause the Government can now remove all existing commissioners, Subsection (2) states that the Government also has the power to reappoint the members. The question I ask is, because the individual is doing such an excellent job on behalf of the consumers of the Province, would it not be a good idea for Government to take him into consideration when they make their reappointments? The record is there and he is one of the most knowledgeable. I could even go so far as to say that in Atlantic Canada today, when it comes to a consumer rep, he is the most knowledgeable when it comes to public utilities and rate increases, whether it be Newfoundland Telephone, Newfoundland Light and Power, or whatever. I am saying this because I am speaking to the Bill, not because he is here in the House today. You can ask community leaders in the Province. I know pretty well all of them, and they will tell you the same thing, bar any political stripe.

One of the suggestions I would like Cabinet to take into consideration is the record of the individual, regardless of whether it is consumer advocate or consumer rep, or whatever it might be, but take into consideration first consumers in the Province. That is the basic bottom line.

AN HON. MEMBER:

Ask the question to the Minister of Justice.

MR. TOBIN:

Yes, the President of Treasury Board is outside.

MR. WOODFORD:

Anyway it is on the record. It is in Hansard and I am sure hon. Members will take notice.

And the consumer advocate thing with regards to the funding - it is in the recommendations, but it is nowhere in the Act, and I know you cannot put everything in the Act. But it is there for the appointment of a consumer advocate by the Lieutenant-Governor in Council. But also the main thing is to have the funding there, have the resources for this person to be able to draw on. Those resources not only include, Mr. Speaker, staff whose funding and other technological equipment he will need, or other access to consultants, no matter where they might be, that is exactly what we need. We have to present our case. Those utilities, like I said before, are ready. They are ready believe you me. I would love to be able to run a business, any Member would, and be told you are guaranteed a profit. Every salary paid to the commissioners even, to the presidents and the vice-presidents, and no matter what you have on those utilities comes on the backs of the consumers in this Province. We have to have someone there who is going to represent them - and I mean be strong in their criticism and not be afraid. And we have everything from salaries right on down on the back of the consumers. So that is why it has to be watched as one of the most important Boards we have in the Province today.

MR. TOBIN:

And the best man in Atlantic Canada.

MR. WOODFORD:

I know the recommendations are

good - some of the recommendations there are good. There is no doubt about that. You cannot take away from that. And you cannot take away from the clause of some of the amendments that are in here. I have some concerns about the consumer advocate part of it, how it is going to be handled, the approach that is going to be taken, what they are going to do, the experience of a person involved, because that means an awful lot.

I think there are three board members appointed. The recommendations stated I believe that two members be appointed, I think it is three part-time members. In the act I think it says three full time members and six part-time members. I sort of question the six part-time members - because one of the reasons why it was dropped from being a six member Board, full time positions, was because of the de-regulations introduced, I think it was last year, by the Federal Government. A lot of the de-regulations of trucking in particular. The jurisdiction for the motor carrier function moved out of the Board and into the Department of Transportation. And more specifically the inspections are done by Transportation now, I believe that come out of the meeting this morning. So that would cut down on the work of the Board, although I do not think there was a hell of a lot went to them. But that would cut down on the work of the Board.

So to have the three full time members, there is no problem with it. The six part-time members - I question the logic of having six part-time members there unless they would be some of the research staff or something like that.

That would be a good move. If there are going to be people there who are experienced in the field and they are going to use them, get the best buck for your dollar. They are sitting as part-time commissioners and they also got a knowledge of what the system is all about. That would be a dual role. So that would be an excellent way to set up the Board and I am sure that the Minister will take that into account.

One of the other things that is not in the legislation - there are no requirements anywhere in it to have the corporation, for instance, have an independent assessment for its Capital requirements. None. When they come in they will have to assess it on whatever presentation they give and the knowledge and the experience of the person who is going against the application. So there should be something in there to cover the capital requirements of the Corporation. I think personally there should be something in there to cover that, to give an independent assessment. They can come in with all of the requests they like and as big as you like until someone there - I know the commissioner has certain control, but there is nothing there requiring an independent assessment. They may be able to request it. I do not know. But take a strong and firm stand and say whether you need it or do not need it.

And the other thing is to require the Board to have public hearings.

MR. SPEAKER (L. Snow):
Order, please!

It is 4:00 o'clock on Thursday afternoon and I want to interrupt

the hon. Member to announce the questions for the Late Show. Question number one, is for the hon. the Minister of Employment and Labour, re the unemployment figures and the unemployment programs. It is from the hon. the Member for Harbour Main (Mr Doyle). Question number two, is to the Minister of Energy regarding the electrical rates and it is from the hon. the Member for Green Bay (Mr. Hewlett). Question number three, is to the hon. the Minister of Fisheries concerning the reasons why FPI has not made an announcement regarding fish plant closures, and it is from the hon. the Member for Grand Bank (Mr. Matthews).

MR. SPEAKER:

The hon. the Member for Humber Valley.

MR. WOODFORD:

Mr. Speaker, the other concern that I had was the requirement of the board to have public hearings. There is nothing in the Act that forces the board to have public hearings, so the only thing they can do then is to have the intervener, or the commissioners, look at the request. I think there should be something there. There is certainly nothing written into it. There may be, in some of the recommendations, that I suppose could be by order of the Lieutenant Governor in Council, do just that. That can be done as well, I understand that.

I understand there are, I think, three or four members of the board. There is also, in Section 6, subsection 9, something I believe, about the age of the commissioners, once they reach the age of 70 they are finished, so one thing we have to watch there is continuity, and if we wipe out

the board that is there now with regards to some of the experience of those people, there should certainly be at least three or four members left there to have, what we call, continuity, on such an important issue to the consumers of the Province. Some with experience, or when they appoint for three years for one, four for the other, or two, four, or something, so there will always be continuity. They can be appointed for seven years, that is the maximum, so that can always be cut down to three, four, or what have you.

