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**VERBATIM REPORT**

WEDNESDAY, DECEMBER 18, 1974

**SPEAKER: THE HONOURABLE JAMES M. RUSSELL**

The House met at 3:00 p.m.

Mr. Speaker in the Chair.

MR. SPEAKER: Order, please!

The honourable Minister without Portfolio.

HON. W. MARSHALL: Mr. Speaker, I rise on a matter of privilege of the House. I had to rise at the earliest possible moment which is now. The nature of the privilege of the House that I am raising are statements made by the honourable the Leader of the Opposition to the media yesterday and today, which were played yesterday and today, relating to the partiality of the Speaker of this House and the Deputy Speaker. Before going on with the nature of the privilege further, Mr. Speaker, I would like to appeal to the honourable the Leader of the Opposition with respect to this matter. Statements were made with respect to the partiality of yourself and the Deputy Speaker. It is known and has been known in times past that people have disputed from time to time rulings of Speakers that have been made, not agreed with rulings, but it is another thing altogether and I think the honourable Leader of the Opposition with his experience in this House will really concur that it is another thing altogether when one assails the partiality of the Chair of this House because it has an obvious detrimental effect on the integrity of Your Honour, the Deputy Speaker and this House.

So I am prepared myself to yield the floor of this House to the honourable Leader of the Opposition. if he is prepared to stand in his place in this House and unequivocally, without reservation apologize to Your Honour and to the Deputy Speaker and to the House for his statements, if not, it will have to be with a matter of, I might say, reluctance on behalf of the government that they will have absolutely no alternative but to move the appropriate motion.

The honourable Leader of the Opposition is not - I do not know whether the honourable Leader of the Opposition wishes to respond, he does not appear to. Well then, Mr. Speaker, if that is the case, I move that this House direct Your Honour to procure recordings of materials broadcast on television station CJON and radio station CJON relating to proceedings in the House of Assembly between 3:00 p.m. on Tuesday, December 17, 1974 and 3:00 p.m. on Wednesday,

December 18, 1974 and also recordings of programmes relating to proceedings of the House of Assembly broadcast over radio station VPCM between 3:00 p.m. on Tuesday, December 17, 1974 and 3:00 p.m. on Wednesday, December 18, 1974 and further that these recordings be made available to this honourable House for viewing or listening at the earliest possible time in order to determine that the contents thereof constituted breach or breaches of privilege of this honourable House by the honourable Leader of the Opposition. If it is found that the content or contents thereof constitute a breach or breaches of privilege of this honourable House that the Leader of the Opposition be suspended for three sitting days.

HON. E. ROBERTS (Leader of the Opposition): Mr. Speaker, that is a debatable motion of course.

MR. SPEAKER: Order, please!

MR. ROBERTS: I am going to ask when the debate is in order. That is all I want to know, whether this constitutes notice and we debate it this day or what. I mean under 127(1) of Beauchesne, there is no doubt that it is a debatable motion and our own precedent last year -

MR. SPEAKER: I think right now the motion is a matter of procedure for the House to get the tapes of what was

alleged to have said and if it is substantiated that there is a prima facie case, a motion after it is substantiated, then it will be debatable.

MR. ROBERTS: The motion is that we send for some tapes.

That motion surely has to be passed before the House can send for the tapes. I mean that was the motion read by the honourable gentleman. Surely that is debated before any tapes are sent for.

MR. SPEAKER: There was considerable thought given to this.

MR. ROBERTS: I have no doubt.

MR. SPEAKER: By myself only.

MR. ROBERTS: I have no doubt.

AN HON. MEMBER: What is that supposed to mean?

MR. ROBERTS: It means exactly what I said, I have no doubt.

AN HON. MEMBER: (Inaudible).

MR. SPEAKER: Order please!

The Chair does not consider that particular motion to be a debatable motion. There is no doubt that a motion -

MR. ROBERTS: What!

MR. SPEAKER: Order please!

If a prima facie case is considered, then a subsequent motion obviously is a debatable motion.

MR. ROBERTS: Mr. Speaker, that motion as the honourable gentleman read it was moving that tapes be sent for. Then if the tapes contained certain things that I be suspended for three days. Your Honour is saying that that is not a debatable motion. I heard the honourable gentleman, the House Leader, read the motion. I do not have a copy of it. Is Your Honour saying that that motion is not a debatable motion?

MR. SPEAKER: That is my opinion right now but I will concede to the Hon. Leader of the Opposition and take five minutes or so to look at the wording of the motion.

MR. SPEAKER: I refer honourable members to Beauchesne, page (168), (200), subsection (4) - which says: "A motion which contains two or more distinct propositions may be divided so that the sense of the House may be taken on each separately."

After looking at the exact wording of the motion, I feel that it does make two propositions and so I have divided it into two parts.

SOME HON. MEMBERS: Hear! Hear!

MR. SPEAKER: It is debatable and I will accept debate on what I consider to be part one, if I might read that. "Mr. Speaker, I move that this House direct Your Honour to procure recordings of materials broadcast on television station C.J.O.N. T.V and radio station C.J.O.N. relating to proceedings in the House of Assembly between 3:00 p.m. on Tuesday December 17, 1974 and 3:00 p.m. on Wednesday December 18, 1974. Also recordings of programmes relating to proceedings of the House of Assembly broadcast on radio station V.O.C.M. between 3:00 p.m. on Tuesday December 17, 1974 and 3:00 p.m. on Wednesday December 18, 1974, and further that these recordings be made available to this honourable House for viewing or listening at the earliest possible time."

The vote can be taken on that part but I shall refer to it as part one of this motion after whoever wishes to speak to it, of course, has done so. The debate will be certainly limited to this part of the motion.

MR. ROBERTS: (Inaudible)

MR. SPEAKER: It is debating it now, eh?

MR. ROBERTS: Oh sure! Things said in this House in the Crosbie versus Neary one - (Parts inaudible)

MR. CROSBIE: On a point of order, Mr. Speaker. Have you made a ruling that this motion is debatable now? You have, Sir, is that not so?

MR. SPEAKER: Yes.

MR. CROSBIE: Well then, if there is any objection there will have to be an appeal from your ruling otherwise we debate it now.

MR. SPEAKER: The Hon. Minister without Portfolio.

MR. MARSHALL: Mr. Speaker, as the mover of the motion, two parts of the motion, little needs to be said about the first part because when statements are made in this honourable House imputing the integrity or the partiality of the Chair, (Beauchesne, paragraph 11) it is deemed to be one of the most serious infringements of the House. Because of the fact that statements that are presently in the stage of being alleged statements were made by the press are not before this House, it is necessary and it is customary in instances such as this in order to prove that the statements were made to have the tapes or the transcripts taken before the House in order to prove it. We cannot say for sure because it has not been before the House. No matter what we hear outside, it is of no concern to the House. As such it does not become part of the record of the House. We must get these tapes before the House in order to determine if allegations with respect

to partially were in fact made by the Leader of the Opposition. I would hope that they were not. As I say, in this whole matter as far as the government are concerned it would have hoped that the Leader of the Opposition would have deemed fit to have gotten up and taken the course of action that was initially suggested before any part of the motion came in. The unfortunate part about it is that he did not see fit to do and it is unfortunate that the whole tenor and tone of this House suffers as a result of it as it has suffered for a long period of time. So consequently after two years we are forced really to take this motion. We do not like doing it because really it is a reflection, this type of thing, the conduct of the Leader of the Opposition when this type of thing occurs really is a reflection on all members. We cannot continue to operate a House of Assembly on the lines that the House of Assembly has been going in the past two years. It is one thing, Mr. Speaker, to make allegations or to dispute rulings and heavens knows we have all disagreed with rulings from time to time, you would get up and you put one side and the other puts another side and a ruling is made but it is another thing altogether, Mr. Speaker, to attack the integrity and the impartiality of the Chair. As I say it is with a great deal of regret that we have to bring this motion in, in the first place. The first leg of the motion then is to get before this House to determine if the Opposition Leader really did attack the integrity of Your Honour and the Deputy Speaker.

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

MR. ROBERTS: Mr. Speaker, the motion before the House now is a motion which would require Your Honour or direct Your Honour to send to radio station CJON, radio and television station CJON and to radio station VOCM to seek after some tape recordings, just as recordings, tape and video, I guess, of statements of which I am alleged to have made. I submit that there is no need to send for those recordings. I do not say that because of anything I said or did not say, I am quite prepared to repeat in this House anything which I said. Sure, I am quite prepared to repeat in this House anything that I said. My defence

is truth.

Yesterday the Deputy Speaker in the Chair had put to him a motion, an amendment, it is all relevant to whether or not these tapes should be sent for because if there is no truth in the defence, unless we are to have Marshall Law in this House, if truth is the defence there is no need to send for these tapes. The Deputy Speaker had put to him an amendment. The amendment was the so-called six month hoist. The Deputy Speaker - objection was taken by honourable gentlemen to this motion being in order or not. The Deputy Speaker did the appropriate thing, the same thing as Your Honour did ten minutes past, took an adjournment of the House to consult. He came back and he made his ruling. He ruled that it was in order. He ruled further that once the amendment had been put, the main question was out without further debate. Then he ruled further that no debate should be allowed on the amendment. He did not ask for any argument on that point, he did say, I have not got the Hansards, they have not been published, I think my memory is sufficiently fresh on the point. he did say "Are there any further arguments before I give my ruling?" There was no indication there was any question of the debatability, if there is such a word, of the six month hoist amendment. He then made a ruling that it was not debatable. In so doing, Sir, he cited no authority except Standing Order (32) of the House of Commons at Ottawa which is found on page 106 of Beauchesne.

Your Honour I know is familiar with it. That Standing Order is the one which sets forth the motions which are debatable. First of all, I must address myself to the question of whether Beauchesne should have been quoted at all. It can be appropriate. Standing Order (1) of our House of Assembly says "That in all cases not provided for hereafter or by sessional or other orders the usages and customs of the House of Commons of Canada as in force at the time shall be followed so far as they may be applicable to this House." A very clear cut - Mr. Speaker, the honourable gentleman -



MR. CROSSIF: Mr. Speaker, on a point of order. I submit that this discussion of what happened or did not happen in the House yesterday or what the ruling of the Deputy Speaker was in the House yesterday is entirely irrelevant to the motion that is now before Your Honour. This motion is to ascertain the facts as to whether the impartiality of the Speaker and the Deputy Speaker have been questioned by the Leader of the Opposition. Now whether the Speaker or the Deputy Speaker made a mistake in making a ruling yesterday or any time in the past is quite immaterial. Anyone can make mistakes. Whether there was a mistake made or not is not relevant to this but whether a Speaker or a Deputy Speaker makes a mistake that does not justify any member of the House in saying that the Speaker or Deputy Speaker is not impartial or impugning his conduct, you then have a right of appeal to the House and if the House sustains the Speaker that settles the matter. There is no justification there for somebody then going on to say the Speaker or the Deputy Speaker is impartial. It is a breach of the privilege of the House for anyone to impugn the character or actions of the Speaker. What we are now trying to ascertain or get the exact facts about is whether the Leader of the Opposition to the media yesterday and today impugned the character and integrity of the Speaker and Deputy Speaker by saying that they are making partial rulings. That is the question. It is not whether he is justified by some fancied mistake that the Deputy Speaker made yesterday. So I submit, Your Honour, that the remarks the honourable gentleman is making now are quite irrelevant to this motion.

MR. ROBERTS: May I speak to the point of order, Mr. Speaker?

MR. SPEAKER: Yes, you may.

MR. ROBERTS: I submit that my remarks are relevant. The motion - there is no reference in this motion to partiality or anything else. The Motion in its entirety says as Your Honour put it, "Mr. Speaker, I move that this House direct Your Honour to procure recordings of materials broadcast on television station CJON T.V. and radio station CJON relating to proceedings in the House of Assembly between

3:00 P.M. on Tuesday, December 17, 1974 and 3:00 P.M. on Wednesday, December 18, 1974 and also recordings of programmes relating to proceedings of the House of Assembly broadcast on radio station WOCM between 3:00 P.M. on Tuesday, December 17, 1974 and 3:00 P.M. on Wednesday, December 18, 1974 and further that these recordings be made available to this honourable House for viewing or for listening at the earliest possible time." There is no reference in that motion, Sir, as Your Honour after consideration put it from the Chair to any question of partiality or anything else, there is merely a motion before the House. The mover of the motion has given some reasons why he has moved it. He made some reference to alleged charges of partiality. I am speaking against the motion. I submit I should be allowed to give my reasons why this motion should not be accepted.

AN HON. MEMBER: It is irrelevant.

