



PRELIMINARY  
UNEDITED  
TRANSCRIPT

HOUSE OF ASSEMBLY  
FOR THE PERIOD:  
3:00 p.m. - 6:00 p.m.  
TUESDAY, NOVEMBER 18, 1980

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The House met at 3:00 P.M.

Mr. Speaker in the Chair.

MR. SPEAKER (Simms): Order, please!

STATEMENTS BY MINISTERS:

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I wish to announce and table the policy of the Newfoundland Government as it relates to the Newfoundland Railway and to release the report on which the policy is based.

It gives me great pleasure to table in the House the government's programme for the revitalization of the Newfoundland Railway.

My government's original commitment to the Newfoundland Railway has been made all the stronger by the findings of a committee of officials assisted by the very competent joint venture of Project Management And Design Limited of St. John's and Canadian Pacific Consulting Services of Montreal.

Since 1949, the absence of a provincial railway policy has in many ways allowed the federal government and CN to gradually downgrade the Newfoundland Railway to its present state where its very existence is being questioned. This government accepts its responsibility to have a sound, rational railway policy based upon solid technical and economic analysis. I submit that the programme which we are making public today meets that requirement. Those who wish to dispute the government's position must be prepared to similarly make their case in a rational manner and support it with complete technical and economic arguments.

The main elements of the Province's position on the revitalization of the railway are as follows:

(1) The railway can play a vital role in the Province's overall transportation system.

(2) All proposals for the revitalization of the railway must be carefully analysed and must not be irreversible in nature.

(3) To achieve revitalization, there will be a need for significant capital investment.

(4) It is essential that we completely integrate the Newfoundland Railway into the North American Railway system by converting it to standard gauge.



PREMIER PECKFORD:

- (5) The cost of conversion to standard gauge can be minimized by use of normal maintenance and repair investments over 10 to 15 years.
- (6) The rail car ferry service on the Gulf must be improved, not abandoned and rail traffic on the Gulf must continue to be treated as "all-rail" traffic for rate-making purposes.
- (7) The Province must not allow the federal government to avoid its responsibilities for the maintenance of the railway in general and in particular for the "all-rail" freight rates across the Gulf as set out in the Terms of Union.
- (8) The key to the attraction of new general freight traffic is a door-to-door service capability.
- (9) Road Cruiser and express losses should not be attributed to the Newfoundland Railway.
- (10) It is essential that a new federal crown corporation be established to own the Newfoundland Railway and the railway assets of CN Rail in this Province (now held through its Terra Transport Division).
- (11) Both the Province and the railway unions must be represented on the board of directors of the new crown corporation.
- (12) The Province is committed to building up its internal expertise on railway matters and will in addition continue to retain outside technical advisors.

The Province is now prepared to sit down with representatives of the railway unions, CN and the federal government to implement this program which will give the Newfoundland Railway a new lease on life. In particular, it is vital that a new federal crown corporation be established, with headquarters in this Province, to own and operate the Newfoundland Railway (with CN acting as its contractor).

PREMIER PECKFORD: I would like to stress that this agreement arrangement need not in any way affect the terms of employment or pension and other benefits which employees of CN's Terra Transport Division now hold. I would also like to stress that we feel it is essential for the railway unions to be represented on the board of directors of the new Newfoundland Railway Corporation if it is to be an effective means of bringing a new approach to the operation of the railway.

Mr. Speaker, during its long history the Newfoundland Railway has played a vital role in the development of this Province. Its construction represented a major public investment by previous generations for the future well-being of their country. While the

PREMIER PECKFORD:

Newfoundland Railway must adjust its role in the Province's overall transportation system to meet the changing demands of today's world, I am confident that, given the co-operation of Ottawa and CN, the Newfoundland Railway, and the workers whose skills are essential to its operation, can look forward to a bright future indeed.

I table the report and the statement.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: By 3:45 p.m. or 3:50 p.m. there will be copies made available to all members of the House and to the press and there will be additional press - the document is extremely technical and there will be extensive press briefings starting tomorrow afternoon and any member of the House of Assembly, especially members of the Opposition who would like a special briefing on the document, will be able to arrange to have that kind of briefing done too.

Thank you very much.

MR. SPEAKER (Simms): The hon. the Leader of the Opposition.

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

Certainly on our side we welcome the fact that this statement is now made. I would think that there is not very much that anyone can argue with as a statement of objectives. I notice that the Premier has stated in his report that now that this has been done, they are prepared to talk to CN and the federal government.

The impression that I had when the Premier started this some time ago is that he had called in the president or went to meet with the president of CN and that this was being done jointly, but I now have the impression that essentially this has been done as a purely provincial document with the benefit of consultants and this statement appears to me to be, essentially, a basic statement of objectives and that

MR. STIRLING: we will have to wait until we see the detailed technical documentation.

And the other thing, it appears - and it is unfortunate - that in the choice of language, it sort of says - it starts off with a confrontation already: 'Those who wish to dispute the government's position'. It sort of says, 'We have done ours, we are throwing it down. Of course, we are not putting any money into it.' I do not know if the Premier intentionally left out any reference to - you can interject if you like, Mr. Premier. The fact that there is no money mentioned in this, does this indicate that you are expecting it all to be federal money or that we do not have any concept yet?

PREMIER PECKFORD: The rules are not clear on this Ministerial Statement.

MR. SPEAKER (Simms): Order, please!

I think the rules are clearly that if the hon. the Leader of the Opposition has some questions to put to the Premier, the Premier then can

MR. SPEAKER (Simms): answer them, but it can only happen on one occasion. So if you have questions you could put them all now and then, when you are finished, the hon. Premier can finish. That is the procedure.

MR. L. STIRLING: Thank you very much, Mr. Speaker. Again the other thing, the other connotation that is in the Premier's comment was that he was going to arrange extensive press briefing tomorrow and the connotation was that if anyone on the Opposition would like to come along they can participate. It seems to me that it should be changed the other way around, that he would arrange for extensive briefings for all members of this House of Assembly and then invite the press to a briefing when we can have as much information as they do on that side of the House; that may not be the correct connotation.

So the questions I would like to ask out of this are: (a) Has there been any discussion with CN or the federal government? (b) Have there been any discussions with the unions involved? Is there any input from the unions? (c) Has the Government of Newfoundland actually put any money into this? (d) Is there any indication that this fits into the overall Five Year Transportation Plan that the government has thought out and to see where this fits in? (e) Has there been any consideration given to a recommendation that the Gulf ferry should be treated as part of this one, overall Trans-Canada Highway type of concept? And finally, how do the various ferry services around the Province fit into or tie in with the railway and the passenger service so that it is all one integrated plan?

MR. SPEAKER: Are there any further statements?

MR. W. HOUSE: Mr. Speaker.