AN HON. MEMBER:

They are eligible for reappointment.

MR. WOODFORD:

That is right. Even after the seven they are eligible for re-appointment. That is a point that can be taken. Section 6, subsection (7), each full time commissioner shall hold office during good behaviour. Good behaviour, it goes on to tell you what that is, as long as they keep in line with what is going on, and not have any conflict, or what have you. Section 120: the commissioners of the Board of Public Utilities appointed prior to the coming into force of this Act shall cease to hold office upon coming into force of this Act. So, that is covered, Government under this Act can do away with the existing board, but like I said, subsection 2, nothing in this section shall prevent a person's re-appointment by the Lieutenant-Governor in Council, so that leaves an opening there for Cabinet, in its wisdom, to reappoint some members of the board in whatever capacity they might decide, whether it is one of the permanent full-time members or

a part-time member. One of the other sections, I do not know what it comes under here now, is a submission of a budget. I do not know exactly what clause that is but that is one of the new ones. I think there are only four or five and that is one of the other ones. The two main clauses in the Bill, I will not be repetitious, but they are 117 and 120, as far as I am concerned, and there is also one there on pensions as well. The Public Utilities Board in the Province, I do not know if the public knows it or not, but it has one of the most generous pension plans in the Province today. They do not contribute to their pension fund and after five years service they are eligible, I think, for 25 per cent of their salary, and after ten years service they are eligible for 50 per cent without any contributing factor. That is something that could probably be addressed and that is a very generous pension fund. That is something I would say they will be looking at as they go along and when they introduce their budget.

So, Mr. Speaker, without anything further I would just like to reiterate the fact that there was no public involvement before the recommendations were made, but at the same time if Government still has a chance, after the legislation is passed, to make that Board workable and to make it one of the most representative Boards in the Province when it comes to the consumers, which is the basic principle of having a consumer advocate.

Thank you, Mr. Speaker.

MR. SPEAKER:

The hon. the Member for Bonavista South.

MR. GOVER:

Thank you, Mr. Speaker.

As Chairman of the Committee which considered this Bill this morning, I would just like to make a few brief remarks with respect to the bill. I consider Bill No. 44 to be a progressive and liberal piece of legislation which in the long run will stand to benefit the consumers of the Province of Newfoundland. And I can concur in many of the comments made by my colleague for Humber Valley (Mr. Woodford). As he indicated the previous Administration in its wisdom did recognize that there was a problem with the amount of consumer representation which was taking place before the Public Utilities Board and they sought a particular vehicle to cure that particular problem.

As events turn out it seems that that particular vehicle is not entirely appropriate. In fact, I suppose one could say that the more the consumer representative on the Board the more effectively he performed his function as a consumer representative, the more outspoken and the more vocal he was, the more likely that representative for that Board will be challenged by the utilities. Because the more outspoken the representative was the less he would appear to be neutral and unbiased in the weighing of the evidence and the submissions which came before the Board.

But having said that the previous Administration did recognize there was a problem there. And this Administration through this particular bill has proposed another mechanism to solve that particular problem which is the appointment pursuant to Section 117 of a Consumer Advocate. In

order to make that particular office work, as my colleague from Humber Valley (Mr. Woodford) has indicated, it behooves the Government to provide that advocate with sufficient staff and support and access to expertise to counter the staff and support and expertise of the utilities, since the hearings taking place before the Public Utilities Board are adversarial in nature. It is only fair that both utilities and the consumers of this Province be placed on a level playing field. And that can only happen if the consumer advocate is given sufficient access to sufficient resources to at least approximate the resources that the utilities have at their particular disposal.

Also while it is not really identifiable in this piece of legislation, certainly the report which gave rise to Bill No. 44 recommends that the staff of the Public Utilities Board be increased and diversified to give the Board greater independence from the information provided to it by the utilities, to more independently assess the information provided by the utilities. One of the greatest problems and difficulties for consumers, or any other interested parties who wish to appear before these hearings, whatever their interests are that they represent, when they have to confront the utility the greatest problem they have is that the utility has all the facts, figures, graphs and charts and expertise at their disposal. The information is of such a complex nature that an individual or indeed almost any organization cannot, unless it has access to a substantial amount of financial resources, adequately assess the information the utility is laying before the Public

Utilities Board.

So as a result of that, in order to create a level playing field for the consumers of the Province and the utilities, the office created under Section 117 has to be given sufficient funds to discharge that particular role. Again the staff of the Public Utilities Board; its increase will allow it to more independently assess the information and not be totally captive of the information the utilities put before the Board.

So with those few brief remarks I would like to support this particular bill and say that, in my opinion, from a review of it, it does appear to be a progressive piece of legislation. It does appear to provide a mechanism whereby consumers of the Province will have an effective voice before the Board subject to, as my colleague for Humber Valley (Mr. Woodford) has indicated, sufficient resources being placed at the disposal of the consumer advocate whoever that person is.

Thank you, Mr. Speaker.

MR. RIDEOUT:
Mr. Speaker.

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

MR. RIDEOUT:
Thank you, Mr. Speaker.

Mr. Speaker, I wish we could be certain of what the Government agenda is in introducing this particular bill at this particular time. The hon. gentleman who just took his seat is correct, Mr. Speaker, the previous Administration set up an internal committee to look at the

functioning of the Public Utilities Board and to make certain recommendations. Now the House will recall, Mr. Speaker, that the new Government, even though that report was completed, I believe in January of 1989, the report itself was not dealt with by the past Administration. The present Premier tabled that report in this House, if I recall correctly, Mr. Speaker, in June. In tabling the report of the Committee with the recommendations and the background material in it, the Premier made the following statement, that the Government was tabling the report now, now being June, so that the public of Newfoundland and Labrador would have an opportunity to review the report, to have public debate on the report, and to have public input into the new document, into the new bill. Now that was the statement that the Premier made in this Legislature, Mr. Speaker, when he tabled the report in June.