MR. SPEAKER: Order, please! The Chair finds and the Speaker finds himself in perhaps an awkward position, in an unusual position of having to make rulings on matters pertaining to his own position at this present time. I think in reading the motion or what I referred to as part (1) of the motion that I said, the debate should be very relevant to that particular point as to whether or not the House should authorize or request the Speaker to send for certain tapes. Again, relevancies are rather difficult to rule on. I want to be as fair as any one person can be on the whole matter. I do feel that the Leader of the Opposition was straying somewhat from the relevancy of part (1) of this particular motion.

MR. ROBERTS: Mr. Speaker, I shall of course try to be relevant and what I am giving are my reasons why these tapes should not be sent for. What I am saying is that the Deputy Speaker in making his ruling on that point yesterday, and after all it was his ruling that led to the comment that is in the tapes, that we choose to- I submit nothing to be more relevant than that. This is just not a procedural motion, this is a substantive motion which we are going to debate. The Deputy Speaker made a ruling, he referred to Beauchesne.

Now, Sir, my first point in giving my reasons why these tapes should not be sent for, is that the Deputy Minister did not apply Standing Order because the practice of the House of Commons of Canada as in force at this time -

MR. CROSBIE: Point of order, Mr. Speaker -

MR. ROBERTS: Mr. Speaker, am I allowed to continue without harassment?

MR. CROSBIE: I wish to make exactly the same submission again, Mr. Speaker, it is irrelevant what the Deputy Speaker did or did not do yesterday or whether he was mistaken or not mistaken or what exactly the position was with the Deputy Speaker yesterday. What is relevant to this motion is whether the character and conduct of the Speaker and Deputy Speaker have been impugned. Has the Leader of the Opposition in fact said what I heard him say yesterday on television, that the Speaker and the Deputy Speaker were partial in their rulings and had been over the debate for the last three weeks? That is what we want to ascertain, the exact statements that were made. That is what the House wants to ascertain. Because if those statements were made, they are a breach of the privileges of this House, not whether there was a mistake yesterday made or not made by the Speaker or the Deputy Speaker. All we are addressing now is should the House get exact transcript of what the Leader of the Opposition said so that the House can get the transcript here and can decide whether it was a breach of the privilege of the House or not?

That is the only thing, Mr. Speaker, that is relevant to this particular debate.

MR. ROBERTS: To that point of order, Mr. Speaker, there is nothing in the motion as Your Honour has put it from the Chair, nothing at all that refers to anything except whether or not the House should send for some tapes. I am giving my reasons why they should not be sent for. I submit I should be allowed to give my reasons why they should be sent for or why they should not be sent for. I am not afraid of the truth. I am not afraid to point out that the Deputy Speaker deliberately overturned a precedent of this House. I want the opportunity to point that out. I

submit I should be allowed to do so, Sir, and the House can then judge.

MR. CROSBIE: Might I reply to that, Mr. Speaker, by referring to Beauchesne. Page 56 first, "Reflections upon the character or actions of the Speaker may be punished as breaches of privilege. His action cannot be criticized incidentally, in debate or upon any form of proceeding except a substantive motion." The only way that the Speaker or Deputy Speaker, where their actions can be criticized, the only way in which you can criticize their actions is that if you bring into the House a substantive motion of criticism on the conduct of the Speaker or Deputy Speaker. Then that would have to be dealt with. Then that criticism of the Speaker or the Deputy Speaker would have to be dealt with. It is a motion that is not brought into any House very often. I think the last time it was brought in in Canada was in 1956 or some time like that on the pipeline debate.

So if the Leader of the Opposition, Mr. Speaker, wants to criticize the Speaker or the Deputy Speaker, which is a most unusual step, but if he wants to, if he wants to criticize some ruling, his procedure is to bring in a substantive motion so that that can be debated.

Page 63 says the same thing, "In addition to appeals there is also in the Canadian House the English rule that censure upon the Speaker can be moved and debated. This is the only proceeding which permits discussion of the Speaker's rulings." You cannot discuss them otherwise, until it is resorted to, the Speaker must be trusted by the members and so on and so forth.

"If a member wishes to challenge the action or conduct of the Speaker on any matter other than an appeal from his decision, he must proceed by giving two days' notice of a motion on the subject and by bringing the matter up as a separate question, except, of course, if it be a question of privilege, when it may be taken up as such." In 1956 Mr. Drew moved such a motion.

So that the discussion now that the Leader of the Opposition is purporting to make or trying to make is out of order in this debate.

There is only one way he can discuss the ruling of the Deputy Speaker yesterday and that is by a substantive motion.

MR. SPEAKER: The sections of Beauchesne quoted by the honourable Minister of Fisheries are well taken. I again repeat that I said that the debate should be very relevant as to whether or not the House has the authority to request the Speaker to send for such tapes. The only matter which I feel should be debated now is whether or not the House has that right and really what took place yesterday with regards to the alleged remarks by the honourable Leader of the Opposition and the Deputy Speaker perhaps should be kept for further debate under a proper motion.

MR. ROBERTS: Mr. Speaker, at this point I am not questioning the right of the House. I am questioning the desirability of the House and I surely am to be allowed to give my reasons why.

MR. CROSBIE: You heard Beauchesne.

MR. ROBERTS: I heard Beauchesne and I know that Beauchesne allows a debate on a six month hoist and this House did too until yesterday.

MR. CROSBIE: That is irrelevant.

MR. ROBERTS: It is not irrelevant. It is a directly relevant thing. They fear the truth. The truth is that that motion is debatable, that it has been debated in this House in 1967. That is the truth.

MR. SPEAKER: Order please!

MR. ROBERTS: Fred Stagg overturned it.

MR. SPEAKER: Order please! The remarks just made by the honourable Leader of the Opposition were certainly irrelevant to this particular part of the motion and the Chair feels rather strongly that some of the previous remarks were irrelevant as well. It is prepared to hear the honourable Leader of the Opposition and let him continue but if the Chair feels that he continues to be irrelevant to this part of the motion then it shall have to impart the rule of irrelevancy.

MR. CROSBIE: Point of order, a member of this House is not permitted to refer to another member of this House by his name and certainly he cannot refer to the Deputy Speaker by his name and that should be withdrawn.

The Leader of the Opposition has enough experience to know you do not call someone Fred Stagg.

MR. ROBERTS: I have no hesitation in withdrawing the words naming the honourable gentleman. It was the heat of the moment that led to it. I had no intention, in calm and rational way of referring to the honourable member for Port au Port by his name. My references to him are much less complimentary than that.

Mr. Speaker, the motion -

MR. CROSBIE: Mr. Speaker, on a point of order, is this House going to continue to permit this kind of thing, that the Deputy Speaker he would refer to him in much less complimentary terms? I mean this is an insult to the House. This is contrary to all the rules of procedure of the House. I ask Your Honour to make sure that the rules are observed and that this kind of comment be stopped.

MR. ROBERTS: Inaudible.

MR. NEARY: Give him the firing squad.

MR. SPEAKER: Order please! Order please! The Chair stated earlier that it, while it finds itself in a awkward situation perhaps, it considers the whole matter to be very serious and would again request honourable members to not get carried away in the heat of debate.

The remark made by the honourable Leader of the Opposition in referring to the honourable member for Port au Port by name he certainly withdrew. Subsequent remarks, remarks referring to him I think being less complimentary, I think he was sort of inferring certain things about the character of the member for Port au Port and I would ask him to withdraw the remarks.

MR. ROBERTS: I withdraw them. If I cannot say what I think about the honourable member I shall say nothing. I withdraw it.

Now, Mr. Speaker, as I was saying in giving my reasons for opposing this motion and the only point of the motion, Mr. Speaker, as Your Honour put it, and as Your Honour put it, exercising Your Honour's undoubted authority to divide a motion that contains two separate matters, into two distinct motions, as Your Honour put it, it had no reference to any question of impartiality or anything else. That was in the

second part of the motion which presumably stands separately. The only question in this motion is whether or not this House should direct and I submit the word should be request or authorize, but the word in the motion is direct Your Honour to send for certain recordings. That is the question. That is the only question. That is the only question on which we will vote.

I say that the House should not do that. Because I say that the contents of those recordings, and they were played on the media, and so they should have been, they were intended to be, they were given for the purpose of the media making whatever use they wished in the normal course of their business and their affairs. They were not given in secrecy. They were not bugged. Those recordings were given to the media openly. They were given to the reporter knowing that he or she was a reporter. So the question becomes whether or not they should be sent for. Well I say they should not be. I say there is no need to. Why? Simply because there is nothing in those that in any way is relevant to the motion before the House.

The honourable gentleman opposite has given no substantive reasons. He says "partiality." Sure, in the courts there was partiality. But we will debate that later.



We will debate that later if we ever get the opportunity.

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Of course I mean there was partiality by the Speaker. That is what the argument is all about is it not?

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

MR. SPEAKER: Order, please!

MR. ROBERTS: No doubt about that.

MR. SPEAKER: Order, please! Order, please! Up to this point, the debate as I understand it has been centred around alleged remarks made by the honourable Leader of the Opposition. A few seconds ago he did say that the Speaker was impartial.

MR. ROBERTS: No, no - partial.

MR. SPEAKER: Was partial, rather. The Chair certainly objects to those remarks and as requested of the honourable Member from Hermitage, the Chair will now request the honourable Leader of the Opposition to make an unqualified apology to the Chair for such remarks.

MR. ROBERTS: Mr. Speaker, I apologize and withdraw, whatever the words, for having used them in this debate. There is no hesitation or qualification or equivocation or reservation there. I cannot withdraw having said them outside because I did say them outside.

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

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: Fling me out. Go ahead.

MR. SPEAKER: Order, please! The Chair is not satisfied with the apology, so-called apology made by the Leader of the Opposition. It does not consider it to be unqualified and feels that perhaps he did get carried away in the heat of debate and will again ask him to make what the Chair considers to be an unqualified apology.

MR. ROBERTS: Mr. Speaker, if Your Honour can tell me what your Chair considers to be an unqualified apology, I am prepared to make it. But, I can say I withdraw it, I did say that I withdraw without reservation and equivocation or hesitation or mental reservation of any sort whatsoever, whatever I said in this Chamber a few minutes ago referring to the partiality



or impartiality of the Chair, I have no hesitation on that. What I cannot withdraw is what I said outside the Chamber and I do not withdraw what I said outside the Chamber.

MR. SPEAKER: Order, please! The Chair is not referring to the alleged remarks made by the honourable Leader of the Opposition outside the Chamber. The Chair asked the honourable Leader of the Opposition to make an unqualified apology for remarks made here about the partiality of the Speaker. The Chair has not accepted the unqualified apology of the Leader of the Opposition and again would ask him to do so.

MR. ROBERTS: Mr. Speaker, words fail me. I have twice withdrawn that and if Your Honour can give me any words that will make Your Honour feel a little happier on the point and then Your Honour's consideration meet the point, fine. I am not trying to evade or to play tautological games. What I said in the Chamber I am prepared to withdraw and I do withdraw and that is the third time I have said it.

MR. SPEAKER: Order, please!

AN HONOURABLE MEMBER: Inaudible.

MR. SPEAKER: Order, please! The Chair is not satisfied with this and I am sure the honourable Leader of the Opposition does not really expect the Chair to quote what the Chair would like for him to say.

MR. ROBERTS: Well, am I supposed to play with words all day to find some words to satisfy the Chair?

MR. SPEAKER: And the Chair has no further intentions of becoming involved in a debate with the honourable Leader of the Opposition and will give him one other opportunity to make an unqualified apology and if he does not do so to the satisfaction of the Chair then the Chair will name him.

MR. ROBERTS: Your Honour, for the fourth time I am prepared to withdraw and I have said this three times and I now say it the fourth, to withdraw unequivocally, without mental reservation, without hesitation, without alteration, without amendment, without any distinct or indistinct shade of qualification that I withdraw and I will apologize. I said that four times before, three times before, that is the fourth, to the references I made here in this House this day about the partiality of the Chair. I have made

no references other than the one and that one I did make and I withdraw that. That is the fourth time now. If that satisfies Your Honour well and good, if not I am honestly at a loss as to how to satisfy Your Honour on that point.

HON. L. BARRY: May I have privilege of the House, Mr. Speaker? The honourable the Leader of the Opposition is playing word games. The honourable Leader of the Opposition has admitted in this House that in statements made outside the House he has questioned the impartiality of the Speaker. He must be asked to apologize for those remarks questioning the impartiality of the Speaker and he must be asked to unqualifiedly withdraw the remarks, not what he said in the House, Mr. Speaker, but he is playing the word game because how can he withdraw the statements that he made yesterday which he has now confirmed in the House?

AN HON. MEMBER: (Inaudible)

MR. BARRY: He must apologize for the statements which he has admitted that he has made that question the impartiality of the Chair. He must apologize for those statements and withdraw those statements, the statements that are the subject of this motion which has now, Mr. Speaker, become irrelevant as far as protecting the privileges of the House are concerned.