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

MR. W. HOUSE: Mr. Speaker, in the past few months we have witnessed in Canada a period of questioning of what this great nation is all about and we have had such things

MR. W. HOUSE: as constitutional discussions and so on and the Quebec referendum, and some of these have served to highlight our differences. So today I want to take the opportunity to draw the attention of all members of the House to one recent achievement that has served to draw Canadians together. I am referring, of course, to the achievement of that incredible and courageous young man, Terry Fox. It was several months ago that he set out from St. John's to run across Canada. His objective was not merely to prove to himself that he could run across Canada. Rather, he had the intensely personal aim of providing an example to other young people in Canada suffering

MR. HOUSE: from cancer, as well as to raise money for cancer research. To say that he had achieved his objective beyond anyone's wildest imagination is an understatement. Indeed, his courage has been an example to all Canadians, young and old. And Canadians have responded, responded in a way that is, I think, unprecedented in the nation. The people of Newfoundland have responded to the Terry Fox Marathon of Hope and I wish to pay tribute to all the people who contributed to the Terry Fox Campaign.

Mr. Speaker, I wish to advise the members of the House of Assembly that today, about an hour ago, I had the privilege of presenting, on behalf of government and the people of the Province, a cheque in the amount of \$50,000 -

SOME HON. MEMBERS: Hear, hear!

MR. HOUSE: - to the President of the Newfoundland Cancer Treatment and Research Foundation.

SOME HON. MEMBERS: Hear, hear!

MR. HOUSE: The cheque was presented so that the people of this Province, through its government, could in a tangible way pay tribute to and recognize the personal achievement in that particular run. We have suggested that these funds be utilized by the Cancer Treatment and Research Foundation to assist in the implementation of a Provincial Cancer Clinic. In this way, Terry Fox's achievement can be reflected directly and immediately in an improvement to the cancer services provided to the people of this Province.

I do wish to re-emphasize, Mr. Speaker, the Government's commitment to providing the best possible services to cancer patients that we can possibly provide. In that regard, some members of this House will recall that the Newfoundland Cancer Treatment and Research Foundation was established by an

MR. HOUSE: Act of the House some nine years ago. The Cancer Foundation has been a source of inspiration to all of us and I wish to pay tribute to those public-spirited citizens who have contributed to the success of the Foundation. I want also to acknowledge the tremendous contribution that has been made by the Newfoundland Division of the Canadian Cancer Society also. The Cancer Society is an entirely voluntary organization which has harnessed the energies of hundreds of volunteers throughout the Province.

Mr. Speaker, I am proud that I, and the staff in the Department, can associate ourselves with the fine people who make up these two organizations. I am proud, too, to be able to provide a \$50,000 cheque on behalf of government in recognition of the achievements



MR. HOUSE:

of Terry Fox. In this way he has been able to contribute directly to the development of cancer services to the people of this Province.

Thank you very much, Mr. Speaker.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Simms):

The hon. member for the Strait of Belle Isle.

MR. ROBERTS:

Well, Mr. Speaker, in the absence of my friend, the member for Lewisporte (Mr. White), who speaks for us in these matters, perhaps I could say a word or two in our behalf in response to the minister's statement and let me say, Mr. Speaker, I do so with extreme pleasure.

I first of all want to associate my friend, the Leader of the Opposition (Mr. Stirling) and my colleagues on this side of the House, with the minister and his colleagues on that side, and in doing that I would like to congratulate the minister and his colleagues. I think this is a splendid gesture. I am delighted that the government has chosen to recognize the signal and shining achievements of this young Canadian, Terry Fox, whose feat, his feat of courage, is one of shining courage, has caught not only the imagination of the people of this country, but the hearts of the people of this country, and by this country I mean this country of ours, this country of Canada, as the minister so rightly and properly said.

Terry Fox's odyssey is one that is unparalleled to my recollection in this country. He began, as the minister pointed out, here in St. John's, I believe, which after all is the most easterly settled portion of Canada, the most easterly community in our country, and I think it is fair to say that few, if any, marked his venture at that stage. He began here. We are not unaccustomed in St. John's to being either the first or the last place of people who choose for one

MR. ROBERTS: reason or another to venture forth across this country from either East to West, or West to East. But as he made his way Westward the support and the attention gathered momentum. I suppose the only comparison I can find quickly would be a snowball rolling down a very large mountain and becoming an immensely powerful force.

I am glad the minister has chosen as well to mark this by giving it to the Cancer Foundation. He mentioned that it was set up by a bill adopted by this House some nine years ago. The minister and the House I know, Mr. Speaker, will pardon a certain measure of paternal pride on my part in connection with that bill, because of course I was the minister who had the pleasure and the privilege of sponsoring that legislation and of seeing it enacted into law. And indeed I believe of appointing, with my colleagues in the Cabinet at that time, the first members of the foundation.

SOME HON. MEMBERS: Hear, hear!

MR. ROBERTS: And it has achieved the hopes that we set out to achieve and it has gone from strength to strength and has proven to be a very vital and valuable part of the spectrum of health services in this Province.

MR. E. ROBERTS: I suppose it would not be inappropriate to say a word at this time as well in recognition of the contribution made to the work of the foundation and to the anti-cancer treatment generally in this Province of two distinguished Newfoundlanders, Mr. John Angel, Mr. Jack Angel, who I believe has just retired after being - I think he was the only chairman, was he not? Who was the first chairman?

MR. HOUSE: Lewis Ayre.

MR. E. ROBERTS: Oh, Lewis Ayre. That is the second name, I was not sure. But anyway Mr. John Angel served for many years with distinction as the chairman of the foundation. And the second Newfoundlander, as I mentioned, was the distinguished businessman and community worker, Mr. Lewis Ayre. I recalled that he was chairman but I spoke with my friend for Twillingate (Mr. W. Rowe), who is not unknown to Mr. Ayre - they do have something in common - and his recollection like mine was not firm; we are grateful to the minister. But Mr. Ayre, of course, also served, as did Mr. Angel, in the Cancer Society, the voluntary group that raises money and engages in educational programmes. All in all, Sir, I think the gesture is a splendid one and I am sure that every Newfoundlander and every Labradorian will endorse it and if they had one regret, it is that the amount is not even larger. I am not saying it ought to be, I realize there are some constraints upon the government, but if ever there was a worthy cause, and if ever there was a Canadian or an individual whose achievements ought to be recognized by this House, it is this young gentleman, Terry Fox, Companion of the Order of Canada and really a shining example to all of us in this country, Sir. Thank you.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Any further statements?

ORAL QUESTIONS

MR. SPEAKER (Simms): The hon. the Leader of the Opposition.