Now what has transpired since then, Mr. Speaker? There has not been any vehicle for public input into this new act. None whatsoever. The only vehicle that would be able to do just that, would be able to carry out the commitment made by the Premier to this House, is the Committee, the Legislative Review Committee headed up by the hon. Member for Bonavista South (Mr. Gover). That Review Committee, as I understand it, Mr. Speaker, did not receive this bill until just a day or two or three ago. It certainly did not receive the bill very long ago, certainly within the last few days. This House itself, Mr. Speaker, did not receive the bill until a couple of days ago.

So I am worried personally about what the Government agenda is.

Why the Government is in such a rush to have this new bill passed this present session, to carry out the amendments to the law respecting the Public Utility. I have a sneaking feeling, Mr. Speaker, that there is another agenda. The Government has not carried out the Premier's commitment. The Premier's commitment when he tabled the Committee -

AN HON. MEMBER:

How do you know that it was not?

MR. RIDEOUT:

Because I know it has not. Has the hon. gentleman gone to sleep, Mr. Speaker?

First of all go over in your seat if you want to tit tat back and forth with me and do it properly, even that is unparliamentary, but at least you will be doing it half properly. But the hon. gentleman was in the House I assume, Mr. Speaker, in June - in June the hon. gentleman was in the House, Mr. Speaker, when his Leader, the Premier, tabled the report of the McDonald Committee that reviewed the present Public Utilities Act, and in tabling the report the Premier said that he was tabling it now - that now being June - so that there would be adequate time for public consultation and public input into the new Bill.

Now that was what the Premier said and if the Minister of Social Services (Mr. Efford) does not believe me, he can go back to June and find Hansard and he will find out that is what the Premier said. The point I am making, Mr. Speaker, is that there has not been any effort by the Government to have public input.

DR. KITCHEN:

Nobody was interested.

MR. RIDEOUT:

How does the Minister of Finance (Dr. Kitchen) know nobody is interested? Mr. Speaker, the Legislative Review Committee did not put ads in the newspaper throughout the Province saying they were going to have some public hearings on this important piece of legislation. How can the Minister of Finance over there slough it off and heave to in his seat and lie up against the wall and say the public is not interested? The Minister does not know that, Mr. Speaker. The Government does not know that. And that is the point I am trying to make to the Government. Why is the Government today so interested in having this Bill pass so quickly? The Act that is there now is important. Of course it is important, everything is important, but does it mean anything when the Premier, the Leader of the Government, says there ought to be public input?

That is the point I am making, Mr. Speaker, is what we hear in circles around this city a fact, that this Bill is actually the 'get rid of Andy Wells' Bill. Is that actually why the Government wants this particular Bill passed over the next day or two, or in the next week, before this session winds up for Christmas? Is the Government not prepared to do through the front door what it wants to do, but wants to go through the back door through Clause 120, by re-doing the whole law relating to the Public Utilities Board? Of course, they have a sunset clause in 120 which says that all of the present Commissioners' terms of office will be over when this Bill becomes law. Is that the

Government agenda? If it is, Mr. Speaker, the Government should at least be honest and forthright enough to say it is. The Government should be honest and forthright enough to admit what it is they want to do, and they have not done that yet, Mr. Speaker.

Mr. Wells - I am not talking about the Premier - Mr. Wells the Commissioner, Mr. Speaker, has made a fantastic contribution to consumer awareness and consumer protection in this Province.

AN HON. MEMBER:

Is he a relative?

MR. RIDEOUT:

No, he is certainly not a relative of mine. I would not want to burden him with the suggestion that he is a relative of the Premier's either, Mr. Speaker. But, Mr. Speaker, that person has made a fantastic contribution to consumer awareness and consumer protection in this Province and, by passing this Bill, the Government will ensure that that Commissioner, as well as all the other Commissioners, is off the board, and it will then be up to the Government to appoint new Commissioners. Now, is that the real reason why this Government wants this piece of legislation passed over the next day or so, so that when the House is closed, over the next couple of months, it will be able to move to replace that consumer representative on the Board of Commissioners of Public Utilities.

Now, if that is what the Government wants to do, Mr. Speaker, if that is the secret agenda of the Government, I can tell them we are not having any part of that. Because, you see, Mr. Speaker, the Government speaks

with a forked tongue in this whole matter.

Section 117 says, "The Lieutenant-Governor in Council may appoint" - "may appoint a consumer advocate", Mr. Speaker.

MR. BAKER:
Right.

MR. RIDEOUT:
Section 117 does not bind the Government to appoint a consumer advocate.

MR. BAKER:
And there is good reason for it.

MR. RIDEOUT:
Why is there good reason?

MR. BAKER:
(Inaudible) consumer representations.

MR. RIDEOUT:
Mr. Speaker, there must be a consumer advocate, and the Government should bind itself in the legislation by saying that the Government 'shall' appoint. This position can remain vacant forever. It does not have to be acted on whatsoever. The Cabinet 'may' appoint; they do not have to, they may.

Now, Mr. Speaker, I want to come back to the gentleman from Bonavista South (Mr. Gover). The gentleman from Bonavista South uttered a mouthful - I do not know whether he realized it or not - when he said in his few comments in debate a little while ago that the consumer representative on the board, or the consumer advocate, if that person were doing his job, the job for which he is appointed, to protect the interests of the consumer of this Province, might be seen not to be impartial by the

utilities of this Province, and therefore, his impartiality might be challenged.

Now, I say to the hon. gentleman from Bonavista South, whoop-de-do!

MR. DICKS:
(Inaudible).

MR. RIDEOUT:
Tough! What is that person appointed for, to be a handmaiden of Newfoundland Light and Power?

AN HON. MEMBER:
Certainly not to beseige the whole hearings procedure.