MR. ROBERTS: Mr. Speaker, to that point of privilege if I might. I have not said what I said outside the House and I did say that I could not withdraw what I said outside the House. The point of this motion if it were to pass is to send for certain recordings with a view, presumably, to ascertaining what I did say outside the House. I am attempting to present my reasons why I do not think they should be sent for but that is fine. I mean, that matter will be decided when that motion is put to a vote. I have not said what I said outside the House. I have said I will not withdraw what I said outside the House nor will I.

MR. MARSHALL: On the point of privilege. The honourable the Leader of the Opposition has said; "I withdraw unequivocally the statement and apologize and withdraw the statement made within this House reflecting on the impartiality of the Deputy Speaker," but in the same breath he turns around and says: "I

shall not withdraw what I said outside the House," which constitutes in itself, Mr. Speaker an innuendo and a direct reference to a lack, and he confirmed it, -

AN HONOURABLE MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. MARSHALL: To an unequivocal, that is not an unequivocal withdrawal and he subsequently then confirmed the fact that he did question the partiality outside the Chamber. Now the only thing that can satisfy this House is for the honourable Leader of the Opposition to withdraw unequivocally and apologize for statements made in this House and statements which were made outside the House which he has now admitted that he has made.

MR. SPEAKER: Order, please! A number of persons have spoken to this matter of privilege raised by the honourable Minister of Mines and Energy and to the matter referred to earlier and the subsequent debate between the honourable Leader of the Opposition and myself. I shall recess the House for a few minutes to listen to the tapes and then make a further ruling.

MR. SPEAKER: Order please!

Referring to the point raised by the Hon. Minister of Mines and Energy and certain remarks following that, I have listened to the tapes and I would like to read down through the transcript of what I have just listened to along with the Deputy Speaker and other members of the Table.

I first said, "Order please. Up to this point the debate, as I understand it, has been centred around alleged remarks made by the Hon. Leader of the Opposition. A few seconds ago he did say that the Speaker was impartial." The Hon. Leader of the Opposition said, "No, no, partial." Then the Speaker said, "Was partial rather. The Chair certainly objects to those remarks and as requested of the Hon. Member for Hermitage, the Chair would now request the Hon. Leader of the Opposition to make an unqualified apology to the Chair for such remarks." The Hon. Leader of the Opposition said, "Mr. Speaker, I apologize for or withdraw whatever the words for having used them in this debate. There is no hesitation, qualification, equivocation nor reservation there. I cannot withdraw having said them outside because I did say them outside."

At that point the Chair continued to request the Hon. Leader of the Opposition to make what it considered to be an unqualified apology. The point was subsequently raised by the Hon. Minister of Mines and Energy that the Hon. Leader of the Opposition did make remarks outside the House pertaining to the partiality of the Chair. The tapes sort of bear that out. I would now call upon the Hon. Leader of the Opposition to make an unqualified apology re his remarks which he admitted having made outside the House with regard to the partiality of the Chair inside. If the Hon. Leader of the Opposition should wish to make an unqualified apology.

MR. ROBERTS: Mr. Speaker, I am prepared to do so and I do so. I will not consent to the withdrawal of this motion and the motion will have to be debated and then a subsequent motion will have to be debated.

I withdraw . I am not sure exactly. I did not have the benefit of reading the Hansard, only having heard Your Honour read the words. Yes, I have no hesitation in withdrawing what I said. What I said outside I did say. I cannot withdraw that fact. I can apologize for them and I do. I have no hesitation at all on that point. I will not consent to withdraw the motion before the Chair. I wish to continue debating that.

MR. SPEAKER: Order please!

The Chair is not quite satisfied that the Hon. Leader of the Opposition has made an unqualified apology for his remarks. The Chair did ask for an apology and not a withdrawal.

MR. ROBERTS: For the sixth time, I unqualifiedly apologize.

AN HON. MEMBER: Withdraw it.

MR. ROBERTS: Mr. Speaker, I cannot withdraw what I have said. How can I withdraw whatever I - there has been no statement made in this House. There is no statement here as to what I said. There is nothing in any words I used. I will read them as Your Honour read them.

Mr. Roberts: "Mr. Speaker, I apologize for or withdraw whatever the words for having used them in this debate." It is not a very grammatical statement I confess. "There is no hesitation, qualification, equivocation nor reservation there. I cannot withdraw having said them (whatever that means) outside because I did say them outside."

Whatever I said outside, I cannot withdraw. I can apologize and I do.

MR. SPEAKER: Order please!

The Hon. Leader of the Opposition has made what the Chair considers to be an unqualified apology in his last remarks.

MR. ROBERTS: Thank you.

Now may I continue with the debate on the motion

Mr. Speaker?

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: No! No! No! There is a motion before the Chair. The motion is whether or not this House should send for certain tapes and certain recordings. I propose to put what I have to say. If any other honourable member should wish to speak, he can speak. Then we will decide the issue and if Your Honour is directed to send for tapes, we will direct it. Then if the tapes are sent for and if they determine a breach of the privileges of this honourable House by the Hon. Leader of the Opposition, (I am reading from two of it) then we will have a lovely little debate on that. I mean I have no desire to do anything else other than to ventilate this question fully. I believe the public interest of the province requires it.

Now may I proceed? The motion has been made, seconded and it is under debate.

MR. CROSBIE: To a point of order, Mr. Speaker.

MR. SPEAKER: Order please!

MR. CROSBIE: The honourable gentleman does not decide whether or not a motion should be withdrawn by -

AN HON. MEMBER: (Inaudible).

MR. CROSBIE: If I can speak, Mr. Speaker. The honourable gentleman opposite does not decide whether a motion should be or should not be withdrawn by the House. This is a motion that has to do with certain remarks made outside the House which are a breach of the privileges of all members of this House. Therefore, debate in my submission should continue on this motion. We should obtain those transcripts. If there is a breach of the privileges of the members of this House, the members of this House should decide what reparation there is to be. The remarks made in the course of debate here, the honourable can withdraw and apologize as he has done to the Speaker, but these remarks he has made outside the House, if they were made, are a breach of the privileges of the whole House and only the whole House can decide then what action should be taken.

MR. ROBERTS: Hear! Hear!

Mr. Speaker, to that point of order, I quite agree. The honourable gentleman for once finds himself on common ground with me.

Standing Order 32 of our own rules says: "All motions shall be in writing and seconded before being debated or put from the Chair." This motion meets that test. "A member who has made a motion may withdraw the same by leave of the House, such leave being granted without any negative voice."

All that I was saying was that if there were any request to withdraw the motion, my voice would be heard in the negative. I believe we should proceed to debate this motion. If the House accepts the motion, let us send for the tapes. If in fact they are produced, they should be examined carefully. We will have them viewed or listened to at the earliest possible date by the House. That is what the motion says. There will be a little screen set up here. We will play them off and then we will have a little tape recording. That is what it says. The gentleman from Labrador South looks quizzical. The motion says: "And further that these recordings be made available to this honourable House for viewing or listening at the earliest possible time." It is not for any officials to view them or listen to them or even the Speaker could view them or listen to them. The motion is that we all have a gander at them.

I say, Mr. Speaker, that if that were to happen honourable gentlemen would be well-instructed. I do not think we should send for them. It is not because I am ashamed of them, not because I withdraw them. No, I have no intention of withdrawing them. I cannot. I mean what I said, I said. I say it again and I shall say it again. Let there be no doubt over that.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Oh, I am sorry. I am still on a point of order. Your Honour, I am sorry. I had not realized it. I was carried away by my own eloquence.

MR. SPEAKER: The point of order raised by the Hon. Minister of Fisheries was well-taken and debate certainly will be permitted to continue.

I will remind the Hon. Leader of the Opposition indeed all members speaking to this motion that the Chair wishes them to be very relevant to part one of the amendment.

MR. ROBERTS: Mr. Speaker, I shall try to be entirely relevant and if I stray from the straight and narrow path, I would urge Your Honour and invite Your Honour and I feel confident that Your Honour will redirect my wandering feet. I very much hope so.

Now the motion before the House is whether or not certain tapes should be sent for. I say that they should not. I say they should not because there is nothing in them that is new or different. I say that there is nothing in them that honourable members



have not already seen, if they have eyes to see or have not heard,  
if they have eyes to hear.

AN HON. MEMBER: Ears to hear.

MR. ROBERTS: Ears to hear, I am sorry, it is like a member speaking in  
the past in the House on a bill, one of the hospital bills, who said  
it is a strike against the sick and the dead.

MR. SPEAKER: Order, please!

AN HON. MEMBER: Sit down! Sit down!

MR. SPEAKER: Order, please!

MR. ROBERTS: I am sorry, Your Honour.

MR. SPEAKER: The Hon. Leader of the Opposition was not relevant  
to the particular part of the motion.

MR. ROBERTS: I thank Your Honour. I am grateful to Your Honour  
for so enforcing the strict rule of relevancy. I am extremely and  
humbly grateful to Your Honour. I am very pleased that I am being made  
to be relevant. I shall try very hard to be relevant because I think  
this House would go much better if we were relevant, if we followed all  
of our rules. That is one of the reasons why I think these tapes should  
not be sent for because we have not followed the rules of this House.  
Whatever I said in those tapes is relevant to the fact that we have not  
followed the rules of the House. The rules of this House are quite clear.  
Mr. Speaker. The rules of this House show in Standing Order (1) if I  
may be permitted. Your Honour needs no refreshment on it, Your Honour  
is intimately familiar with it I am sure.

MR. CROSBIE: Mr. Speaker, on a point of order, I have raised this  
point of order and I wish to submit that there must be a ruling on it.  
I have referred to Beauchesne which says very clearly that there can  
be no discussion of the ruling of a Speaker or a Deputy Speaker except  
in the manner provided for in the rules, that is, for a motion to be  
brought in on that particular thing. Otherwise it cannot be criticized  
incidentally in debate, page 56 or upon any form of proceeding except  
the substantive motion to that purpose.

The honourable gentleman now three or four times after  
that has attempted again, The only relevant question here to be debated

is whether certain tapes should be gotten that contain certain remarks made by the Leader of the Opposition, which if they were made are prima facie a breach of the privileges of the members of this House. It is not what Standing Order (1) is. It is not what the ruling of the Deputy Speaker was yesterday. That is all we can discuss, I submit and the rule of relevancy should be enforced.

MR. ROBERTS: To that point of order, Mr. Speaker. I was not criticizing any ruling, I was merely going to refer to Standing Order (1), not to criticize anyone. It was merely to point out what the rules of this House are. I submit, that is entirely in order. I am not to this stage, I do not propose to criticize any ruling given by Your Honour or by anybody else who sat in that Chair. There may be another time, another place the procedures are set down. Indeed, if the government would agree to allow a debate on the question of censure of the Speaker or Deputy Speaker I shall put such a question on the Order Paper or I invite them to do so but all I was proposing to do now was refer to some of the Standing Orders of the House. I mean if that is out of order then, you know, so be it but I submit, Sir, I am relevant to the motion and that I should be allowed to continue.

MR. SPEAKER: Order, please! Again for the nth time the Chair feels that the rule of relevancy is difficult to rule on. There is a rule also of needless repetition which the Chair is having some thoughts on. Again, I repeat that the debate should be limited to whether or not the House has the right to request the Speaker to send for certain tapes and any reference to anything else is irrelevant.

MR. ROBERTS: Mr. Speaker, there is no question at this time, I may raise one a little later of the right of the House. The motion does not declare the right of the House to do anything, the motion declares the desirability of the House to do something. I submit, I should be allowed to submit my arguments as humble as they might be, as ill-designed in the eyes of honourable and learned gentlemen opposite to win their favour, I should be allowed at least to submit them. All I am saying, I want to refer to some of the Standing Orders. Now if Your

Honour tells me I am out of order in referring to the Standing Orders of this House, not to criticize, I am not criticizing anybody I was merely going to recite some facts relevant to Standing Orders, precedents, Beauchesne, the very stuff and substance of parliament. I would propose to do this in relationship to giving my reasons why I am against the motion. The motion is not anything about the right of the House of Assembly, that is assumed, although I may add a good case could be made against the right but I do not propose to quarrel with that right, I think we can send for whatever we want. I propose to direct my arguments to the point of whether or not we should send for certain tapes and documents, and you know, may I proceed to read some of the Standing Orders of this House and some of the precedents of this House? That is all I propose to do, Your Honour, and surely to heavens that cannot be out of order. It is relevant to the debate, it is not needless repetition. I have not been allowed to read the rule yet, you know, may I proceed, Mr. Speaker?

MR. SPEAKER: The Hon. Leader of the Opposition may proceed to make comments which the Chair feels are relevant to the debate.

MR. ROBERTS: Thank you, Mr. Speaker. I shall try to do my very best to be relevant. As I said earlier, I know that when I stray from that straight narrow line, Your Honour, will quite properly call me to order.