MR. L. STIRLING: Mr. Speaker, I have a question for either the Premier, or the Minister of Finance (Dr. J. Collins) who has been handling most of these questions. It has to do with the re-opening of Come by Chance and its capacity of 100,000 barrels a day. My colleagues on this side were wondering if there was any connection between the visit by the Prime Minister and the arrangement of 100,000 barrels a day to be imported into Canada and the re-opening of the refinery? Either the Premier or the Minister of Finance.

PREMIER PECKFORD: The Minister of Finance can answer that question, Mr. Speaker.

MR. SPEAKER: The hon. Minister of Finance.

DR. J. COLLINS: Mr. Speaker, I am not quite sure I follow the question. The visit of the Premier?

MR. G. OTTENHEIMER: Prime Minister -

SOME HON. MEMBERS: Prime Minister.

MR. G. OTTENHEIMER: - to Saudi Arabia.

DR. J. COLLINS: To Saudi Arabia, Oh, I am sorry. To my knowledge there is no connection that we are aware of. Whether there is something going on between the Primer Minister and Petro-Canada that we are not aware of, I cannot say. I would not be a bit surprised if there were but certainly we are not aware of any connection there,

MR. STIRLING: A supplementary.

MR. SPEAKER (Simms): A supplementary. The hon. Leader of the Opposition.

MR. STIRLING: Mr. Speaker, having to do with the re-opening of the oil refinery, and as I understand it we are eight or ten days away from Petro-Canada's decision, can the minister tell us whether or not a supply of oil, of product to be used, has been confirmed to the Province?

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

DR. COLLINS: Mr. Speaker, when Petro-Canada took an interest in the refinery they gave us a commitment, I suppose you could call it that, a commitment that when they had the details of their technical inspection done, that not only would they give us details as the inspection was being done but when it was completed they would sit down with us and go over the details and the recommendations and conclusions that came out of it, and at the same time they would give us other information available to them quite apart from that technical survey, other information that was germane to the operation on the possible operation and rehabilitation of the refinery.

We expect to sit down with Petro-Canada likely sometime next week and we have no doubt that that information, such as is available to them, will be passed on to us at that time.

MR. STIRLING: Mr. Speaker.

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

MR. STIRLING: Mr. Speaker, as I understand it the option runs out in about a week and if I understand the minister correctly there have been no discussions of that

MR. STIRLING: kind of detail. What option does the government have if, for example, in a week Petro-Canada says, "We are not interested"? Are there any other people in the wings? Are there any other options in any form of concrete plans if Petro-Canada says no?

MR. SPEAKER (Simms): The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, the hon. Leader of the Opposition is correct that Petro-Canada has up to the 26th of this month to decide whether or not they will take up the option which is now available to them. I have no way of knowing how they will decide that, nor was it expected we would know. We would only be expected to know when that date arrived or a time near that date when they communicated with us. And, as I mentioned, we are expecting to meet with them likely next week, some short time before the 26th, and Petro-Canada will let us know their intentions at that time. As to what would take place should they make a certain decision, I can only say that is hypothetical. It would be pointless in speculating until we get the firm information that Petro-Canada will bring with them.

MR. STIRLING: A final supplementary.

MR. SPEAKER: A final supplementary. The hon. the Leader of the Opposition.

MR. STIRLING: Do I understand from the minister that at this stage there are no other plans made, there are no other options, there have been no discussions, and at this stage you have absolutely no idea whether Petrocan is likely to proceed or not proceed?

MR. SPEAKER: Any further questions?

MR. SPEAKER (Simms):

The hon. member for LaPoile.

MR. NEARY:

Mr. Speaker, my question is for the hon. the Premier, Sir.

There are reports, as the hon. the Premier knows, that Mobil Oil, one of the companies involved in the offshore drilling, probably the biggest company involved in offshore drilling, is quietly and silently establishing a regional office for the Atlantic Provinces in Halifax, Nova Scotia. Would the hon. gentleman indicate to the House what steps he has taken to correct this situation?

MR. SPEAKER:

The hon. the Premier.

PREMIER PECKFORD:

Well, Mr. Speaker, I thought the hon. member was asking questions that related to the rumour rather than the fact, so that therefore I do not think you can correct a rumour - I can correct the rumour but I will not correct the fact unless I know it to be established.

We have, from the beginning of our talks with Mobil - who, by the way, are not the largest corporation offshore; they are one of the largest but they are not the largest - we had talks with Mobil Oil back before they started to drill this season - as a matter of fact, last season - in which we insisted that the office and operation for offshore drilling and exploration and production must be centered out of St. John's or somewhere in Newfoundland and Labrador and not out of any other province. To that end, of course, we have pursued that, and right now, I think, Mobil has on staff in the Province between thirty and fifty individuals and a fairly large operation, and they answer directly to Calgary and not to Halifax. The major centre for Mobil Oil's operations right now is in St. John's and all the activity offshore Newfoundland and Labrador is being handled out of the St. John's office which answers directly to Calgary. We will continue to pursue that policy. We would encourage the hon. the member for LaPoile

PREMIER PECKFORD: to support us in our offshore jurisdiction so that this control can be given some - what shall I call it? - legal clout, rather than just the moral weight of a province or a provincial government. The long-term interests of this Province to pursue this policy to its fruitful conclusion can only be realized if, in fact, the Province has some real control, and this real control can only come from the same kind of control that Alberta and Ontario and Saskatchewan and B.C. now have over their oil and gas industry, that we have the same kind of thing. I can assure the hon. the member for LaPoile (Mr. Neary) that we will leave no stone unturned to ensure that Mobil operates out of this Province, exploration and production, as it relates to offshore Newfoundland and Labrador, and we ask the hon. the member for LaPoile to join us in ensuring that this kind of policy has some legal clout over the next five, ten, fifteen, twenty, one hundred years.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A supplementary, the hon. the member for LaPoile.

MR. NEARY: Mr. Speaker, I do not need to be invited by the hon. the Premier to fight for this Province. I am quite capable of standing on my own two feet, but I am sorry I cannot say the same for the hon. gentleman because,



MR. NEARY: Mr. Speaker, these are not rumours and not reports, that it is an established fact that Mobil is establishing, not moving out as I heard it reported on the radio yesterday - they are not moving out of Newfoundland. They are merely going to operate a token office in Newfoundland, a sub office in Newfoundland and there is every indication that-

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

MR. SPEAKER (Simms): Order, please! A point of order.

The hon. the President of the Council.

MR. MARSHALL: The purpose of Question Period is to ask questions, Mr. Speaker, not to make speeches and not to give information or to spread rumour.

SOME HON. MEMBERS: Oh, oh!

MR. HODDER: To the point of order, Mr. Speaker.

MR. SPEAKER: To the point of order, the hon. member for Port au Port.

MR. HODDER: To that point of order, Mr. Speaker, as I heard my colleague, he was just giving a brief preamble before he asked his question.

MR. LUSH: He was just about there, as a matter of fact.