MR. RIDEOUT:
Not to what?

AN HON. MEMBER:
Not to cancel the whole hearings, because the Supreme Court has said that it is biased.

MR. RIDEOUT:
Mr. Speaker, let the Government correct the legislation so that that cannot happen.

MR. DICKS:
I agree.

MR. RIDEOUT:
That is not what this legislation is all about. Mr. Speaker, not only is it important to have somebody to protect the consumer, a consumer advocate or a consumer representative on the board, that is not, in itself, good enough. You must have a person who is knowledgeable and who knows how to protect the consumer in this Province. You have to have a person who is resourceful enough to be able to do the digging and ask the right questions and take on the batteries of consultants and accountants and lawyers and everything else that those public

utilities bring in. We do not want, Mr. Speaker, somebody to go down and represent the consumers of this Province as a consumer advocate or a commissioner on the Board, who is going to be bowled over and snowballed by all of the million dollar experts that the public utilities of this Province are going to bring in. That person has got to be a fighting Newfoundlander, Mr. Speaker, who is willing to go down there and take them on, that is what that person has to be. That person has to have the trust, Mr. Speaker, of the consumers of Newfoundland and Labrador, that person has to have the trust of the consumer association, that person has to be somebody who is in perception as well as in fact, doing the job of representing the interests of the consumer. And, Mr. Speaker, not everybody, not everybody has the qualifications to fill that kind of position. Mr. Speaker, I am worried, as one Member of this House, I am worried that the Government has a secret agenda on this Bill. The commissioner who is presently on the present Board, representing the interest of the consumers in this Province, has done a marvellous job, a fantastic job, Mr. Speaker, and I think that that person has done his job so well, that there are certain interests in this Province who want to get rid of him off the Board, Mr. Speaker, that is what I think.

AN HON. MEMBER:
(Inaudible).

MR. RIDEOUT:
Shame, I do not care, shame or no shame. Clause 120 makes sure that the present Board retires when this Bill goes through, Mr. Speaker, not voluntary retirement, involuntary retirement and whether

or not that person who has served the interest of the consumer so well on that Board over the last several years will be reappointed or not, is not something that the Government has commented on Mr. Speaker. The Government has not commented on that yet, in this debate, I hope they will before the debate is finished, but I suspect, Mr. Speaker, there are utilities in this Province who want nothing better than to get that commissioner out of their hair, because he is doing too good a job for the consumer of Newfoundland and Labrador. That is the secret agenda that I am worried about in this particular piece of legislation. Now, Mr. Speaker, I think the Government should do what the Premier said they would do in June. The Government should leave this piece of legislation on the order paper for the next couple of months, the Government should leave it on the order paper and instruct the Legislative Review Committee to solicit input from the people of this Province in this Bill. There is no rush to pass this Bill, Mr. Speaker. There is no legal impediment to not passing this Bill over the next couple of months, Mr. Speaker, none whatsoever, as far as I know. There is no impediment to leaving this Bill on the order paper for the next two or three months, unless the impediment happens to be the commissioner representing the interest of the consumer. If that is the impediment, then I can understand why this piece of legislation is going to be driven through this House before we break for the Christmas recess, if that is the agenda. I would recommend to the Government, Mr. Speaker, that they carry out the word of the Premier, when he tabled the McDonald Committee Report in June

and that is, to give the people of this Province an opportunity to have a say in this piece of legislation, that was a commitment the Premier made to the House in June. The people have not had an opportunity to have that say, there is only one way for them to have it, and that is for the legislative review committee to hold a few public hearings around the Province so that the ordinary individual down in Ming's Bight or Baie Verte or up in Nain or Hopedale can come in and tell the Committee how important it is to have the right type of consumer representative, commissioner, on the Board, the right type of consumer advocate, a person to protect the consumer's interest. Government have not heard that, Mr. Speaker. Government should hear it because it might make a difference as to what the Government does after they have the unlimited authority to do anything they like once this Bill becomes law, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

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

MS DUFF:

I would like to thank the hon. Opposition House Leader for giving me the opportunity to speak for just a few minutes on this Bill. Although I think the concerns I would have, have been fairly and ably represented by the previous two speakers. I would just simply like to re-inforce my own concerns about this, which stem originally, I suppose, from my experience as a Member of the Federation of Municipalities Board and a member of their committee which dealt with representations to the Public

Utilities Board, and the extreme frustration that we felt as municipal leaders at that time in having to try, on behalf of the communities across this Province, to represent their interests against what was perceived as being very unfair odds. Because the Public Utilities are extremely powerful and extremely able to mount batteries of lawyers and accountants and statistics and it was virtually impossible, using the current method, which was having interventions which were, in fact, funded by the Board through the Federation of Municipalities. I suppose that could have been considered a form of consumer advocacy.

Each time somebody had to be found, a lawyer or accountant, to go up against some rate increase hearings, or whatever, on behalf of municipalities. Not infrequently were they ineffective in terms of controlling the kind of rate increases that the Utility Companies were looking for, to the point, I think, where the public itself became outraged at the seemingly cosy relationship between the Board and the Utilities. At least that was the perception; that it really did not matter what anyone had to say at these hearings even if they were prepared to spend a large amount of money to try and get legal help, because in the first place they had no access to the information that was tabled before the Board by the Utility Companies, and would have needed to have a tremendous amount of expertise, not only as a lawyer or as an accountant, but in Public Utilities accounting which is a very particular sort of thing.

So the municipalities were certainly pleased and I think

consumers in general were certainly pleased to see Government responding by putting a consumer advocate, or somebody who was put on that Commission with the particular responsibility of trying, at least, to make sure that the Public Utilities were accountable to the interests of the consumers of this Province.