As I was saying, Sir, before the most recent heedless and needless interruption, Standing Order (1) of our House of Assembly, although I have the old rules here, the new rules have not been printed, well they have been mimeographed, I do not think they have been changed - this is the latest version of the rules that I have, Sir, there may have been a more recent one but, if so, nobody has bothered giving me a copy. This incorporates the amendments which were forced through last spring. (1) In all cases not provided for hereafter (being in the rules) or by sessional or other orders the usages and customs of the House of Commons of Canada as in force at the time shall be followed so far as they may be applicable to this

House. Now, Mr. Speaker, that is Standing Order (1).

Standing Order (1) is quite clear but for the benefit of honourable gentlemen who may not be clear on the point, I wish to point out that Standing Order (1) lays it down that where the Standing Orders are silent, where they are silent we turn first to our practices and our precedents.

MR. MORGAN: Mr. Speaker, on a point of order.

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. MORGAN: On a point of order, Mr. Speaker. We are now debating a motion, a part of a motion, the first part of that motion is that this House of Assembly direct Your Honour to obtain tapes from two local media to determine if the Leader of the Opposition made statements regarding the partiality of the Chair. We are not debating the rules of the House, we are debating whether or not we should direct Your Honour to obtain these tapes. Mr. Speaker, I ask you again, like other members of this Assembly today, to keep the speaker speaking on this motion relevant and not to continue to read the Standing Orders of the House of Assembly.

MR. ROBERTS: Mr. Speaker, to that point of order. I quite agree that Your Honour should keep me to be relevant. I would hope and expect and believe that Your Honour will keep everybody to be relevant. It is the first time that I ever heard anybody say that the Standing Orders of the House are not relevant.

MR. BARRY: On a point of order, Mr. Speaker. It is enough to sicken anybody. The Hon. Leader of the Opposition -

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. BARRY: The Hon. the Leader of the Opposition is attempting to make a mockery of the rules of this House. I can tell him, Mr. Speaker, that he is not going to succeed, he can take as much time as he wants but he is not going to be permitted to question the ruling either of the Speaker or the Deputy Speaker and this is what he is trying to do now, Mr. Speaker, through the backdoor. In his usual sly and devious

manner he is attempting to get around what is clearly set out in the rules, mainly, that the conduct, a decision of the Chair, Speaker or Deputy Speaker cannot be questioned. The inaccuracies, if any there might be, cannot be pointed out. This, Mr. Speaker, I submit, is the only way in which the Hon. Leader of the Opposition can say that his point is relevant. That going through the Standing Orders is relevant.

I would ask, Mr. Speaker,

that the honourable the Leader of the Opposition be directed to refrain from perusing the Standing Orders of the House unless he shows how they are relevant to the motion which is before the House at the present time.

MR. NEARY: Mr. Speaker, to that point of order, Sir, I would submit to Your Honour that my colleague, the Leader of the Opposition, Sir, is standing on his constitutional, on his democratic rights, he is debating within the rules, the standing rules of the House, Sir, that my colleague is in order and that the members on the government benches Sir, are deliberately harassing my colleague. They are baiting him, Sir, they are interrupting him deliberately and they are trying to stop debate. I would suggest that Your Honour enforce the rules of the House and allow my colleague to carry on in the manner in which he is debating this matter.

MR. SPEAKER: Again the rule of relevancy has been questioned. I would not want the honourable Leader of the Opposition to, as the word was used, peruse the Standing Orders of the House unless they are relevant to the particular motion and I shall not hesitate to call him to order if and when I feel that he is being irrelevant.

MR. ROBERTS: Thank you, Your Honour, and I for one would hope that you would not hesitate for just a second to call me to order. But let me again say, because the gentleman from Placentia West seems to be under misapprehension, it is not relevant to this motion to debate my conduct. I wish that it were. But the incompetence of the House Leader in framing a motion has prevented that. The only motion before the Chair now is whether or not we should send for certain tapes with a view to view or listen to them here in the House at the earliest possible time. Presumably now about eleven o'clock tonight now we will all gather and instead of the late show we will have me. It might be more instructive and there will be fewer commercials.

There is no question of my statements at this stage, the substance of my statements. I wish that I could debate that because I am quite proud of what I said and I am quite prepared to debate what I said but

I cannot. There will be a time and a place for that if the honourable gentlemen opposite will give me the opportunity, if they will afford me that. They were not prepared to. They wanted to put this through without debate and have me suspended this day, but because I raised a point of order and Your Honour upon consideration felt that that point of order was valid, this motion (a) has been split into two and (b) it is debatable.

Originally, Sir, honourable gentlemen opposite did not even want to debate it. They wanted to be judge, jury, executioner and have it all done in the dark of night. If they could have found a way to do it without me being here, then they would have done that too. The motion before the Chair, Sir, is whether or not the House direct and I do not like the word "direct," I think the House should request Your Honour or authorize Your Honour and I find it interesting that those who are so tender of Your Honour's position, as they should be, after what they have done to the Chair, they direct Your Honour as opposed to request him or authorize him, which is the appropriate language. The only motion is whether we should send for some tapes and I am saying we should not and I wanted to refer to one or two of the Standing Orders, I have referred to Standing Order (1), and I was attempting before the juvenile and junior gentleman from Bonavista South attempted to get into the debate where greater men than he had failed, he thought he should launch forth into the deep. He came on a reef, very quickly. I was attempting to explain Standing Order (1) and I always thought Standing Orders were relevant to the debate. What can be more relevant to the House of Assembly when the motion before the House is to send for certain tapes relating to proceedings of the House of Assembly, what could be more relevant than the rules? I mean what could possibly be more relevant than the rules or do we live under martial law? Do we now come to the point where you know the rules are not relevant? Your Honour has not said that and Your Honour I know would not say that.



Now, Mr. Speaker, Standing Order (1) is quite clear. It is a very good Standing Order. I suspect it has been in force right from the start. So it should have been. It provides that where our rules are silent we look to our precedents, the word is sessional or other orders. I submit that that means the precedents, the practices of this House. That has been so. That has always been so.

Your Honour has made any number of rulings in the three years in which Your Honour has graced the Chair, founded not on our rules specifically, because the rules are silent or not fully bespoke on the point, Your Honour has turned quite properly to our traditions and to our customs and to our precedents.

Now I wanted to pick just one precedent to show Your Honour an example of a precedent, there can be many but I just wanted to pick one out of the thousands I could have picked. As luck would have it, my precedent occurred on January 26, 1967, which was a Thursday. On that day the House was debating a bill. I do not propose to go into the substance of the bill, it is quite irrelevant to the motion before the House now. The bill was a bill, "An Act Respecting The Employment Of Persons in Hospitals," and the motion before the Chair as it happened was that the bill be now read a second time.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: I am going to mention the honourable gentleman because he figured in the debate. The gentleman for St. John's East Extern was speaking to that motion just as I am speaking to this motion, the motion there was that the bill be now read a second time, the motion here is that the House direct Your Honour to send for certain recordings and materials, etc., etc., etc. But I am talking about precedents and I submit that the existence of these precedents is a reason why this motion should not be approved. The gentleman from St. John's East Extern, as I have said, was speaking to the bill. He made quite an effective speech, but he attempted to move an amendment. There was some kerfluffle over the wording but the Chair was very helpful to him and helped him with the wording and helped him to put it in appropriate wording. The then Premier objected quite strenuously, the Hansard makes it quite clear,



but the Chair allowed the amendment. Indeed, the Chair went so far as to use the discretion which the Chair has and can use if it wishes, to help an honourable member by saying in effect the motion the honourable member or the amendment the honourable member proposes to put is not in the correct form but we will straighten it up for you and the Chair, Mr. Speaker, Mr. Clarke it happened to be at that time, straightened up the amendment.

The amendment happened to be, as luck would have it, it had to be something, that the bill be read not now but thirty days hence, not six months as another motion that was moved recently, thirty days hence.

MR. CROSBIE: On a point of order, Mr. Speaker, this whole discussion of the Standing Orders of the House is irrelevant. It is clearly irrelevant and you yourself have ruled that what should be debated on this motion is whether - that used to teach our children - is whether or not, Mr. Speaker, whether or not these tapes should be sent for because they may or may not show statements that are a breach of the privileges of the House. You yourself have ruled that is what is relevant to discuss on this motion. It is not relevant to discuss what the Standing Orders may or may not provide. It is even less relevant to discuss some precedent in 1967 when someone moved that something be given a thirty days hoist. That is obviously an attempt to get back to what was before the House here yesterday. But even if it was not that it is not relevant to this debate.

Mr. Speaker, it is quite clear, orders of this House, a Standing Order, that you can call to the attention of the House the conduct of a member who persists in irrelevance or needless repetition of which we have heard much in the last thirty minutes and direct him to discontinue his speech if he does not keep relevant.

Now I ask Your Honour to make a ruling before this descends into an absolute shambles altogether. Are you, the Speaker, going to permit debate on the Standing Orders and on what happened in 1967 or is the

debate to be kept to whether or not this motion asking for certain tapes and transcripts of remarks outside the House that may be breaches of privilege, or are we going to restrict the debate to that? If it keeps on like this then we are in an impossible situation.

MR. ROBERTS: To that point of order, Mr. Speaker, if this House descends to a shambles it will be because honourable gentlemen opposite have done it.

MR. CROSBIE: Inaudible.

MR. ROBERTS: Now, Mr. Speaker, the honourable gentleman from St. John's West should be the last ever to object to this sort of thing.

MR. SPEAKER: Order please!

MR. ROBERTS: How his principles have disappeared. The -

MR. CROSBIE: Mr. Speaker, I have raised a point of order.

MR. ROBERTS: Well I am speaking to the point of order if I may be allowed to continue.

MR. CROSBIE: I am now rising -

MR. ROBERTS: Mr. Speaker, I have a point of order, I cannot be interrupted while I am speaking to a point of order.

MR. CROSBIE: I rise on a point of privilege, Mr. Speaker.

MR. SPEAKER: Order please! The Chair has recognized the honourable Leader of the Opposition who has risen to speak to a point of order.

MR. ROBERTS: Thank you, Mr. Speaker. As I was saying before the honourable gentleman from St. John's West so rudely interrupted me, I submit that he has made out no point of order. I do not propose to open or re-open any debate on certain events that may have transpired in this Chamber yesterday. There will be another time and another place for that. I do not propose to go into a long disquisition on the rules. I certainly do not propose at this time to criticize any ruling given by Your Honour or by anybody else who sat in the Chair. All I want to do is to refer to one or two precedents that I submit are reasons why this motion should not be adopted and I would ask Your Honour to rule in my favour and to allow me to proceed with - The honourable gentlemen say I am taking time, I have spent less than half the time on my feet.

The other half of the time I spent listening to needless points of order.

MR. SPEAKER: The honourable Minister of Tourism.

HON. T.P. HICKEY: Mr. Speaker, if I might just add something to that point of order. I have listened to the Leader of the Opposition and I have tried to determine how his debate this afternoon had any connection with the motion before the Chair. Your Honour, the motion is quite clear that we send for certain tapes because of allegations of things that were said which are unparliamentary or which questions the partiality of the Chair. I submit Your Honour how can this motion be debated as strange as it might seem, that it should be put to a vote without debate. I suggest Your Honour how can we debate this kind of a motion unless the party who is alleged to have made those statements in the person of the Leader of the Opposition is to stand here and repeat from his memory as close as he can what he repeated outside this House.

Now Your Honour, if he is not prepared to do that I suggest to you that every other thing he says pertaining to this motion is out of order. I would ask Your Honour to rule on the basis of that.

MR. SPEAKER: Order, please! The Chair has heard I think a considerable amount of debate on this point of order. The Chair does feel that the honourable Leader of the Opposition in referring to precedents which happened some years ago really was being most irrelevant to this particular motion. The Chair hates to constantly rise with the rules of relevancy but if irrelevance continues then the Chair will certainly follow the rule as it exists in our Standing Order by asking any honourable member to resume his seat.

MR. ROBERTS: Thank you, Mr. Speaker. I certainly would expect and welcome Your Honour following the Standing Orders but is Your Honour saying that I may not now refer to precedents of what is passed in this House to support my arguments in saying I will not vote in favour of this motion?

MR. SPEAKER: Order, please! The Speaker I think ruled that the particular precedent that the honourable Leader of the Opposition was referring to, that the Chair did not consider it to be relevant to this particular motion.

MR. ROBERTS: But Your Honour can consider it relevant that the House debated a thirty day hoist amendment, is that what Your Honour is saying?

MR. SPEAKER: Order, please! The Chair has no desire to become involved in a debate with the honourable Leader of the Opposition. The Chair has made a ruling and will not permit the honourable Leader of the Opposition to refer to that particular precedent.

MR. ROBERTS: Well, very well. Your Honour has ruled that it is not relevant to refer to the fact that this House has debated an amendment on a thirty day hoist in 1967. I shall make no further reference to it at this time.