MR. SPEAKER: With respect to the point of order, the rules are clear for all members, I am sure, to read the Standing Orders are clear as well. "Questions should not be argumentative or give rise to debate." I will ask the hon. member for LaPoile(S. Neary) to put a supplementary question.

MR. NEARY: Thank you, Mr. Speaker. Now, with reference to the Premier's answer there, he raised a number of questions that I would like to ask him. The first question is that he did not really reassure this House that Mobil was not indeed establishing a regional office for the Atlantic

MR. NEARY: provinces in Halifax, Nova Scotia.  
The hon. gentleman told us there are thirty to fifty individuals working here. Could the hon. gentleman tell us how many are working in Halifax, what plans Mobil has to establish a communications system, to rent houses, to purchase real estate in Halifax, Nova Scotia as opposed to Newfoundland?

MR. SPEAKER (Simms): The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, we have been assured, and I use the word assure not reassure, but I use the word assure: I can assure the hon. member that we have left no stone unturned and the company officials in Mobil have assured us that the operations of the oil and gas, explorations and production for Newfoundland and Labrador will be handled out of Newfoundland. And I call upon the member again that if he wants - he cannot have his cake and eat it too. If he is serious about his question, if he is serious about his sentiment, if he is serious about his idea then I invite him to join us in trying to ensure that we are treated like other Canadians in the management of our natural resources, in this case oil and gas.

And I know full well that I do not have to invite the hon. member to stand up for Newfoundland. The only problem is that in the last three or four months the hon. member has been very quiet.

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

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

MR. NEARY: Mr. Speaker, I am afraid that Mobil, if these reports are correct, and there seems to be fairly substantial evidence that they are, that Mobil is just treating the Premier's policies as a joke, thumbing their nose at the hon. gentleman because they are indeed establishing a regional

MR. NEARY: office for the Atlantic provinces -

MR. SPEAKER (Simms): Order, please! The hon. member is debating -

MR. NEARY: - in Halifax.

MR. SPEAKER: - please put the question.

MR. NEARY: And what I want to ask the hon. gentleman - man again is it has been some while since the hon. gentleman negotiated or asked Mobil or got assurance from Mobil that they were going to run the operation from Newfoundland. That is some time ago, I gather from what the hon. gentleman said. Would the hon. gentleman now take the matter up again and

MR. S. NEARY:

see it Mobil are just ignoring the provincial government's policy and the Premier's policies and treating them as a joke or are they going to establish their main office for the Atlantic Region right here in Newfoundland?

MR. SPEAKER (Simms): The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I do not know where the hon. member for LaPoile (Mr. S. Neary) got his information that it has been some time ago; I did not indicate that in any of my answers. And the hon. member for LaPoile concocted that notion that somehow it has been some time ago since we spoke to Mobil about that. Within the last month we have spoken to Mobil about that and we do on every occasion indicate to them that we will not stand idly by. And if the hon. member for LaPoile thinks that the companies, Mobil or any of the other companies offshore are treating this government or the people of Newfoundland like a joke, I refer him to the fact that we created 900 jobs in this Province this year because of our local preference for offshore for qualified Newfoundlanders. And that is not treating the Newfoundland government or the Newfoundland people as any joke. And we will insist today, tomorrow and as long as there is a development off there, that not only the control and management of that exploration and production be handled by Mobil's company out of Newfoundland, but also that Newfoundlanders get the first crack at jobs offshore.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER: The hon. member for Burgeo - Bay d'Espoir.

MR. H. ANDREWS: Mr. Speaker, thank you. I would like to address this question to the Premier and I think it is quite significant that this topic has not been raised in the House to date. Mr. Speaker, I would like to ask the Premier

MR. H. ANDREWS: What is the significance of the recent announcement by the hon. William Rompkey of a proposed amendment to the Constitution Resolution currently before the federal Parliament -

SOME HON. MEMBERS: Oh, oh!

MR. H. ANDREWS: - giving the provinces the right to levy -

MR. SPEAKER(Simms): Order, please!

MR. H. ANDREWS: - indirect taxation with respect to hydro electricity? And, Mr. Speaker, more specifically, could the proposed new tax power be used by this Province to raise in the order of some \$600 million per year from the Province of Quebec with respect to Churchill Falls power exported to that province?

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I am very happy to have the opportunity to respond in the people's House -

SOME HON. MEMBERS: Hear, hear.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: - I would like to respond in the people's House to a matter which affects all the people in Newfoundland and Labrador. I regret that the Minister of National Revenue had not seen fit to consult with the Government of Newfoundland last week when he verbally made a statement. I understand that there was nothing in writing in that statement. So to answer the hon. member, we do not have anything in writing from the Minister of National Revenue nor from the Government of Canada as to what the wording of this kind of an amendment would be. Now I thought for sure that the Leader of the Opposition (Mr. L. Stirling), or some member of the Opposition would bring this up today and so that therefore the battery of lawyers that have been working on this -

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: - the battery of lawyers who have been working on this for a year and a half - a battery of Newfoundland lawyers and a battery of lawyers in Montreal and another battery of lawyers in Vancouver - have wrestled their minds and their brains for the last year now around this very issue. And it comes down to this from what we can understand from the battery of lawyers is that: (1) the lease that was passed by this House of Assembly expressly forbids any taxation being imposed upon that Upper Churchill development. The lease says, "The Lessee," that is CFLCo, "shall be exempt from (a) any increase in existing taxes; (b) any liability with respect to any new or additional taxes that may hereafter be imposed, levied or authorized; and (c) any liability with respect to any new or additional charges, dues, fees, rents, levies, royalties or other assessment of whatever nature or kind." So, number one, the lease agreement, legislation passed by this hon. House, expressly prohibits any kind of tax from being implemented. If that was not bad enough, under the power contract there is a provision that Hydro Quebec would have to pay for these taxes, and in return for paying for any taxes, if in fact it was legal, and it is not according to the lease agreement, even if it was legal, Hydro Quebec pays but in return for paying they have the option to take over the assets of Upper Churchill and hence over time, if it reaches \$124 million, the Fleurs de Lys could fly at the Upper Churchill.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: Thirdly, this battery of lawyers, Mr. Speaker, if the hon. members of the Opposition would like to know -

MR. SPEAKER (Simms): Order, please!

PREMIER PECKFORD: - have also indicated that any tax must be a tax of general application. So if we increased,

PREMIER PECKFORD: if we could, it is illegal anyway, Hydro Quebec would take over Upper Churchill if it was, but if we went ahead and did it, lost Upper Churchill, and then tried to gain some money, we would have to apply it generally around the Province and therefore the consumers of electricity everywhere in Newfoundland and Labrador would have to pay more for their electricity than they are paying now-and God knows they are paying too much.