I do not necessarily see a tremendous conflict in that, although I am not a lawyer. Because after all the Public Utilities Board exists because the Utilities are in a monopoly situation. They are not prone to the normal market forces of competition. Therefore, the Board exists to protect the interests of the consumers and at the same time to make sure that it is done in a realistic manner, so that the companies who have to operate a bottom line and attract investors can do so.

I think also that the public were particularly pleased at the effectiveness of this particular move. I have to admit that, in my view at least, it had a lot to do with the person who was appointed in that position. Now as someone who has worked with that person in a number of capacities for a number of years I can say that he is frequently a large thorn in the flesh. There are times when I have wished that I could axe him from certain positions that he was in, but at the same time I have always had to admit and always had to say publicly that he is a person who does his homework. In this case, he did more than the normal amount of homework that would be required. His interest in this particular position I think arose again from his municipal experience, but he took it upon himself to take extra

training in mathematics and to undertake a Masters Degree in Public Utilities Accounting. He may in fact be the only person in this Province, outside of the major Utilities Companies, who has managed to gain that level of experience.

MR. SPEAKER:
Order, please!

MS DUFF:
I will adjourn the debate.

MR. SPEAKER:
I will recognize the hon. the Member for Harbour Main.

MR. DOYLE:
Mr. Chairman, I had to interrupt the Member for St. John's East complimenting Mr. Wells in the gallery today, it is very interesting.

But what we are seeing, Mr. Speaker, and what we continue to see, and what we have been trying to get over the last number of days, are answers from the Minister of Employment and Labour Relations with respect to what Government intends to do to address the very serious unemployment problems that we have in the Province of Newfoundland and Labrador.

It is not really a problem any more I think it is gone beyond that stage, it is now a crisis. We do not seem to have any answers coming from the Government as to what their plans are to create meaningful employment opportunities for the people of the Province to address that crisis that we have. I said to the Minister a few days ago that if the unemployment trend continues on the downward slope that it is on right now what we

will possibly witness within the next couple of years is the greatest exit of people from Newfoundland that we have seen in a long, long time. Regardless of the Government's plan by putting in place the Economic Recovery Team, regardless of what Dr. House intends to do and regardless of what his best intentions are in that regard, I do not think we are going to see any great difference in the employment rate in Newfoundland over the next couple of years. Unless, the Government starts to change its policy and starts to really take the unemployment problem seriously because they do not appear to be doing that right now.

As I said to the Minister a few days ago, the unemployment figures for November have been released and they are very, very alarming indeed. Newfoundland continues to have the highest unemployment rate of any Province in Canada at 17.1 per cent. And that is not the significant part of it, that Newfoundland has the highest unemployment rate in all of Canada, because I believe we have been in that position now for a long, long time. But I believe what is really significant, Mr. Speaker, is the fact that the unemployment rate is up a full 3 percentage points over where it was in November of last year. Up a full 3 percentage points. That is the message to the Government. It needs to start taking the problem seriously and it needs to swing into action to do something before we have an empty Province. The unemployment rate for agriculture, forestry and the fishery is up dramatically 12.7 percent, up 12.7 percent over where it was in the same time period last year.

MR. FLIGHT:
In agriculture?

MR. DOYLE:
Yes, in agriculture, forestry and the fishery. It is up 12.7 percent over where it was last year. It was not even recorded last year it was so insignificant.

The manufacturing sector, which includes fish plants have an unemployment rate of 24.3 per cent and that is up a full 5 percentage points over where it was last year.

Finally, the unemployment rate in the construction industry this year was 34 per cent in November and that is up a full 12 points over where it was last year. There was a 22 per cent unemployment rate in the construction industry last year and now it is up to 34 per cent, Mr. Speaker, and that is very, very alarming. It should be reason enough for the Provincial Government and more particularly the Minister of Employment and Labour Relations to swing into action and to start introducing some meaningful employment programs for the Province. Because I do not believe that the Government is aware of what these numbers mean. I think the Government will find that over the next couple of years in particular they will be presiding over the most devastating employment picture that the Province has seen in a long, long while.

MR. CHAIRMAN:
The hon. Member's time has elapsed.

MR. DOYLE:
Anyway, Mr. Speaker, when the effect of the current layoffs that we have in Newfoundland in the Grand Falls Mill, the effect of the plant closures, the effect of

the downturn in the fishery, when all of that kicks in, the unemployment rate will not be 17.1 per cent. By this time next year it is possible that it will be up around 20 odd per cent, another 3 percentage points. So, Mr. Speaker, we are waiting patiently for the Government to introduce employment programs instead of cancelling out the ones that they have.

MR. BAKER:

Mr. Baker.

MR. SPEAKER:

The hon. the Government House Leader, President of Treasury Board.

MR. BAKER:

Thank you, Mr. Speaker. The Minister of Employment and Labour Relations is not in the City today, she is on Government business so I will answer the question in her place.

The hon. the Member for Harbour Main asked some questions in terms of the unemployment rate, and what has been happening with employment and so on, and he wants everybody to work, and he wants all kinds of programs announced and everything else, and he points out some statistics. Now, Mr. Speaker, we can all use statistics and we can all take the monthly reports that come out and find good in them and find bad in them. And for Newfoundland for the last 20 years it has not been good. There has been an awful lot of bad, and not too much good. For a number of years we have gone through a period where job creation in this Province has been of the 10 week variety, and there is good and bad to that, a 10-20 week job. Sometimes in a fall-back position you have to do that in order to

put food on the table, so there is good and there is bad in that.