Mr. Speaker, as I was saying now, the rules of this House do not show any right for the House to send for these tapes and papers. I think it is a very good point as to whether or not radio station CJON and television station CJON and radio station VOCM, I do not know why they discriminated against CBC, - I made some statements on CBC which I am happy to say got wide coverage throughout the Province. They deserved to get wide coverage. Maybe they should be sent for too. There were also some statements which I hope were reported in "The Evening Telegram" although I have not seen those.

AN HONOURABLE MEMBER: No, they were not -

MR. ROBERTS: They were not. Oh! Shame on "The Evening Telegram". "The Daily News" had its usual capsulized report. We should send for everything. Then "The Western Star" doubtless carried them and CKIM and CFCN.

AN HONOURABLE MEMBER: "The Town Crier".

MR. ROBERTS: "The Town Crier" may have, I do not know. "The Newfoundland Herald" may have, "The Fishermen's Advocate" may have, the -

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: No, quite relevant. The motion only names two places and I am offended. I might be prepared to vote for the motion if it included every part of the media, every agency of the media that carried those statements because I hope whatever there were in them, that remains to be seen if in fact we bring them before the House, whatever was in them in them and we will come back to that. I would hope that they got wide coverage because those statements should have got wide coverage. They merited it. They revealed the state of affairs that the people of Newfoundland should

know about. I think the House Leader in his anxiety and in his desire to try to try me in a kangaroo process and have me put out of the House goofed. He should have amended the motion and if it were not for the fact that any amendment I proposed stands next to no chance, for whatever reason, of being rejected by the Chair, I would be tempted to try to amend this motion, that we send not only for CJON T.V. and VOXM but the CBC. I do not think we should discriminate against the publicly owned radio and television service. I think that is most unfair. Maybe we should amend that. There is no point in my proposing it. Every amendment I put down is negating the main motion. I mean that is what happens and I certainly would not try to amend it, but the motion is not complete.

Now let us get some other media. There is one in Goose Bay. What is the name of it "Mel", "The Labradory News" or something?

MR. WOODWARD: "The Labradorian".

MR. ROBERTS: "The Labradorian", we should send for that, "The Labradorian".

Then there is "The Aurora", Mr. Devine.

AN HONOURABLE MEMBER: The offshore -

MR. ROBERTS: "The Offshore Monthly Bulletin" should come in because they may have some reference to proceedings in the House of Assembly between 3:00 p.m. on Tuesday, December 17, 1974 and 3:00 p.m. on Wednesday, December 18, 1974.

AN HONOURABLE MEMBER: "The Monitor".

MR. ROBERTS: "The Monitor", of course, Sir, and "The War Cry" and "The Newfoundland Churchmen" and "The Glad Tidings", the publication of the Pentecostal Assemblies and "The Awake Magazine" - The honourable gentleman is well up on his theological literature.

AN HONOURABLE MEMBER: "Watch Tower"

MR. ROBERTS: "Watch Tower", sure.

AN HONOURABLE MEMBER: "The Young Soldier".

MR. ROBERTS: "The Young Soldier", that is a Salvation Army publication. We should also have "The Newfoundland Gazette". The official record of publication should be brought before - I mean if we are going to do it, Mr. Speaker, let us do it. Let us not make chalk of one and cheese of another. Now how about the

most recent issue, "The Newfoundland Quarterly"? I think we should have that brought before the House, Sir. It has in it, - Mr. Speaker, I am speaking to the motion. If the honourable gentleman does not like it he can either raise a point of order or keep silent. We have in it the most gorgeous picture -

AN HONOURABLE MEMBER: Inaudible.

MR. ROBERTS: And I think we should send for that and have it brought before the House and we should have antiphonal readings. One side should read one sentence and another side should read another sentence, perhaps in Gregorian chant. I think the Minister of Industrial Development and myself could have a Gregorian chant. He would read the first line as follows:

"Frank Duff Moores was born in Carbonear -

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

AN HONOURABLE MEMBER: Inaudible.

MR. SPEAKER: Order, please! Again the honourable Leader of the Opposition may have been carried away in the heat of debate but I do not think he is being relevant to the particular motion.

MR. ROBERTS: Mr. Speaker, I am merely saying that if we are going to send for certain papers we should send for them all and surely that is in order. The point of this motion is to send for recordings of materials broadcast on two radio stations and one television station and I say that is discrimination. It is probably against the Bill of Rights. We should not discriminate like this. We have a free press in this - at least until we have martial law for the press and that will come.

Now, as I was saying, let us send, Sir, for "The Newfoundland Quarterly". The current issue is sold out. I guess it is because of the portrait of a certain gentleman on the front. It may be because of the picture of the Minister of Transportation and Communications in it. It certainly has nothing to do with the fact that the honourable gentleman from St. John's East did not have his picture in it. He has good reason to be modest. I agree with the gentleman from St. Mary's. Let us send for everything. I mean let us not make chalk of one and cheese of another. Whatever I said I hope was widely reported and I hope in Trepassy they heard

it and in Bay de Verde and in Baie Verte. I hope in my own about to be butchered constituency of White Bay North they heard it and over in Port au Port. If that last forgotten fisherman is still out on the bill of Cape St. George, the one that the late Bill Keough used to talk of, I hope he heard it too, Sir, and if not let us send to bring him in. Maybe the government aircraft when it is not ferrying Tory members around could go out to Stephenville and bring in that last forgotten fisherman and he could sit here. We could put a chair here on the floor of the House and he could sit and when the House of Assembly views these video tapes and -

MR. NEARY: Do not forget Dr. Bhattacharya.

MR. ROBERTS: Who?

MR. NEARY: Dr. Bhattacharya.

MR. ROBERTS: Good suggestion, we need him - and listen to these recordings. I think we should have that last forgotten fisherman here. I think he should tell us what he heard.

Now, Mr. Speaker, we should also of course send for the president of the Human Rights Association and have him here and while we are at it, Mr. Speaker, I think we should amend the motion even further. If honourable gentlemen opposite will amend the motion I will support it, I will vote for it. I will go in the highways and the byways and ask the people of Newfoundland to vote for it. I will go to Northeast Crouse and ask the fourteen citizens there to vote in favour of it and to pass a strong motion demanding that the government send for these people but they have to amend it first, Sir. They have to amend it first. Not only must we send -

MR. NEARY: Can we amend it?

MR. ROBERTS: Well, I mean - My colleague from Bell Island asks if we can amend it. The answer is we should be able to but we cannot. The precedents now are quite clear. No amendment from this side is accepted so we do not amend it but, Mr. Speaker, the motion is not complete.

MR. SPEAKER: Order, please!

MR. CROSBIE: On a point of order. There has just been a statement made in the House that the opposition cannot propose



any amendments because they will be ruled out of order. That is a piece with the charge that the Chair is not impartial and that is all that it can be interpreted to be. Mr. Speaker, are we going -

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please!

MR. CROSBIE: I draw to the Speaker's attention this charge that the Opposition can make no amendments because they will be ruled out of order. That is a charge against the Chair, and is it going to be tolerated?

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order, please! The point raised by the Hon. Minister of Fisheries is well taken. The comments made by the Hon. Leader of the Opposition, when he said, that the Opposition could make no amendments because they would not be tolerated I think does infer that the Chair is being partial in its decisions, which the Chair does not intend to express its personal opinion on but I ask the Hon. Leader of the Opposition to withdraw that remark.

MR. ROBERTS: I will withdraw it, it is the heat of debate again. There is no offence meant and no sweat at all.

Now as I was saying, I think, we should send, I mean I am not prepared to vote for this motion because it only singles out two of the media, I think, Sir, that this House should send for all of the media. I think that we should broaden this motion, Sir, to strike a blow for freedom and democracy and reform, a blow for priorities and planning. We should do it, Sir, by sending not only for radio station CJON's transcripts and CJON television transcripts and VOCM's transcripts or recordings, that is not enough, Mr. Speaker, that is not nearly enough, we should send for every organ of communication in this province. The NTA Journal may well have some comments, Sir, on proceedings in the House of Assembly and things that I said outside relating to proceedings in the House. Let us get to the bottom of this question because it goes right to the heart of the democratic process, Sir, right to the heart of the democratic process.

Two, four, six, eight, nine.



AN HON. MEMBER: Inaudible.

MR. ROBERTS: Well if they kill the debate the motion ends. Let them kill the debate.

MR. DOODY: I just have to go out for a couple of minutes.

MR. ROBERTS: Well we will not count the honourable gentleman. I will stay in and I will sort of be paired with him. Both of us should be worried at that point, Mr. Speaker.

AN HON. MEMBER: Inaudible.

MR. ROBERTS: All right! All right! I hope they do count it out, I think they are embarrassed that they ever brought this motion before the House. They will be more embarrassed before they are finished.

Now, Mr. Speaker, as I was saying - two, four six, eight, ten, eleven -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Yes. Mr. Speaker, my colleague - we are not going to bother calling a quorum, no, I want this debate to continue. I do indeed, sure.

Now, Mr. Speaker,

AN HON. MEMBER: We are all going to speak on this.

MR. ROBERTS: Yes, we are all going to speak on this. We are all going to speak on this. The House adjourns automatically at 6:00 P.M. without question put, we come back at 3:00 P.M. tomorrow afternoon and we will carry on with it then, Sir. Maybe they will keep us here all tomorrow night and all Friday night and Saturday night and Sunday and Monday and Tuesday and Wednesday, we will knock off for dinner Christmas Day.

AN HON. MEMBER: Rich!

MR. ROBERTS: Rich! Oh, he is back. Good! My pair is over, I had not broken my pair.

Now as I was saying, Mr. Speaker, it may not be deathless but it is certainly deadly.

Mr. Speaker, I cannot vote for this motion until it is amended. I am quite prepared to vote for it if it is amended and I

am describing the sort of reasons why it should be amended. I made some statements outside of the House, what they were remains to be seen. I made them openly, not covertly. I made them in the presence of reporters with the intention of having the reporters note them and report them as they saw fit in the discharge of their professional duties. It is not for me to call reporters "Yellow dogs of journalism" as one member of this House did in what he later admitted was "A bad day". That is not for me, Sir, I have my disagreements with the press often. I think "The Evening Telegram's" report of today's proceedings is really quite bad, well below their standard but that is a personal opinion and I could be right or I could be wrong.

But I made some statements. Now who knows where they were carried, and if, as some honourable members allege these, in fact, constituted a breach of the privileges of the House, and that remains to be seen, it remains to be seen what I said and then when we have seen what I said, we can have a chat, oh three or four days probably about whether it is a breach of privilege or not. That is a debatable motion. We will have a crack at that one too.

But the question is, not at this stage, whether what I said was a breach or no, the question rather is, what did I say? I think we have a right, a duty, Sir, to find out everything that I said, everywhere that it was carried. Now perhaps we should send a questionnaire to each of the 540,000 people in this province, and let us get their, not their opinions, Sir, let us get a factual statement from them. It would be "What did you hear or see relating to proceedings of the House of Assembly between 3:00 P.M. on Tuesday, December 17, 1974 and 3:00 P.M. on Wednesday, December 18, 1974?" Maybe we should ask each and every Newfoundlander his opinion, not his opinion, they will express their opinion when the election comes, express the fact because, Sir, we must find out how far these words carry. Did they carry as far as I hope they did or did they not? Did they carry as far as the government hoped they did? Who knows? But should we not ask each of everyone of the 540,000 people in

Newfoundland what they know.

The motion refers, Your Honour, to proceedings of the House of Assembly and it refers to what was broadcast about those proceedings between Tuesday, December 17, and 3:00 P.M. on Wednesday, December 18. Maybe nobody heard those words. How do we know that? So I think we obviously have to go on. Let us go to Twillingate and we will start up in Crow Head and we will ask each and every person in Crow Head. Then we will go to Durrell's. Then we will go down to Tizzard's Harbour and to Morton's Harbour both of them over on New World Island and Salt Harbour Island and Toogood Arm and Virgin Arm and Pikes Arm and let us find out what they heard about proceedings. Because, Sir, if there was a breach of privilege, as honourable gentlemen opposite allege, then it is important we know how far they have gone. It really is important.

So, Mr. Speaker, I think, the first thing we have to do is to amend this motion to require, no, wait we will have to pass a statute because we would not want anybody to refuse to say, it would be like the census everybody will be asked, think of the "Make Work Project" it would solve our unemployment for a day or so, the 26,000 or 28,000 people who are unemployed would go out and ask every Newfoundlander, The Hon. Leader of the Opposition made some statements and what did you hear, not at 2:59 P.M. on Tuesday, December and not at 3:02 P.M. on Wednesday, December 18. both of them in the year of Our Lord 1974, but what did you hear between 3:00 P.M. on December 17. and 3:00 on December 18?" That, Sir, is the question. What did you hear? Then we will get them all compiled and we can have another "Make Work Project" better than any LIP grant, better than any other programme of the gentlemen opposite. I am putting to them now more man job days than they have created in two and a-half years in office, nearly three years. Let us compile them. First of all we have to do it by the hour.