We have, Mr. Speaker, however, tried to take a very responsible approach

PREMIER PECKFORD: to this verbal initiative by the Minister of National Revenue and we have wired the Prime Minister of Canada and asked him to provide us with the wording of the amendment so that the battery of lawyers who are on call right now can go to work to see whether there is some kind of - something that they missed over the last year, that the battery of lawyers in Vancouver have missed something, that the battery of lawyers in Montreal have missed something, and if so we will gladly of course incorporate immediately that tax, if in fact the damages are taken care of by somebody, if in fact that lease agreement is torn up, if in fact the Upper Churchill is not taken over by Hydro Quebec, we would be only too happy tomorrow morning to do it. But we want to hear back from the federal government with the exact wording so that we can respond in a sensible, intelligent way so that the people of Newfoundland and Labrador can be taken off the \$600 million string they are now on.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: Mr. Speaker, a supplementary.

MR. SPEAKER (Simms): A supplementary, the hon. the Leader of the Opposition.

MR. STIRLING: Thank you very much, Mr. Speaker. We have seen a new tack used in this House, The Premier, in a Ministerial Statement, at least we get equal time - but having one of his own people ask the question!

I have a question, Since there is a battery of lawyers that has produced all of this information, would the Premier agree to allow us, the poor mortals in the House of Assembly on the other side of the House, who are just as concerned as he is, to have access to that information from the battery of lawyers? And maybe we can make some suggestions to him to show him how to take a positive stand and how to re-open that contract with



MR. STIRLING: René Levesque, unless he feels that he is so prejudiced by his new tack in harmony with René Levesque to stop the constitution at all costs.

MR. WARREN: Right on! Right on!

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: The absolute delight in the Premier's voice when he was saying, "Oh, we cannot do this," and "We cannot do that," and "We are going to lose this," What delight!

MR. SPEAKER (Simms): Order, please!

MR. STIRLING: I would like to ask the question, the rules that the Speaker is following in this House, the Speaker is quite capable of applying the rules without help from the other side. So I would like to ask the question, when will the Premier then let us see the reports from the battery of lawyers?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, if the hon. Leader of the Opposition (Mr. Stirling) had not been so premature in his latching onto a verbal exchange with the Minister of National Revenue (Mr. Rompkey) last Friday and consulted us first, we would have been able to tell him what the situation was and then he would not have dug the hole even deeper that he finds himself in politically. That is number one.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: I could have saved the Leader of the Opposition the embarrassment. I could have saved the Leader of the Opposition all the provincial embarrassment that is now prevalent around this Province from his making that kind of a statement. If he had only called me, if the Minister of National Revenue had only called. We are at the drop of a hat available to the Leader of the Opposition, to any member of the Opposition, to give them as much information as is possible on this or other initiatives, or complicated problems that come up.

PREMIER PECKFORD: Let me go on to say, Mr. Speaker, and the Leader of the Opposition obviously must be aware of this, that as a result - and the Leader of the Opposition should have learned something from last Friday, and he did not to date; he should learn from today, and I beseech him to learn from today, he just mentioned that I with some glee indicated a negative approach towards the Upper Churchill - the Leader of the Opposition should watch his words. Within a very short period of time, as I have indicated to the people of Newfoundland and Labrador, as a result of these battery of lawyers who have been doing some work, the Newfoundland Government intends to make its position known on this whole matter.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: A supplementary.

MR. SPEAKER (Simms): A final supplementary, the hon. Leader of the Opposition.

MR. STIRLING: Well, it is supplementary on my friend's question over there.

MR. SPEAKER: Yes.

MR. STIRLING: When you forget the rhetoric and the speeches, and bearing in mind that I am such a new Opposition Leader, and the Premier is so experienced and has never been before television cameras and has never done anything impulsive in his life, could he now let us in on that great secret about what the government is going to do to reopen the Upper Churchill contract? That is the greatest thing that came out of that press conference on Friday. His officials have told me that when they looked at all of these objectives, one of the main problems that they could not perceive is that they did not have the right to indirect taxation. We have now taken that problem away. Now will the Premier let us in on it? Is it secret? If I phone him up, as he just suggested, and said, "Premier, can we come up and have a look," will you then tell us what we are going to do? And can I bring eighteen friends?

November 18, 1980

Tape No. 2210

DW - 1

MR. SPEAKER(Simms):

The hon. the Premier.

PREMIER PECKFORD:

The Leader of the Opposition

has not learned obviously. I am saying to the Leader of the Opposition that if he, as leader of a party representing a lot of people in this House, would like to sit down with me and go through the whole ball of wax as it relates to hydro power in Labrador, then I am prepared to sit down with him as the Leader of the Opposition. Now, I am sure the member for Twillingate (Mr. W. Rowe), the member the Strait of Belle Isle (Mr. E. Roberts) who is now out of his seat, especially those two hon. gentlemen, perhaps appreciate what I am saying right now. I think they do - I do not say, 'I think', I know they do. But if the Leader of the Opposition would like to sit down with me on these matters in the next couple of days, I would only be too happy to do so and all he has to do his call. And I would have provided him with the information on Friday.

But let there be no mistake,

Mr. Speaker, the Leader of the Opposition of this - and he cannot excuse himself by saying he is a new Leader of the Opposition; the man has been around Newfoundland long enough to know that you do not take a verbal assurance given by the Minister of National Revenue about indirect taxation on a commodity when you have an existing piece of legislation, complicated though it is, an existing power contract, and expect this to be something worthwhile because it is not. Let me just say I think the best thing that came out of last Friday's press conference - erroneous, unfortunate press conference - was the fact that a minister of the Federal Cabinet has acknowledged that we have a problem, and he has never done that before. Unfortunately, that is as far as it goes because in the rectification of that problem he did not know what he was talking about.

SOME HON. MEMBERS:

Hear, hear!

MR. L. STIRLING:

A final supplementary, Mr. Speaker.

MR. SPEAKER (Simms):

Final supplementary, the hon. the Leader of the Opposition.

MR. L. STIRLING:

The Premier might be interested in knowing that I have done some research and there is a difference of opinion between what he has now said and perhaps the best legal mind in Newfoundland relating to those specific areas and I will take him up on his offer. Am I allowed to bring legal counsel with me either from inside the House or outside the House?

AN HON. MEMBER:

No.

MR. L. STIRLING:

Oh, it has got to be a private, secret meeting. Can I then bring at least one of my colleagues with me?

PREMIER PECKFORD:

I am not going to negotiate with the Leader of the Opposition in Question Period of the House. That is not the purpose.

MR. STIRLING:

Your man brought up the question.

PREMIER PECKFORD:

The question asked for information and I will give information. But surely, the Leader of the Opposition and I can deal with that. We do not have to take up the time - I want to hear other members of the Opposition ask questions to get information for the Newfoundland people. The Leader of the Opposition and I can deal with that later on this afternoon.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

Order, please! Order, please!