But, Mr. Speaker, the interesting thing is that the Member opposite compares the unemployment statistics from November last year to November of this year, and I believe he indicates a 2.9 per cent increase in the adjusted employment rate I believe. Was it the adjusted or the unadjusted that the Member was talking about? The adjusted unemployment rate. Now, Mr. Speaker, that says a lot for many things. But I would like to point out to the House that in November of last year in this Province, there were 124 thousand full time jobs. 124 thousand full time jobs. In November of this year there are 128 thousand full time jobs. And that trend, Mr. Speaker, existed for a number of months. The increase in the number of full time jobs. Now we have been through periods when the work force has increased, the number of 10 and 20 and 30 week jobs has gone up, whereas the number of full time jobs has stayed the same or gone down. I would like to point the hon. Member to that trend - the fact there are more full time jobs being created. Now that still does not solve the problem. We do have a high unemployment rate, and the Member opposite assumes that in six months we could correct these problems. Right away we will come in with good programs to put everybody to work. Well, I will say to you, Mr. Speaker, that it takes time to prepare and put into practice good programs. There are good programs, there are bad programs, and there are some good programs coming. The Member tries to heap all of what he predicts is going to happen in this Province over the next couple of years, on

us. And something that we have done in the last couple of months we have been in office were really something. The last few months in office, we have destroyed the northern cod stock. The last couple of months we have destroyed the northern cod stock single-handedly. What powerful people. And I wonder who the Member thinks in this Province is going to believe such nonsense and foolishness? Thank you, Mr. Speaker.

MR. HEWLETT:
Mr. Speaker.

MR. SPEAKER:
The hon. the Member for Green Bay.

MR. HEWLETT:
Thank you, Mr. Speaker. Mr. Speaker, I asked the Minister of Energy a question in the House the other day and it was in relation to a bill on the Order Paper of this House, 'An Act To Amend The Electrical Power Control Act.' When the Minister introduced that bill in the House, he did it in a rather casual manner, indicated it was a relatively small bill, a few clauses, and all it was doing was really implementing a section of the budget speech. However, Mr. Speaker, the section of the budget speech that he referred to eliminates a considerably large subsidy for electrified rural areas in this Province and puts basically the cost of that on the Hydro bills of all the people in our Province. Under questioning in Question Period, and his official confirmed this as well when we had a discussion on the bill in a legislation committee, this would add, in general terms, approximately 10 per cent to the electricity bills for the consumers of this Province.

Mr. Speaker, given the state of the local economy and what we can probably expect in the year ahead, I am not sure we should treat this casually, as the Minister did when he introduced the Bill. We have very serious problems in the fishery, now the Forestry has taken a big down-turn, now the Federal Government is coming in with a Goods and Services Tax, which in addition to our own Retail Sales Tax in this Province, is going to be devastating and we have the usual inflationary factors.

AN HON. MEMBER:
It is your Government.

MR. HEWLETT:
No, it is not my Government, Sir, I am Provincial, not Federal. The simple fact of the matter is, it is because of all these factors. We could see power rates go up considerably in this Province, Mr. Speaker, if you add all these together, you could easily conceivably see power rates going up by thirty per cent or more over the next three, four years. Now the Federal tax factor is not something that this Government can take blame for. Inflation is something that has been around, I guess, since the years of the Greeks, when they were in power, so they cannot be blamed for that, but the ten per cent on top of all that is a direct and deliberate move on the part of this particular Government. Mr. Speaker, when you listen to the television it looks like Canada, from all the rumours and talk, is on the verge of a recession - which from previous experience in this Province means that we are on the verge of a depression, so there is certainly cause for concern, and deliberately adding ten per cent on the part of this

Government on hydro bills in this Province is not something that we could do casually, like the Minister attempted to do when he introduced the Bill. In tandem with this Bill, there was another Bill that was just discussed here earlier in this House with regard to public utilities, and one wonders if the main purpose of that Bill is to get rid of the nemesis of the large utility companies, the very vocal Mr. Andy Wells. Mr. Speaker, when the Liberals were in Opposition in this House - when I used to watch from the gallery - I remember time and time again, Mr. Neary, always going on about power rates and standing up for the consumer, and where is Mr. Neary or a Neary-style Liberal these days?

AN HON. MEMBER:

You should have been working instead of sitting in the gallery.

MR. HEWLETT:

I was driven out of the gallery many times. Now that the Liberal Party is in Government, Mr. Speaker, the shoe is on the other foot, and they have a different tune to sing. This Bill is to pass on the cost of subsidy from the Minister of Finance to the electrical consumer. The Development Minister; his responsibilities have been passed on to Dr. House. Responsibility for fishery problems: they are only to glad to pass it on to the Federal level of Government. This is a pass-the-buck Government, Mr. Speaker. There was an American President who used to have a little sign on his desk that said: The Buck stops here. Well, given the coinage changes, maybe our Premier should have a sign on his desk saying: The looney stops here. Mr. Speaker, this Government has raised taxes, cut

back on social programs, it is presiding over a down-turn in the Forestry, watching the Fishery go into a tail-spin and appears to be now taking a very laissez-faire attitude towards the protection of the consumers of electricity in our Province. Again I ask, Mr. Speaker, where have all the Liberals gone - short time passing. In conclusion, Mr. Speaker, I have to have my usual story for the opposite Members. It reminds me of a song on the radio, which was popular a year or two ago called 'True Colours'. The colours of the party to which I belong - Progressive Conservative - are red, white and blue, and I think that indicates we cover the political spectrum. The official colours of the Liberal Party, I suppose, are red on white, but, Mr. Speaker, their true colours, or I should say their true colour is ice blue. Thank you.

AN HON. MEMBER:

What a colorful speaker.

MR. SPEAKER:

The hon. the Minister of Health.

MR. DECKER:

Mr. Speaker, I am surprised to hear the Member for Green Bay have such a nasty attitude towards his constituents. For example, the people on Little Bay Islands who depend on diesel generated electricity, and the people throughout his District, who over the past seventeen years have been penalized because they happen to live in rural Newfoundland and Labrador. I have some passion for this, because in the District of the Strait of Belle Isle, the place where I live, in Roddickton, we too are on diesel. Englee is on diesel, St. Anthony, Cooks Harbour all up the Labrador Coast

they are on diesel. Now what has been happening for the past number of years, while the hon. Member's party was in power, was they were quite content to pick out a very small portion of the people of this Province and force them to pay electricity rates which were far above the rates that the rest of the Province was paying.