MR. CROSBIE: On a point of order. Mr. Speaker, what we have heard for the last ten or fifteen minutes is contrary to the rules of this

House. It is irrelevant to this debate, it is needless repetition, it is not debating the point of the motion which is whether or not these documents or tapes should be sent for, to see whether or not there has been a breach of privilege of the House. I submit once again that the only relevant remarks be made in this debate are whether or not these documents should be sent for because they would then show whether or not there has been a prima facie breach of the privilege of the House.

I submit, Mr. Speaker, that the debate should be restricted to that. The Leader of the Opposition has been completely irrelevant and needlessly repetitious for the last fifteen or twenty minutes. Now, Mr. Speaker, this is a question as to whether this House is going to be able to operate at all or whether it is going to dissolve into a complete shambles without any rules of order at all, or any restriction on debate at all.

MR. ROBERTS: On a point of order, Mr. Speaker. I am merely giving my reasons why I am not prepared to vote for this motion. All I am saying is that

the motion in my view is incomplete. If the motion were made complete, I should be quite prepared to vote for it. Maybe one of my colleagues, in due course, when he speaks in the debate and I hope they will all have a word or two to say, will move an amendment. We will try our luck to see if the amendment is accepted under the rules of the House. Maybe the purpose of the amendment will be to require that everyone of the 540,000 Newfoundlanders speak. As for repetition I am not aware that I am repeating anything needlessly. I may be making my points once or twice for the purpose of rhetorical effect and that, Sir, is so completely sanctioned by practice in this House as not even to require further speech from me.

Mr. Speaker, I submit that I am in order and I ask that I be allowed to carry on with the tenor and gist of my remarks and make my few humble points.

MR. SPEAKER (Mr. Stagg): The honourable gentleman has been drawn to the rule of relevancy on many occasions this afternoon. When the original rules were framed such that an honourable member may be asked to refrain from speaking at all because he was persisting in irrelevance, it was one that could only be implemented after great deliberation and certainly the rule being abused on many times. The honourable member has abused the rule consistently this afternoon. I have listened to the debate very avidly and I suggest that the honourable member is irrelevant practically all the time and accordingly the honourable member is directed to be relevant. If he persists in irrelevance, he will be directed to cease speaking.

MR. ROBERTS: Thank you, Mr. Speaker.

I accordingly would like to move that the following words be added (I do not have a written version here so perhaps the clerk could take it down unless one of my colleagues has some words.) to the motion that after the word, if it is a word, or the letters V.O.C.M., between there and the next word which is between, the following words be added: "and a record of everything that was broadcast or

printed in Newfoundland and Labrador by any of the media between 3:00 P.M. on Tuesday, December 17." I move that amendment, Sir, and seconded by my colleague from Bell Island may I ask Your Honour if that is in order and if so, I propose to speak to it.

MR. SPEAKER (Mr. Stagg): I would like to have a copy of the amendment.

MR. ROBERTS: As I said, Your Honour, I do not have it written out. I have had no opportunity to write it out. I asked the clerk to take it down. If Your Honour wishes to adjourn for a minute or two, I will ask one of the secretaries to type it or I will write it in my own hand, whatever Your Honour wishes. I have had no chance to prepare a written amendment. It was only recently that I realized I needed an amendment to be able to make my humble point. I do not if the clerk had an opportunity to get it down. He did not? I apologize. If Your Honour wishes to adjourn for a couple of minutes, I will get it written out and send it up to Your Honour.

MR. SPEAKER (Mr. Stagg): I believe the honourable member could repeat it.

MR. ROBERTS: Oh, all right.

After the word, V.C.C.M., which is in the seventh line of the motion, be added the following words: "and also recordings of programmes relating to proceedings of the House of Assembly ( I confess I cannot remember the exact words but I can reproduce the thought. ) or any other report of proceedings of the House of Assembly printed anywhere in Newfoundland and Labrador between 3:00 P.M. on Tuesday, December 17 and 3:00 P.M. on Wednesday, December 18, 1974."

Again the gentlemen at the Table I fear have many skills but they do not have proficiency in shorthand. It is not required. I do not know if they have had an opportunity to get down my few words. The thought of what I am suggesting is quite clear but the wording may not have all the word of a word of art. If Your Honour would consider the matter, perhaps we could have a ruling as to whether or not that amendment is in order.

MR. CROSBIE: Mr. Speaker, I would like to make a submission on this so-called amendment. (1): Mr. Speaker, there is no proper amendment before you. There is no amendment prepared in writing to be submitted to you or to us so that we can consider the matter. It is obviously just a continuation of a desperate effort by the Leader of the Opposition to prevent this House from obtaining a record of what was said by him yesterday and last night and this morning outside the House that impugned the integrity of the Speaker and the Deputy Speaker. That is my first point. (2): It is entirely irrelevant as to how many records we will get and what was said on how many stations. All this House needs is a record of what was said outside the House by one of the media.

Now the motion before the House asks for a record of what was said on V.O.C.M. and C.J.O.N. Certainly that is all we need to know. What was said on C.B.C. or what was published in the papers is not necessary for this House to have before it or proof, prima facie, of what statements were made by the Leader of the Opposition. Every member of this House for the most part has already heard what the Leader of the Opposition said. We watch television and we listen to the radio. We know what was said. The Leader of the Opposition himself has confirmed today that he made these statements outside the House. Therefore, it is irrelevant, and the amendment should not be accepted because it is not necessary for the motion to do what it sets out to do and that is just to put before this House a record that cannot be disputed of what the Leader of the Opposition said outside the House which constituted a grave breach of the privileges of the House. If Your Honour accepts this amendment and if the honourable gentleman is not kept relevant I think we are seeing the death of this House as a Chamber in which any business can be conducted on any proper level at all. The Leader of the Opposition made these statements outside the House and if he will not retract them, then let him be man enough to have them brought into the House so we can debate them properly here and not



to waste the time of the province on a filibuster to attempt The House even trying to have put before it in a proper form what he said outside. If he is afraid to defend - his conduct now is the action of a man who is afraid to defend in this House the cowardly and unparliamentary words he used outside the House.

MR. ROBERTS: May I speak to the point of order?

MR. SPEAKER (Mr. Stagg): Order please!

I consider the proposed amendment frivolous and vexatious and it is accordingly ruled out of order.

MR. ROBERTS: We are batting one hundred per cent.

Now, Mr. Speaker, as I was saying then and I have to accept Your Honour's ruling. Whatever my thoughts are or whatever I may say in another place at another time, I have to accept Your Honour's ruling and I do. Your Honour the amendment was not frivolous and it was not vexatious. The reason I am going to vote against this motion is not that I deny anything that I have said outside. I already said and I will say it again that whatever I said outside, I gladly stand behind. I hope that every person in this province heard it because it should be of importance to every person in this province.

MR. MORGAN: Say it in the House.

MR. ROBERTS: Yes, I will say it in the House. Sure, when the appropriate time comes and when I get little Leo and the juvenile Member from Bonavista South speaking -

MR. SPEAKER (Mr. Stagg): Order please!

There are two points. The honourable member is persisting in the irrelevance which has been brought to his attention on numerous occasions this afternoon. His obvious reference to the Minister of Mines and Energy is completely out of order, uncomplimentary, unparliamentary and many other derogatory adjectives. I call upon him to apologize, rephrase or make the appropriate withdrawal.

MR. ROBERTS: I withdraw it but I would hope and ask for the protection of the Chair. Your Honour is quick to call me to order but Your Honour, I hope in the future will be equally quick to call gentlemen opposite to order.

MR. SPEAKER (Mr. Stagg): Order please!

The Chair is certainly not going to take direction from the Hon. Leader of the Opposition in any matters pertaining to its or his duty.

MR. ROBERTS: I am not asking direction, I am asking protection.

MR. SPEAKER (Mr. Stagg): I also draw this remonstrance to any other honourable members on my left or right who might want, at this point, to question the integrity or the impartiality of the Chair. Mumbled observations will be detected, if they are not detected by me, they will be detected by the tapes and they will be dealt with.

MR. ROBERTS: Mr. Speaker, I am the first to say that I was not attempting to give Your Honour direction. The motion attempts to give Your Honour direction. That is another reason I am voting against it.

MR. SPEAKER (Mr. Stagg): The Hon. Leader of the Opposition is directed to deal with matters that are relevant. I have risen saying that he was irrelevant and I direct him to be relevant and not to make a speech on the ruling given by the Chair.

MR. ROBERTS: He is not allowed to make a speech on a point of order? All right.

MR. CROSBIE: Mr. Speaker, who is he?

MR. ROBERTS: The gentleman from St. John's West, Sir. He is the gentleman for St. John's West, the Hon. Minister of Fisheries. That who is I meant by he. It had no capital "h."

MR. SPEAKER (Mr. Stagg): Order please!

The Hon. Leader of the Opposition on many occasions this afternoon has persisted in abusive and insulting language towards members to my left. He has on a couple of occasions referred to people

by their given names. He has referred to the Member for Port au Port by his given name, who happens to be myself. He has referred to the Minister of Mines and Energy by one of his given names. He has referred to the Minister of Finance by the pronoun, he. On many other occasions the honourable member has been irreverent, often irrelevant and most of the time totally out of order.

MR. SPEAKER (MR. STAGG): Now I am suggesting to the honourable member, and I am getting very close to the last time that it is going to be suggested to him, that he make debate on this motion that is relevant, precisely relevant or the rule, which was adopted last year, after considerable debate, will be invoked. He is given notice of that.

MR. ROBERTS: I do not propose to debate under threat either. I am aware of what the rules are and I do not think it is Your Honour's place to threaten any honourable member. I resent that. I resent Your Honour -

AN HON. MEMBER: Inaudible.

MR. ROBERTS: Hold on, I am speaking to a point of order. Just sit down Witch Hunt. The honourable the Chair, Sir, has no cause or reason or justification for threatening any member of this House.

MR. SPEAKER (MR. STAGG): Order please! Order please! The honourable the Leader of the Opposition is being told that he has infringed the rule of relevancy on many occasions and he is drawn to rule 51 (b) of the Standing Orders and he is being told that that rule is going to be invoked. Now that rule is only invoked after a great deal of needless repetition has been carried on by the gentleman who has the floor. He is being told that he has been needlessly repetitious and if his needless repetition continues then he will be told that he will have to cease speaking.

Now the honourable member, in order to know that he has been needlessly repetitious has to be told so and he has been told so.

MR. ROBERTS: Mr. Speaker, the motion before the Chair is still not acceptable to me because it does not go far enough. If Your Honour felt that the earlier amendment, which I proposed, was frivolous and vexacious then that is Your Honour's ruling and I accept it.

I now wish to propose another amendment and I do not have them in writing. If honourable gentlemen opposite did me the courtesy of showing me a copy of this, of my execution warrant before it was to be served on me, I might have been able to prepare some but since it is not I shall have to ask the Clerk if he would be kind enough to pay attention

as best he can and I will do the best I can in turn.

Now Sir, I think that we should add some words to the end of the amendment "And further that the reporters who reported these words should be sent for and summoned before the Bar of the House where they may be cross-examined under Oath by all honourable members." Now may I ask Your Honour to rule on that please?

MR. CROSBIE: I would like to make a submission to that also and it is to the same effect, really as the submission I made a few moments ago. Every member of the House can see that that amendment is frivolous and vexatious. Every member of the House knows that we do not have to call any reporters before the Bar of the House. Every member of the House knows that we can get a transcript or the tapes of what was said on radio or television in the news broadcast last night. Anything that is printed in a newspaper we will have the newspaper and the newspaper can be put before the House. We do not need to call any reporters.

I, myself, Mr. Speaker, as a member actually saw the honourable gentleman last night on television and heard him speak the words complained of. So I submit to Your Honour that this amendment is frivolous and vexatious. We are dealing now with a question of a breach of privilege of the House, whether there has been one or not. All this motion seeks for is some clear evidence to put before the House of what was said.

Every member of the House knows that these matters were said, that they were on tape, that they have been repeated a dozen times and I therefore submit that Your Honour should rule out the amendment.

MR. ROBERTS: Your Honour, if I may to that point of order or the submission raised by the honourable gentleman, I submit that what he is doing is attempting to prejudice the question. The House may or may not feel that it is unnecessary to send for the lady and the gentleman concerned, That is a matter which the House can decide on the amendment. That is one of the reasons I want to put the amendment, to see whether the House wants to send for these people.

I submit, Sir, that the amendment is certainly not frivolous, and not vexacious. It may be vexing to gentlemen opposite, that is their problem. I submit, Sir, the amendment is in order and should be ruled in order and I ask Your Honour so to rule.

MR. BARRY: To that point of order, Mr. Speaker, every member of this House, including the honourable members opposite, all of whom except the Leader of the Opposition I am sure are just as ashamed as honourable members opposite are, to have the Leader of the Opposition continue to make a fool of himself and attempt to make a fool of the House in the course of debate that he is carrying out here this afternoon.