PREMIER PECKFORD:

It seems, Mr. Speaker, that I do have to provide the Opposition with the questions because they do not have very many.

SOME HON. MEMBERS:

Oh, oh!

PREMIER PECKFORD:

Mr. Speaker, if I could

have silence?

MR. SPEAKER (Simms):

Order, please!

The hon. the Premier.

PREMIER PECKFORD:

I am prepared, as I have said

to the Leader of the Opposition, that if -

MR. L. STIRLING:

Tomorrow morning I will call

you - tomorrow morning.

PREMIER PECKFORD:

Mr. Speaker -

MR. SPEAKER:

Order, please!

The hon. member wishes to have

an answer, I presume?

The hon. Premier.

MR. STIRLING:

You are abusing the Question

Period.

PREMIER PECKFORD:

Mr. Speaker, a point of order.

MR. SPEAKER:

On a point of order, the hon.

the Premier.

PREMIER PECKFORD:

Mr. Speaker, may I continue in

silence?

MR. SPEAKER:

Order, please!

Hon. members are well aware that

a member has the right to be heard in silence if he so requests, and I would ask hon. members to consider the Standing Orders and the rules as they apply.

The hon. the Premier.

PREMIER PECKFORD:

Mr. Speaker, I am prepared, if

the Leader of the Opposition wishes to have additional information on this very important item as it relates to a

supposed indirect taxation initiative that the federal govern-

ment intends to take, I am prepared to sit down with him and go

through the arguments and show him the lease agreement and

some of the general opinions that we have received from a

battery of lawyers, not only lawyers from Newfoundland but

PREMIER PECKFORD: from all over the world who have indicated that it seems quite obvious to them that this particular initiative would not be of any great benefit to Newfoundland. And, also to discuss in more general terms this whole matter because it is so important for our future. To that I am committed; to that I will, as I have on every other occasion when I have committed myself, carry out that kind of promise.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. member for Carbonear, who has been trying to get the Chair's attention.

MR. R. MOORES: Yes, Mr. Speaker, the Premier spoke a few moments ago about the \$600 million string that the electrical consumer of this Province was on. I would like to direct a question to the Minister of Justice (Mr. Ottenheimer) and it relates to the disclosure a month or two ago before questioning the Public Utilities Board of how the Newfoundland Light and Power Company Limited willfully defrauded the people of this Province of \$1 million in overpayments. Is the minister as the Attorney General of this Province prepared now to lay criminal charges against the the company?

MR. W. MARSHALL: A point of order, Mr. Speaker.

MR. SPEAKER: A point of order, the hon. the President of the Council.

MR. W. MARSHALL: Mr. Speaker, I have to quote Beauchesne, page 130 on the Questions, "Questions may not contain inferences", or "contain imputations". Now i know the hon. member was making an allegation with respect to a group of individuals, not a single individual, but I think, you know,

MR. MARSHALL: such words as 'imputations of criminality' in any context at all is not appropriate in this House.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Does the hon. member for Port au Port wish to speak to the point of order?

MR. HODDER: Mr. Speaker, I just wondered what section the Hon. House Leader was referring to?

SOME HON. MEMBERS: Oh, oh!

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

MR. MARSHALL: Mr. Speaker, it is found on page 130, paragraph 357, number (h) and (i) of Beauchesne, the fifth edition and it is usually found, Mr. Speaker, as well in the canons of common decency.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: With respect to the point of order, the matters related by the President of the Council are quite relevant in this matter but perhaps the member for Carbonear (Mr. Moores) would like to rephrase his question.

MR. MOORES: Well, Mr. Speaker, I did not have an opportunity to speak to the point of order.

MR. SPEAKER: That is correct.

MR. MOORES: It appears to me on the point of order, it appears to me that there are a number of -

MR. SPEAKER: Order, please! I have already given the ruling on the point of order. If the hon. member wishes to rephrase his question, I will allow him to do that.

MR. MOORES: I rephrase the question, Mr. Speaker, by asking the Minister of Justice (Mr. Ottenheimer) is he as the Attorney General of this Province prepared to look into whether or not the allegations of the Public Utilities Board that the Newfoundland Light and Power Company

November 18, 1980

Tape No. 2211

AH-2

MR. MOORES: Limited collected monies without their authority is in any way criminal?

MR. FLIGHT: Knowingly criminal.

MR. SPEAKER (Simms): The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, there is absolutely no criminal matter involved in this whatsoever. The matter before the Public Utilities Board - they are a quasi judicial body of very competent people - there was never any suggestion by them, hint by them, anything said that could be opened to any reasonable interpretation of anything criminal whatsoever. Now with respect to the charging of a certain rate, that is an extremely complicated matter and I am certainly willing to give a complete answer on that matter from this point of view, that I am the minister to whom the Board of Commissioner for Public Utilities reports. They are not part of the Department of Justice but they have to report to the House through some minister and it is the Minister of Justice. And it is a matter which I have had some discussion with the chairman on and what I would want to do, because it is quite complex and complicated and unless it is there very carefully explained it will not be clear not only to hon. members opposite but even for me to be able to give a clear answer, so I will certainly endeavour to do that. But I will point out that there is no reference whatsoever to anything fraudulent, criminal or anything related to that at all. But I will undertake to explain with precision the matter of the charging by Newfoundland Light and Power and the context in which this came up at a hearing of the Board of Commissioner of Public Utilities.

MR. MOORES: Mr. Speaker.

MR. SPEAKER: The hon. member for Carbonear. We have time for one final supplementary.

Mr. MOORES: I do not know about any other members



MR. MOORES: of this House but I cannot seem to believe my ears. Are you telling this House, hon. Mr. Minister, that a company incorporated in this Province can take a million dollars from the people of this Province without authority and you as Attorney General are not prepared to take any course of positive action to penalize that company?

MR. SPEAKER (Simms): The hon. the Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, the question is really quite improper because nobody has taken any money improperly because that is to steal money or to defraud and I have already given the hon. gentleman assurance that there was no such thing. If the hon. gentleman thinks that the Board of Commissioner of Public Utilities needs the hon. gentleman to look after their rights and the public's rights, then he is quite mistaken. If the Commission of Public Utilities had any apprehension with respect to improper action on the part of anyone, they would be quite capable and quite eager to take the necessary course of action. So really I think it is quite irresponsible. I have already explained to the hon. gentleman that I will explain fully that matter, but to leave even today until that answer and that statement is given, to leave any suggestion or imputation of fraudulence or criminal action on the part of that company is, I would suggest, extremely irresponsible.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Order, please! The time for Oral Questions has expired.

ANSWERS TO QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I would like to respond to the questions asked me today by the Leader of the Opposition on the Newfoundland Railway. He asked one, two, three, four, five, six questions, I think. I would like to respond very quickly and not take up too much of the House's time.