Now, with this particular legislation we are aiming to fulfill one of the promises we made during the election. We said that over our mandate we would make the one electricity rate for all Newfoundlanders, whether they are diesel generated power or whether they are on hydro power. Now we are counting on the fairness and the good common sense of Newfoundlanders, and we are quite prepared to bet that the average Newfoundlander who lives in St. John's, or who lives in Grand Falls, or who lives wherever, is quite prepared to pay a little bit extra so that people who live in the St. Anthonys, and the people who live in the Cartwrights and the people who live in the Nains will not be forced to pay electricity rates which are far above what they can afford, totally out of line, Mr. Speaker.

For the past ten years, the people in the hon. Member's District, in Little Bay Islands, have been paying electricity rates which are totally out of whack with what the rest of the Province is paying. Now this change, we are starting to aim towards that. The first thing we did this year, Mr. Speaker -

I wish the people in the galleries would be quiet!

- was raise the minimum amount.

Under the old Tory rule, people who lived in rural Newfoundland, on diesel generated electricity, they could get 600 kilowatt hours per month at the same rate that hydro people get 600 kilowatts. Now, anyone who looks at the electricity bill at the end of the month knows that the average household in the Province is consuming somewhere between 1,200 and 1,400 if they do not have electric heat - they are going somewhere between 1,200 and 1,400. The first thing we did, before we really had time to examine the finances of the Province, was up that minimum rate to 700 kilowatts as the minimum. So now people who live in Little Bay Islands, the people in the hon. Member's District whom he does not care about, whom he is not the least bit concerned about, they are getting a little break, which is one step closer to having one rationalized rate for people, whether you get your electricity from diesel or whether you get your electricity from hydro.

Now that is what the intent of this is all about, Mr. Speaker. What the hon. the Member for Green Bay does not realize is that because of the fairness of the people of Newfoundland and Labrador, the ones who have been getting a break on hydro all those years, they will be quite pleased; they will be happy to see a one cent rate for all over the Province.

So the hon. Member totally missed the point, and I think he owes an apology to his constituents, especially the ones in Little Bay Islands, whom he is trying to insist pay exuberantly high rates so that the rest of the Province can get away with a lower rate. I do not think he understands or

cares for his constituents.

SOME HON. MEMBERS:
Hear, hear!

SOME HON. MEMBERS:
Oh, oh!

MR. SPEAKER:
Order, please!

The hon. the Member for Grand Bank.

MR. MATTHEWS:
Thank you, Mr. Speaker.

DR. KITCHEN:
The boy stood on the burning deck...

MR. MATTHEWS:
Listen to himself over there, 'old tax burden'; going to charge them a bit more now for electric bills and every else in the Province. Up she comes! It is going to increase by 30 - 33 per cent in the next three years. Unbelievable!

Mr. Speaker, I want to once again address what has become a very common topic, plant closures in the Province.

When Your Honour read the questions for the Late Show, the Government House Leader said, 'You are not satisfied, Bill.' That was a very appropriate comment, because I will not be satisfied on this issue and will not accept it, until the Minister of Fisheries stands in his place and tells us that the Provincial Government will not allow any plant closures by Fishery Products International in this Province.

Mr. Speaker, I think for a while the Government have been feeling it is only the Opposition who have been opposing what is happening in

the co-ordination and the planned approach to downsizing the fishery in this Province; but, as well as the Opposition in this Province, there is the Fishermen's Union, which is now taking on both the Provincial and Federal Governments very strongly, loudly and clearly, saying that the resource should be shared around the Province to keep fish plants open in all the communities, and people working for as long a time as possible.

As well, yesterday, there was a very important conference held in the city, where representatives of the towns around the Province met, discussed this very important matter, and came up with a number of ideas.

MR. SIMMS:
What did they have to say?

MR. MATTHEWS:
Well, first of all, of course, they talked about a number of particular concerns and initiatives they would like to see addressed, but one of their big concerns was number four on this particular article from today's Evening Telegram, which says, "The Provincial Government is not fooling anybody with its response to announced plant shutdowns. Municipal leaders pointed out Fisheries Minister Walter Carter and Mr. Wells" - that is Premier Wells - "are accepting the position of the companies and Ottawa that shutdowns are necessary. The Liberal Government was not lobbying hard enough to prevent the cuts, they say, and its latest protests are too little, too late." Now, that is what the municipal leaders here in this Province say, including the municipal leaders from St. John's, who also attended yesterday.

AN HON. MEMBER:

One.

MR. MATTHEWS:

One. One municipal leader. The mayor is not a municipal leader?

AN HON. MEMBER:

(Inaudible) sitting all day (inaudible).

MR. MATTHEWS:

Oh, I did not say that. I said who attended, I did not say for all day.

Of course, what has happened, number one, in the announced shutdown in this Province to date of National Sea Products Fish plant on the Southside, is that it has happened with the absolute concurrence of the Provincial Government - the absolute concurrence. The only reason why St. John's is permanently closed is because of this Premier and this Government. It is the only reason. If they had fought to have St. John's open six months, Burgeo open six months and Arnold's Cove open so long, it would have happened. But the Premier was adamant that St. John's go down and Arnold's Cove and Burgeo, Burgeo particularly, be up as close to a twelve month operation as possible.

SOME HON. MEMBERS:

(Inaudible).

MR. MATTHEWS:

That is exactly what they said.

Now another observation, Mr. Speaker, from the meeting yesterday. It says, 'If the Federation can provide effective leadership it may have some affect on the Provincial Government's negotiating style with Ottawa.' It will not be all kissy-kissy and

you do what we want and we do what you want. 'If Premier Wells does not start providing effective leadership he may be returning to his law practice sooner than he expected.'