This amendment, proposed by the Leader of the Opposition, is frivolous and vexacious because Your Honour knows what the intent, just as every member of this House does, knows what the intent and purpose of the motion before the House is and this amendment is not necessary in order to achieve the intent of that motion. It is put purely, Mr. Speaker, for the Leader of the Opposition's political attempts to make a mockery of the rules of this House. I do not know what he hopes to achieve because I am sure any citizen of the province that gets a fair reporting of what is taking place here today, they will just throw up their hands in disgust.

MR. NEARY: Mr. Speaker, if I may to that point of order, Sir, The member for Placentia West, Sir, is absolutely wrong in assuming, and I can only speak for myself, Sir, that we are ashamed of my colleague, the Leader of the Opposition who is trying to defend himself here today, Sir, against the motion to send for the tapes and have the Leader of the Opposition expelled from the House, We are not ashamed of him, Sir. I want to make that point.

The minister in his remarks said that all members on this honourable side probably felt ashamed with what was happening in the House today. The Leader of the Opposition is trying to defend himself, Sir, and we are trying to make a point. The Leader of the Opposition is quite justified in defending himself in a democratic way under the rules of this House and I just want to point out that the minister is absolutely wrong when he makes

that assumption, Sir.

Yesterday, Mr. Speaker, I withdrew statements that I had made and apologized to the Chair but only, Mr. Speaker, because either the Leader of the Opposition or myself would have to remain inside the House.

MR. SPEAKER (MR. STAGG): Order please! Order please! The honourable gentleman's apology yesterday I would take it was unqualified, I would not want him to introduce a qualification at this point.

Is there any further argument.

MR. BARRY: Just very briefly, I take back what I said about the honourable members opposite being ashamed of the conduct of the Leader of the Opposition. Obviously there is nothing that can shame them.

AN HON. MEMBER: That is it. He has taken back what he said.

MR. ROBERTS: To that point of order -

MR. THOMS: Mr. Speaker, we on this side of the House are quite proud of what the honourable member for White Bay South has said. We agree with him one hundred per cent and we are not ashamed of the honourable member. We are quite proud of him. We only wish we had members on that side of the House we could also be equally proud of.

AN HON. MEMBER: Inaudible.

MR. THOMS: At least I do not shut up like you guys do.

MR. SPEAKER (MR. STAGG): Order please! Order please! Well honourable gentlemen I am going to take a short recess to consider this. I do consider it at first blush to be superfluous, vexatious, frivolous as was the other one. However, in view of the possible repercussions of this that it might in some way reflect upon the rulings of the Chair whether they have a partial or an impartial nature, after all this is what we are talking about, I will adjourn for a short time, consult the authorities and if this amendment is allowed, of course, the whole debate pretty well degenerates into an absurdity but nevertheless I will adjourn.



MR. SPEAKER (STAGG): Order, please! The ruling on this amendment is the same ruling that would have been given had I adjourned earlier to consider the previous amendment moved by the Hon. Leader of the Opposition. I find that the authorities are relatively silent on the subject. Evidentially these scholars in parliamentary procedure have never come across a situation similar to this so there is no case directly on point.

However, I will refer to one authority that by inference has application. It is in Beauchesne, Fourth Edition, paragraph 198 which is found on page 166. It says "A motion should not be argumentative and in the style of a speech nor should it contain unnecessary provisions or objectionable words." In the opinion of the Chair this motion contains unnecessary provisions and accordingly falls within the earlier ruling of the Chair that it is frivolous and vexatious and were it allowed would give rise to innumerable similar amendments such that this matter would never come to a decision and the matter is one of privileges of the House which is probably the most significant of all motions that ever come before the House. Accordingly I resolve this, proposed the amendment in favour of common sense because to resolve otherwise would be to relegate our proceedings to that of an absurdity and accordingly the amendment is rejected.

MR. ROBERTS: With respect may I appeal your ruling to the House, Sir?

MR. SPEAKER (STAGG): If the honourable member wishes to appeal my ruling, he must get other members to rise with him.

MR. ROBERTS: Mr. Speaker, I feel confident that one or two or my colleagues will stand with me.

MR. SPEAKER (STAGG): Call in the members.

DIVISION:

MR. SPEAKER (STAGG): Is the House ready for the vote? The motion is that the Speaker's ruling be upheld. Those in favour of the ruling please stand: The Hon. Minister of Mines and Energy, the Hon. Minister of Industrial Development, the Hon. Minister of Health, the Hon. Minister

of Social Services, the Hon. Minister of Manpower and Industrial Relations, the Hon. Minister of Transportation and Communications, the Hon. Minister of Rehabilitation and Recreation, the Hon. Minister of Education, the Hon. Minister of Justice, Mr. Marshall, the Hon. Minister of Fisheries, the Hon. Minister of Forestry and Agriculture, the Hon. Minister of Finance, Mr. Dunphy, Mr. Aylward, Mr. Wells, Mr. Brett, Mr. Carter, Mr. Wilson, Mr. Young, Mr. Evans;

Those against the ruling please stand: The Hon. Leader of the Opposition, Mr. Gillette, Mr. Woodward, Mr. Neary, Mr. Thoms, Mr. Rowe, Mr. Simmons.

I declare the motion carried, that the Speaker's ruling is upheld.

AN HON. MEMBER: Inaudible.

MR. SPEAKER (STAGG): Twenty-one to six.

MR. ROBERTS: Twenty-one to six?

MR. SPEAKER (STAGG): Twenty-one to seven.

MR. ROBERTS: Well, Mr. Speaker, I thank Your Honour for Your Honour's ruling on the amendment that ends that.

Now to continue my few remarks to the motion I am not going to vote for the motion. I am going to ask all honourable gentlemen to vote against it but not because I object to standing by what I said, I do so and stand by what I said. I said it at the time and I will say so now. If the House should approve this motion, if it should so decide in its wisdom to approve this motion and the tapes and the,

whatever they are, the video tapes and the proceedings are brought in and we view them and we listen to them, I shall be quite proud to hear what I said. There is no reluctance there. This whole debate this afternoon is quite unnecessary. Every word that I said should not have had to be said, because honourable gentlemen opposite should have brought in a motion that would have gotten to the substantive point of the matter of whether or not I breached the privileges of the House. I think, Your Honour would agree that is the issue. The issue is not whether we send for tapes or no, I do not think we should send for tapes.

MR. SPEAKER (STAGG): The Honourable Leader of the Opposition is now engaging in an argument that is irrelevant.

MR. ROBERTS: Mr. Speaker, I am saying the motion is unnecessary, I do not see how that can be irrelevant. Surely that is the most relevant sort of comment that one could make, the motion is needless and unnecessary. It should be opposed for just that reason. The motion should not -

MR. CROSBIE: That is not what you said. Say what you said outside.

MR. ROBERTS: Mr. Speaker, I have already said that I said what I said that I did not withdraw it and I do not withdraw it and I shall not withdraw what I said outside.

MR. CROSBIE: Well tell us what you said outside.

MR. ROBERTS: Well the honourable gentleman told me earlier he heard what I said, if his memory is that bad, Sir, it is not me who needs to help him, he needs medical advice, not advice from me.

MR. NFARY: He should be in the old gentlemen's home.

MR. ROBERTS: Now, Mr. Speaker, the reason this motion is here and the reason I oppose it is that it is unnecessary. It represents a vindictive attempt by the government members to try to have me suspended from the House. That is why they did not bring in a motion that dealt with the substantive point of whether or not there is a breach of privilege. If there is a breach of privilege then we should deal with it. Beauchesne, May, all the other great authorities laid

down the procedure which is quite clear cut, an honourable gentleman stands and he says "Mr. Speaker, I submit the following facts and say there was a breach of privilege." The Speaker then hears argument as he wishes, and he then gives his ruling as to whether or not in his opinion there does exist a prima facie breach of privilege. Then once that is done the House, according to Beauchesne, may or may not consider the matter further. The House most generally does consider the matter further. That requires a substantive remedy, a motion that would supply that remedy. I think, that is what the House Leader tried to do, of course, he just did not know how to do it. Your Honour had to within the rules, quite properly, I am not implying anything improper, Your Honour had to come to his rescue to sever the motion so that it would become incomprehensible, if not acceptable.

So, I think, we should reject this motion. I would be quite willing to ring VOXM or to write them a letter, maybe I can use the back of my letter of reprimand which I have not gotten yet, use that as convenient note paper, and radio station CJON and television station CJON-TV and ask them to send us over a copy of what I said. I would be delighted to do that. If we choose to refer it to a select committee I would be delighted to have a chat with the committee about it. If we choose to deal with it here in the House, I would be equally delighted. The motion is unnecessary that is why I oppose it. Whether or not my comments were a breach of privilege, Sir, that is another matter, We shall deal with those in due course. If I am found to be in breach of the privileges of the House then the practices are quite clear. What shall be shall be. That is another matter.

The matter now is whether or not we should send for some tapes and some recordings. I say we should not. I say we should not because the government have just settled on two of the media. There are a number of others. I want to know why CBC television and radio which carried those comments quite extensively was not sent for.

MR. CROSBIE: On a point of order, Mr. Speaker. This has been gone over two or three times this afternoon about CBC and the rest of them. It is needless repetition. It is irrelevant to the motion. It has been ruled as such. The Leader of the Opposition has been speaking now

since about ten after three this afternoon, with some interruptions, he has certainly been sneaking for a good two hours, it is all needless repetition and irrelevancy. The points being made again by him are needless repetition. The whole purpose of it is, presumably, so that no one else can have a chance to address the House on this very serious matter before we adjourn at six o'clock. So I would ask Your Honour to rule that this is needless repetition.

AN HON. MEMBER: Inaudible.

MR. SPEAKER (STAGG): Order, please! While the honourable member has just begun his remarks that may or may not have been repetitious but they would have been repetitious but I cannot anticipate what they were, what they would have been, consequently I will let him continue. However, if he does continue with full knowledge that it has been brought to his attention pursuant to the Standing Orders that needless repetition will be dealt with according to the Standing Orders.

MR. ROBERTS: Thank you, Mr. Speaker. I was making an entirely new point. As far as I know it is the first time in these few brief remarks that I made that I mentioned the fact that I thought this motion was unnecessary. That it is not needed. That is something entirely new. Now I may have to touch upon one or two of the arguments I have used before in another case, in another point but I am making an entirely new point and I have one or two after that. I have not yet dealt with the constitutional point of whether this House has a right to send for tapes. That is an important question and one which we should deal with that will require looking at the relevant portions of the British North America Act. Perhaps -

MR. SPEAKER (STAGG): Order, please! I am going to give the honourable member a couple of more minutes to finish his remarks, this is to provide him with his full ninety minutes which is well taken care of this afternoon. We have been in session for approximately two hours and forty minutes even taking out those portions when the House adjourned for short periods of time, it is our calculation that he has a couple of minutes left, two minutes left.

MR. ROBERTS: Mr. Speaker, under the normal rule of debate I have ninety minutes as Your Honour says but there is - I do not have the exact reference here because the indexing has not been completed but there is a rule that says, I am sure the Clerk - 49 (b) as amended; 'The Premier and the Leader of the Opposition shall not be entitled to speak for more than ninety minutes, at any time in any debate, except where the Premier moves a government order or is replying to a motion of no confidence in the government or where the Leader of the Opposition speaks in reply immediately after a minister has moved a government order or makes a motion of no confidence in the government. Now I would ask Your Honour's ruling on the point whether or not the motion moved by the House Leader that has taken precedence over everything else this day, we have not even gotten to routine proceedings of the day, Sir, whether or not this is a government order or not, I contend that it is but I must confess I have not had any opportunity to research any authority on the point at all. It is a motion moved by the House Leader in his capacity as House Leader, a motion relating, I submit, to government business.

AN HON. MEMBER: Inaudible.

MR. SPEAKER: (STAGG): I am prepared to rule on it at this time. This is a matter that has been given considerable consideration and accordingly it is ruled that this being a matter of privilege it is not necessarily one that is a government motion. It can be moved by any member in his capacity as a member of the legislature. Consequently, nobody has unlimited time. The honourable member, the Leader of the Opposition will be given his two minutes.

MR. ROBERTS: Thank you, Mr. Speaker. In that light, at no point did I think I had unlimited time except in that particular context. Mr. Speaker, may I move a further amendment please, to delete the words "CJON - TV and radio station CJON". I submit, Sir, this is not vexatious or frivolous. It is a perfectly in order amendment to move that some words be deleted from a resolution. I would move that the words found in the second line, "Television station CJON-TV and radio station CJON" should be deleted from the motion, Sir.

AN HON. MEMBER: Inaudible.

MR. BARRY: Mr. Speaker, I submit that amendment is out of order because the same effect can be achieved by voting against the motion. Are you still leaving VOGM there?