The first question had to do with whether or not - I think the whole nature of the study. I do not know if the Leader of the Opposition is aware or remembers that this was a study initiated by the Government of Newfoundland to try to see whether, in fact, the Royal Commission, the Sullivan Commission, and other statements that CN had been making, and the federal government, as it relates to the future viability of the Newfoundland Railway were really valid. So we got outside consultants, both Newfoundland consultants and CP consultants, to do a massive, in-depth study of it. In the process of getting that study done, this joint venture, these two consultants, I met with on many, many occasions, and some of the members of the union are familiar to me and are in the gallery right now; many of the members of the railway unions from around the Province are in the gallery right now. They were consulted and very much a part of the study ongoing for the past year, and from time to time the CN were also consulted. We have informed on several occasions the federal government and the Ministry of Transport, and I did with the Minister of Transport (Hon. Jean-Luc Pepin), he knows about it, that this is coming, and I indicated to him that sometime this week I would be making it public and getting it off to him. So there has been that kind of consultation between the Ministry of Transport, between the unions and all the rest of it.

MR. NEARY: (Inaudible) before the meeting (inaudible).

PREMIER PECKFORD: And before the meeting, yes.

MR. NEARY: (Inaudible) the  
twenty-fifth.

PREMIER PECKFORD: Before that.

MR. NEARY: (Inaudible) the hon. gentleman  
(inaudible).

PREMIER PECKFORD: Long before that.

MR. SPEAKER (Simms): Order, please! Order, please!  
This is Answers to Questions, not Question Period.

PREMIER PECKFORD: Mr. Speaker, may I continue?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: So the study is ours and we have  
paid for the consultants to do this work for us, and we have  
consulted both the federal government and the unions in the  
formulation of the study which I have released today.

I guess the hon. member realizes,  
although he said, 'Is the Government of Newfoundland going to  
put any money into the Newfoundland Railway?' - well, under  
Term 31 of the Terms of Union, of course, this is a federal  
matter, this is a division of powers under the Terms of Union,  
and this is one matter which both governments agreed would  
continue to be the responsibility of the federal government.  
So they will have to bear the cost of this revitalization,  
obviously, because this is their commitment. Now whether  
this is part of the Five Year Plan or not - I do not know if  
the hon. the Leader of the Opposition has gotten to page 114  
yet. It starts on page 113 of the Five Year Plan, goes to  
page 114 and page 115 in which the Newfoundland Railway is  
dealt with at great length to show that we are supporting and  
are a part of the revitalization. So it is very much a part  
of our transportation plan for the next five years. And in  
the Targets at the back of the Plan there is also mention of  
it. One of the targets is the revitalization of the railway.

PREMIER PECKFORD: Another target is the completion of the re-construction of the Trans-Canada Highway, Trans-Labrador Highway and so on. But the railway is very much a part of the Five Year Plan and our ongoing transportation policy in this Province is to integrate it and make the various components work efficiently. So it is part of the Five Year Plan.

The last question, the number six one, had to do with the Gulf - well, the Gulf ferry is very much a part of it, and in my statement today I mentioned that it must be a rail-on, rail-off situation, that the rail car ferry must continue to be there and with a standard gauge then you can just shoot them off and bring them door to door.

As far as the other ferry services in the Province - of course, that has been recognized in the study and when the Leader of the Opposition sees the study he will recognize that that is a component in it.

So it is very much a part of our plans and I think I have answered the questions that the Leader of the Opposition asked.

MR. SPEAKER (Simms): Further Answers?

#### PRESENTING PETITIONS

MR. NEARY: Mr. Speaker.

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

MR. NEARY: Mr. Speaker, it gives me great pleasure to table in this hon. House a petition signed by just about 100 per cent of the adult population of the community of LaPoile on the Southwest Coast, who are asking the Minister of Transportation (Mr. Brett) and the government to construct a road from their community to connect either with the Burgeo road or the road that runs down to Rose Blanche.

Mr. Speaker, LaPoile is a perfect example of a small Newfoundland fishing community that is

MR. NEARY: contributing so much to the economy of this Province. Both in Grand Bruit, which is not too far away, Mr. Speaker, from the community of LaPoile, and in LaPoile itself, the majority of residents can be classified as primary producers. The economy of these two small communities is based entirely on the fishery. And those who are not primary producers, Mr. Speaker, are either retired people or sick people. Mr. Speaker,

MR. NEARY: I should not have to impress upon the members of this House the importance to the economy of this Province today of primary producers.

However, Sir, the residents of Grand Bruit and LaPoile are severely handicapped inasmuch as they are remote communities and the only access to these communities is by water or by air. Both socially and economically they are severely handicapped because they do not have access to the outside world or the outside world access to these two communities by road.

Now, Mr. Speaker, it is hard to imagine in this day and age that the residents of these two communities are forced to get their Winter supply of heating fuel in forty-five gallon drums that have to be hauled and dragged up over steep slopes and huge boulders. The big oil companies have, even to this day, rejected and refused to put storage tanks in these communities as well as all the other small communities up around the Southwest Coast and they still have to get their heating fuel and gasoline in forty-five gallon drums from Port aux Basques, for which they pay through the nose, plus the fact that they have to drag these forty-five gallon drums up over steep cliffs and big boulders.

Only Saturday, Mr. Speaker, I tried desperately to get one of CN's coastal boats diverted to Grand Bruit to pick up two hospital cases. My efforts, I am sorry to say, did not meet with success because CN Marine's Operations Office here in St. John's could not get in touch with the Captain on the radio on this ship - then the ship was between Burgeo and Port aux Basques. Can you imagine, Mr. Speaker, in this day and age what would happen if the ship was sinking, sprung a leak and was sinking?

MR. NEARY: I have a sneaking suspicion that it was deliberate, that they did not want to answer the call to go in for these two sick people. There was a bit of a wind blowing and the captain did not want to go in to Grand Bruit even though it was calm in the harbour.

So, as I say, Sir, what kind of communications do we have between dry land and the CN coastal boats on that coast? Mr. Speaker, the future for this area looks bright indeed for the fishery. And as the Minister of Mines and Energy (L. Barry) knows, there is substantial mineral exploration going on in LaPoile Bay and if the exploration for silver and lead and nickel and zinc and copper and other minerals is discovered in that area in commercial quantities, then a mine could very easily spring up in LaPoile Bay.

Therefore, Mr. Speaker, I support the prayer of the petitioners to have a road linked to the community and I ask that it be placed upon the table of this hon. House and that the Minister of Transportation and Communications (C. Brett) take note of this petition and take whatever steps are necessary to look at the feasibility of getting this project underway.

SOME HON. MEMBERS: Hear, hear !

MR. LUSH: Mr. Speaker.

MR. SPEAKER(Simms): The hon. member for Terra Nova.