Now that is what the municipal leaders around this Province are saying about this particular crisis. Because for the first time in our history, Mr. Speaker, we have a Premier and a Provincial Government who is concurring totally with what the fish companies want to do - for the first time in our history! It is absolutely alarming! Of course, what they are trying to do is, as we saw yesterday, slough it off on the Federal Government, and we saw it again today in the Premier's response in this House.

AN HON. MEMBER:

Another alarmist.

MR. RIDEOUT:

You need an alarmist.

SOME HON. MEMBERS:

Oh, oh!

MR. MATTHEWS:

Yes, there is no question, Mr. Speaker, alarmists.

The municipal leaders who were here yesterday would be very interested in hearing that remark, as well. But, of course, we know how this particular Minister likes to deal with situations as well, swoop down in a swirl of dust, no one can see him, run in and out.

AN HON. MEMBER:

Action.

Yes, it is action. It is very negative action again, and that is what has become indicative of this particular Government. And the

old House Leader is over there pointing at his watch now, he is starting to smart a little bit.

What we are asking for, Mr. Speaker, is that this Provincial Government tell Fishery Products International that you are not closing any plant in this Province. Put up the few bucks it takes to keep the plants open while we get over the resource problem; keep Newfoundlanders and Labradorians working meaningfully in their own communities until we get the resource back to the level we want. That is what we are asking for. Go talk to the Americans about countervail, which you have not done, which you have not discussed with anyone. Go do that.

Mr. Speaker, as I indicated earlier today, the squabble now is whether FPI are going to close four or three. Mr. Crosbie, of course, does not want four closed, he wants the one kept open that is in his riding, which we can all understand. So will the Minister of Fisheries rise now and tell us that he will not permit any closures of Fishery Products International plants in this Province, which he can do under The Fishery Products Privatization Act?

MR. SPEAKER:

The hon. the Minister of Fisheries.

MR. W. CARTER:

Mr. Speaker, I will tell you now that Members opposite have to get used to a very important fact of life, and it appears that maybe the municipal leaders the hon. Member quoted will have to do likewise. Because what you are seeing, Mr. Speaker, in this Province today is a different kind of leadership and a different kind

of Government.

We do not believe in bluffing the people, we do not believe in sticking our heads in the sand like the proverbial ostrich, we do not believe in stripping to the waist, posturing just for the sake of trying to impress the voters back home. Mr. Speaker, I can tell you now, Sir, it is paying off.

SOME HON. MEMBERS:

Hear, hear!

MR. W. CARTER:

The hon. Members laugh, but I can tell you now that the new kind of leadership that we are now seeing in this Province -

SOME HON. MEMBERS:

Oh, oh!

MR. W. CARTER:

Mr. Speaker, I did not interrupt the hon. Member when he was speaking. May I have silence? What I am saying is very important, and I think hon. Members should listen very carefully.

What they are seeing now, Mr. Speaker, is a new kind of leadership that does not negotiate in the news media, that goes to Ottawa and is respected when we go to Ottawa, not there stripped to the waist like a barroom bully, trying to beat his or her way through just to make headlines back home. We have a Premier now, and I have gone to Ottawa with him and to other places -

MR. SIMMS:

Tell us about your meeting in Montreal.

MR. W. CARTER:

In Montreal, I might add, Mr.

Speaker, it was a very, very civilized, productive meeting, one of the better meetings that I have ever attended. Obviously, the hon. Member's pipeline is becoming rather corroded. It was the voice of Matthews, but the hand of Rideout.

Mr. Speaker, the hon. Member is going to have to get a new contact in Mr. Crosbie's office, because the information he is getting now is so out of tune with what really happened that I would suggest he is going to have to change his pipeline. If he does not, he is going to be misled.

AN HON. MEMBER:
(Inaudible).

MR. W. CARTER:
Oh, I believe I know the answer. I believe I know the answer. He has been fed wrong information deliberately by certain gentlemen on that side of the House. We have certain people on that side who are desperate to be leader. I can see it all now.

Mr. Speaker, like the proverbial skunk said when the wind changed, 'It is all coming back to me now, and I am getting the message.' He has been fed false information by certain gentlemen. I will not name them, but they are over there. I can tell him now that if I were him I would not put too much stock in what he is being fed by certain gentlemen, because they are trying deliberately to mislead him and to make him look bad.

AN HON. MEMBER:
Everybody (inaudible) leadership had more votes than you had.

MR. W. CARTER:
Yes, but I got mine maybe through a different method, a method, by

the way, that enables me to shave in the mornings.

MR. W. CARTER:
Mr. Speaker, I do not think the question really deserves an answer. I think the hon. House Leader has an announcement to make, so I take my seat. Thank you very much, Sir.

SOME HON. MEMBERS:
Hear, hear!

MR. BAKER:
Mr. Speaker.

MR. SPEAKER:
The hon. the Government House Leader.

MR. BAKER:
Thank you, Mr. Speaker.

This, I suppose, is really a point of order, so could we stop the clock for just a minute or so, Mr. Speaker, if I could have agreement, a point of order concerning a correction I wish to make in a statement for the record, a statement that was made today by the hon. the Premier.

Since he made the statement, some other information has come into his hands that negate one phrase in his statement. And in the desire to be totally and absolutely honest, I would request that this correction be made. When the Premier talked about the delegation, he said the first delegation was lead by Mr. Bruce Stagg, the President of that District's P.C. Association. That statement is not exactly correct. Mr. Stagg, at that time or now, is not President of the P.C. Association. He is an active worker in the Association, but he is not, in fact, President of the Association. I wanted to make

that point, Mr. Speaker.

MR. SPEAKER:

I do not know if the hon. gentleman wants to speak to the point of order.

AN HON. MEMBER:

No.

MR. SPEAKER:

No? Okay.

This House stands adjourned until tomorrow, Friday, at 9:00 a.m.