

Free reign to the Energy Corporation

I am writing in response to the editorial entitled "Return to tender" in the June 13 Telegram. It references inherent problems in the new legislation governing the Energy Corporation as it relates to the Public Tendering Act.

We, as the official Opposition, agree with the editorial that there are significant gaps in this legislation and the people of the province are not protected.

As we outlined during the recent debate on this legislation in the House of Assembly, we have major concerns about the impact Bill 35 will have on openness and transparency as it relates to the Energy Corporation and its subsidiary companies. We proposed six amendments and were pleased to see the government did recognize some of the heavy-handed and secretive

aspects contained in this legislation.

However, as it relates to the Public Tendering Act, government brought forward a watered-down version of our amendment that still provides no absolute clarity or protection to the people of the province that goods and services will be purchased at the best cost and quality.

Our suggestion was to live by the provisions of the current Public Tendering Act and make improvements that would allow exemptions should they become necessary. The only stipulation was that these exemptions must be in the best interests of the people of the province, and any exemptions had to be reported back to the House of Assembly to ensure public disclosure. This would have provided the company with the flexibility they say they require, while

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ensuring that the provisions of openness and accountability that should exist when dealing with the expenditure of public funds are maintained. That protection is no longer in effect when dealing with

the Energy Corporation and its subsidiaries.

We also disagreed with the idea that Energy Corporation subsidiaries created in the future will have free reign to purchase anything they want without going to public tender. There are sufficient provisions in the current Public Tendering Act to allow the Energy Corporation to function in a manner necessary to conduct its business.

The existing legislation, along with the amendments we proposed, would have put us in line with B.C. Hydro, a Crown energy corporation doing similar business in Western Canada. If changes were needed, we could have very easily debated those amendments to strengthen the current Public Tendering Act. Unfortunately, government did not accept our wording and the Energy Corpo-

ration, and its subsidiaries, can exercise powers and secrecy unlike any other government agency or department in the province.

This government continuously states that it is open and accountable, yet example after example demonstrates that this is one of the most secretive and heavy-handed governments we have ever witnessed in this province. The repercussions of this new legislation will be felt by the people of Newfoundland and Labrador and those businesses wanting to bid on Energy Corporation contracts in the future; there will be no openness, accountability or transparency in that process.

*Kelvin Parsons
Opposition House Leader
MHA Burgeo-Lapointe*