MR. ROBERTS: Mr. Speaker, to that point of order.

MR. BARRY: Then, Mr. Speaker, it is merely the same frivolity and vexatiousness that we have seen from the Leader of the Opposition all afternoon.



MR. ROBERTS: To that point of order, Mr. Speaker. I resent this implication that it is frivolous or vexatious. Nobody has a right to say that. The amendment would leave VOXM in but leave CION out. I submit that it is a perfectly appropriate amendment. It should be accepted by Your Honour and put and debated and then voted upon and decided.

MR. F. B. ROWE: To that point of order, Mr. Speaker. The Minister of Fisheries himself earlier stated that only one piece of evidence is required. There is no need for other media to be brought into the matter. Therefore I submit that the amendment is in order.

MR. SPEAKER (Mr. Stagg): Is there any further argument?

This amendment is rejected on the same grounds which I made earlier.

MR. ROBERTS: We are batting one hundred per cent today.

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: Well, Mr. Speaker, it would seem then that -

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: It would seem, Mr. Speaker -

MR. SPEAKER (Mr. Stagg): Order please!

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: The gentleman from -

MR. SPEAKER (Mr. Stagg): Order please!

The honourable member's time has expired.

MR. ROBERTS: Mr. Speaker, due to the interruption, I could not make myself heard.

MR. SPEAKER (Mr. Stagg): Order please!

The Hon. Minister of Fisheries.

MR. CROSBIE: Mr. Speaker, the Hon. Leader of the Opposition has now concluded his remarks.

SOME HON. MEMBERS: (Inaudible).

MR. ROBERTS: I certainly have not concluded.

MR. CROSBIE: Well he can conclude them in some other form.

MR. ROBERTS: Is that a point of order?

MR. CROSSBIE: No, not a point of order.

AN HON. MEMBER: How come you have the floor?

MR. CROSSBIE: The Leader of the Opposition -

SOME HON. MEMBERS: (Inaudible).

MR. CROSSBIE: The Speaker has just ruled that the Leader of the Opposition has concluded his remarks.

MR. SPEAKER (Mr. Stagg): Order please!

The Hon. Leader of the Opposition has concluded his remarks.

MR. ROBERTS: No, I have not. I was forced to sit down.

MR. SPEAKER (Mr. Stagg): Well, he has used up his ninety minutes. I have recognized the Minister of Fisheries.

MR. CROSSBIE: Mr. Speaker, this is indeed a sorry state to which we have seen this House of Assembly come. We have listened to the Leader of the Opposition now since about 3:10 P.M. discuss this and he should be the first member of this House who should be supporting the motion that we actually get before us the actual words that he used on the media, in this case, VOXM and CJON, yesterday and today. If he were able to defend those words or wanted to defend them, he would be the first one who would ask for this to be brought before the House. Now this is not the first such motion that has been made like this, Mr. Speaker.

In 1971, I moved a motion similar to this in connection with another incident in this House. As I recall the motion was passed without debate. I was not on the government side. I was on the opposition side. Transcripts were obtained of remarks made by the then Premier on radio stations and news media outside the House. Those transcripts were then brought into the House. There was a motion I think that I put down myself that it was a breach of the privileges of the House for the then Premier to have said what he said outside the House. I am not sure whether or not that motion was permitted to be debated or not. I cannot remember that now.

What happened, Mr. Speaker, was that the then Speaker ruled that the motion of privilege was ineffective and that there was no breach of privilege for these remarks made outside the House and the issue was never debated here and certain other events occurred.

What this motion is, Mr. Speaker, is a motion that we get certain information because it appears that there has been a breach of the privileges of the members of the House from what we understand to have been said. If the Leader of the Opposition is confirmed as having stated outside this House to the news media that the ruling of the Deputy Speaker yesterday on a certain question showed that he was partial and that the Speaker and the Deputy Speaker had shown partiality all through the last three weeks debate, once it is confirmed to this House, if it is, that those statements were actually made and we all know that they were made but we do not have the evidence now before us - it is certainly quite evident from Beauchesne and all other authorities that it is a very, very serious offence and a breach of the privileges of the members of this House.

Mr. Speaker, the Speaker and the Deputy Speaker cannot defend themselves. It is the members of this House who have to defend them. Nor can they conduct the business of this House properly if there is going to be any member of this House permitted to say outside the House or inside that they are not impartial. Members of this House can say that they were mistaken. Members of this House can say that their rulings were not correct or that they were mistaken or that they have made a mistake in judgement or a mistake in fact or a mistake in law or that they do not agree with the rulings. They can say all of that. Any member who did not agree with the ruling yesterday can say that. No member of this House can say or be heard to say that the Speaker and the Deputy Speaker are not impartial. If they do that and if the members of this House allow them to do it, no matter who they are, if the members of this House allow them to do that, then this House can no longer function as a parliamentary democracy. We will not have a parliamentary democracy in this province.

MR. NEARY: To a point of order, Mr. Speaker.

What the honourable gentleman is saying, who is on his feet now, is that my colleague, the Leader of the Opposition, is guilty without a trial. We do not know, Sir, this House does not know what the Leader of the Opposition said outside of the House. Therefore, Sir, I would submit to Your Honour that the assumption on the part of the gentleman who is speaking, Sir, is irrelevant and completely out of order. That is why we are sending for the tapes to find out what was said.

MR. SPEAKER (Mr. Stagg): Order please!

The honourable member's remarks are very relevant. They deal with privilege and why this motion is before the House. They deal with the privileges of the two members whose privileges were allegedly abused. Consequently, the honourable minister is in order.

MR. SIMONS: (Inaudible).

MR. SPEAKER (Mr. Stagg): Order please!

AN HON. MEMBER: That is about enough of that.

MR. SPEAKER (Mr. Stagg): Order please!

The Member for Hermitage has been heard to utter phrases and sentences which indicate that there is one set of rules for this side, honourable members to my right and another set of rules for honourable members to my left. There can only be one conclusion drawn from that by the Chair. This impugns the impartiality of the Chair and gets right to the substance of the matter which is being debated. I call upon the honourable member to withdraw without qualification, apologize for these remarks made. I am speaking of the Hon. Member for Hermitage. I call upon him to do that.

AN HON. MEMBER: (Inaudible).

MR. SPEAKER (Mr. Stagg): Order please!

I will not allow the Hon. Member for Hermitage to be provoked while he is being asked to make this very serious statement to the House.

MR. SIMMONS: Mr. Speaker, your last statement restores some faith in the partiality of the Chair.

MR. SPEAKER (Mr. Stagg): Order please!

The honourable member is prefacing his remarks in a most provocative manner. I must say it is relatively difficult to deal with the honourable member. I will ignore the fact that he said it. I do recognize that he did say it.

MR. SIMMONS: Mr. Speaker, it was an unfortunate phrase. I meant to say improves my faith, increases my faith in the impartiality of the Chair. Certainly that is a right of an honourable member to have his faith in the impartiality of the Chair improved or increased. My remarks from which the Chair read some inferences about the two sets of rules, I, without qualification, apologize for saying that I think there are two sets of rules operative in this House. I apologize for saying it. I do not apologize for thinking it.

MR. SPEAKER (Mr. Stagg): Order please!

The honourable member's thoughts once transformed to words are no longer thoughts. The honourable member is given this opportunity to withdraw without qualification the remarks he made.

MR. SIMMONS: Mr. Speaker, I repeat, I withdraw without qualification and apologize without qualification for having said that I think there are two sets of rules operative in this House. I apologize for saying it. I withdraw having said it.

MR. SPEAKER (Mr. Stagg): That is acceptable.

The Hon. Minister of Fisheries.

MR. CROSBIE: Mr. Speaker, this motion, of course, has to do with whether or not there has been a breach of the privileges of this House.

MR. NEARY: Mr. Speaker, that is not the -

MR. SPEAKER (Mr. Stagg): Order please!

MR. CROSBIE: When this motion was introduced, Mr. Speaker, it was in two parts which have since been divided. One, to do with

obtaining certain information for the use of the House and the other with a possible breach of the privileges of the House. Everyone knows that we are looking for the tapes and so on so we will be able to decide and have unqualifiedly before us what was said by the Leader of the Opposition and the media yesterday outside this House.

Now it is quite clear that reflections upon the character or actions of the Speaker may be punished as breaches of privilege. The importance of this motion is that we must have before the House - since the Leader of the Opposition has not been man enough to stand up in this House and repeat what he said outside - if he did that, that would draw the issue immediately to the attention of the Speaker and this House. If he had stood this afternoon and said, I said outside the House last night and I said outside the House this morning such and such and such and such about the Speaker and Deputy Speaker

that matter would then now be before us. Or if he confirmed and got up and said exactly what he said outside the House, the matter would be right before us.

The Leader of the Opposition did not do that. He equivocated, he dissembled, he filibustered the rest of the afternoon and did not face the issue squarely, nor was he man enough to get up and say, "I was in a mad mood yesterday. I did not agree with a certain judgement and it upset me and I said these things outside the House and I now withdraw them unqualifiedly." If he had said that the whole incident would be over in five minutes. The House Leader invited him to do that earlier this afternoon.

But no, the time of the people of this province in this House has been taken all afternoon with these manoeuvres on behalf of the Leader of the Opposition, conducted by him, which if they are continued will destroy this House as a debating forum and as a place for the conduct of the people of this province. You cannot function in a House of Assembly with members openly contemptuous of the Chair. If the Chair's rulings are not going to be observed and if the Chair is not going to be show some respect and some honour for the office that they occupy and if proper methods are not conducted there is one very unusual procedure, Mr. Speaker, that can be used to chastise a Speaker and that I referred to earlier this afternoon, a motion of criticism is brought into the House with two days' notice and the matter is then discussed.

MR. ROBERTS: Would the honourable member permit a question?

MR. CROSBIE: No. I have not got the time now this afternoon. I will permit lots of questions tomorrow. If the honourable Leader of the Opposition wanted to bring that ruling before the House -

MR. ROBERTS: I have one standing in my name on the Order Paper now.

MR. CROSBIE: Mr. Speaker, that is the proper procedure to use, not to get up in this House and challenge the impartiality of the Speaker, not to go outside it and tell the media or get on open line and tell the people of the province. The Speaker represents this House and when



the Speaker is held in contempt by any member of this House you hold this House in contempt. It is just as clear as that. Every word and action of the Leader of the Opposition this afternoon has been contemptuous of this House and its Speaker and its Deputy Speaker. That is what is happening. That is why this House is not functioning, Mr. Speaker.

AN HON. MEMBER: That is not why.

MR. CROSBIE: That is why this House is not functioning. Never in the years that I have been in the House have we had greater freedom in this House in every direction. Never has it been treated more contemptuously and in a lower way.

AN HON. MEMBER: Inaudible.

MR. SPEAKER: Order please!

MR. ROBERTS: To that point of order, Sir, if I might, The honourable gentleman is making a very interesting speech and I for one am interested in listening to him and hearing him but I submit, Sir, it is entirely irrelevant. The purpose of this motion as Your Honour, and Your Honour has quite properly time and time again called me to order when I might have strayed a little from the principle during my few remarks, the honourable gentlemen opposite I say, Sir, should be drawn to order. The point of this motion is simply whether or not certain tapes should be sent for. That is a good point. The honourable gentleman is getting into the substantive debate. I would like nothing better than to have been allowed to have this substantive debate but due to the incompetence of the House Leader in framing a motion I was not allowed to, so my point of order, Mr. Speaker, is I would ask Your Honour to rule the honourable gentleman out of order and direct him to be relevant.

MR. SPEAKER: Order please! The Chair has heard the remarks made by the honourable Minister of Fisheries and at this time considers his remarks to be relevant to the principle of this motion.

MR. CROSBIE: Mr. Speaker, libels on members of the House are a breach of the privileges of the House but not such serious breaches as libels or imputations on the conduct of the officers of the House. We have come

to a very bad state in this particular House of Assembly when the events of yesterday and today can occur. It is a sad spectacle. The business of the province is interrupted. It has come to a standstill. It is no longer a parliamentary form here, it is a cockpit and a cock fight without a referee and with the Leader of the Opposition, Mr. Speaker, who alleges and claims to be our greatest expert on parliamentary procedure and rule, the chief offender in this whole business.

Now, Mr. Speaker, it is almost six o'clock, I will move the adjournment of this debate.

MR. SPEAKER: It is noted that the honourable Minister of Fisheries has moved the adjournment of the debate. It being Private Members' Day -

MR. MARSHALL: It being six o'clock, Mr. Speaker, I move the House when it rises at six stand adjourned until 10:00 A.M. tomorrow morning.

MR. SPEAKER: It has been moved and seconded that the House do adjourn until 10:00 tomorrow Thursday, those in favour aye, those against nay, carried. I do now leave the Chair until 10:00 o'clock tomorrow morning.