MR. LUSH: Mr. Speaker, I would like to support the petition presented by my hon. colleague on behalf of the constituents of LaPoile and Grand Bruit. Mr. Speaker, it is rather amazing, and incredible actually, to realize that in this day, in 1980, that people are faced with such inconveniences as the member so eloquently alluded to. It is rather ridiculous, really to realize that in this day and age that people have to put up with

MR. LUSH:                   such inconvenience, industrious and enterprising people, people contributing to the economy of this Province, that they still have to endure the rather old-fashioned and archaic way of dealing with fuel.    Mr. Speaker, I can sympathize with these people very much because I have a similar situation in my own district on the island of St. Brendan's, where people still have fuel delivered in barrels and it is incredible to realize that in Newfoundland in 1980 that people still have to live with that kind of an existence and, Mr. Speaker, I would hope that the Minister of Transportation (C. Brett) will take this petition very seriously and that he will implore his Cabinet Ministers to see what can be done for these people.

                                  Mr. Speaker, what they are asking for is very reasonable, asking to be linked to the main communication system of that area and to be opened up to the rest of the areas of this Province, to be given their right, actually, a right to



MR. LUSH: transportation, to road transportation, Mr. Speaker, and I would hope that the minister, as a matter of fact, would embark upon a systematic programme of road improvement in this Province to see, to ensure that the taxpayers, and that the industrious, the enterprising people in this Province are not discriminated against, that they are provided a good road transportation system, a transportation system that will enhance the growth and the development of the areas. Mr. Speaker, I whole-heartedly endorse the prayer of this petition and I certainly hope that the Minister of Transportation (Mr. Brett) will do all in his power to ensure that this petition is acted upon promptly and that these people will not have to suffer the intolerable inconvenience of almost isolation in this Province in this day and age, 1980.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Any further petitions?

MR. WARREN: Mr. Speaker.

MR. SPEAKER: The hon. the member for Torngat Mountains.

MR. WARREN: Mr. Speaker, I rise on behalf of 180 residents of Nain to petition this government to see that the season for black duck and geese be opened on September 1 instead of September 13.

Mr. Speaker, last year this government made recommendations to the federal government to have the hunting season in coastal Labrador changed from September 13, as it was in previous years, to September 1. This government have done this without consultation with the people involved.

Mr. Speaker, we in Labrador - in case the government does not realize it, there is a great distance from Nain to Mary's Harbour and we still

MR. WARREN: have the same hunting regulations. Now, I believe there is an old saying, and it is a true saying, that birds fly South in Winter. But I am afraid that this government does not realize that once September comes, Nain, Davis Inlet, Hopedale, and this area, are beginning to start their Winter and by this time, within two or three weeks, the wild fowl are beginning to fly South.

Now, what is good for Happy Valley - Goose Bay, or Mary's Harbour, or Port Hope Simpson is not satisfactory for the Northern tip of Labrador.

Mr. Speaker, as I have said, representatives from the Department of Tourism have recommended to the federal government, after speaking to only three individuals in the district, to only three individuals, and they made a recommendation. And when it was found out that this was going to affect the lives of some 1,000 people in my district, I contacted the Department of Tourism, and I contacted the federal department. And the federal department said, 'We will change it back to September 1 but we need the provincial government's authority', and they would not give it.

MR. FLIGHT: Now!

MR. WARREN: They would not give it. And they had two weeks before the season opened to say, 'Look, federal government, we apologize, we made a mistake and, okay, open it again on September 1.' But they said, 'No dice'; because they have some Deputy Ministers or Assistant Deputy Ministers in the department making recommendations without consultation with the people.

Mr. Speaker, I apologize that this is a carbon copy. I lost the original. I would like to ask that this petition be placed on the table of this hon. House and referred to the department

MR. WARREN: to which it relates.

MR. SPEAKER(Simms): I would ask the Clerk to  
look at that petition.

Any further petitions?

ORDERS OF THE DAY

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

MR. MARSHALL: Motion 2.

MR. SPEAKER: Motion 2.

Motion, the hon. Minister of Mines and Energy to introduce a bill, "An Act To Authorize The Lieutenant-Governor in Council To Enter Into An Agreement With ERCO Industries Limited" (Bill No. 83), carried.

On motion, Bill No. 83 read a first time, ordered read a second time on tomorrow.

MR. SPEAKER (Simms): Motion 1.

The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, the motion that I gave notice of the other day, which I am now addressing, is perhaps one of the - not perhaps, is one of the more important motions ever to come before this Legislature. I say that knowing the full import of the meaning of the words. And I think it is important from the start, Mr. Speaker, to read into the record the motion, "WHEREAS the proposed Constitutional Resolution currently before the House of Commons and Senate of Canada will, if implemented unilaterally adversely affect the rights of this Province as now enshrined in our Terms of Union as agreed to with Canada in 1949;

"AND WHEREAS the proposed Resolution does not address the areas of shared fisheries jurisdiction, provincial ownership of offshore oil and gas, and the free transmission of electrical energy across neighbouring provinces which are vital to the development of this and other provinces;

"BE IT RESOLVED THAT this House supports the patriation of the Constitution of Canada but strenuously objects to the present intent of the Federal Government to unilaterally request the Government of the United Kingdom to first cause the British North America Act to be altered and in particular to have imposed a new amending formula;

"BE IT FURTHER RESOLVED THAT this House urges the Federal Government to recognize the established Canadian practice of determining internal Canadian relationships by consultation and agreement with all Canadian governments and immediately reinstitute

PREMIER PECKFORD: Federal/Provincial constitutional discussions with the aim of altering the constitution to provide amongst other things for recognition of shared jurisdiction in fisheries, confirmation of provincial rights to offshore resources and confirmation of the right to transmit hydro power across neighbouring provinces; "BE IT FURTHER RESOLVED THAT this House urges the Parliament of the United Kingdom not to enact amendments to the British North America Act that affect Federal/Provincial relationships without the Federal Government having first consulted with and obtained the agreement of the provinces."

We have, Mr. Speaker, on this side of the House, tried diligently to frame a resolution that would meet the support of members on the opposite side of the House. We have, unlike some other Provinces where the resolutions have been rather - the verbiage, the diction that has been used has been rather provocative, we have tried to address ourselves to the substantive issues that are there for the Province, at the same time mention our Terms of Union, at the same time mention the amending formula and to deal with it in a way, and phrased and couched in such a way as that it would get the unanimous support of this hon. House.

Now that is important, Mr. Speaker, very, very important, because next week, starting next week and then for a number of weeks thereafter, there will be several of the provinces approaching the committee in England, of the United Kingdom, the House of Commons of the United Kingdom committee there, to present - and they have asked more or less for provincial representation if the provinces feel free to do so, they have asked for that - to present our point of view to this committee. Of course we will be, and are doing it across Canada and in the Province. I think it would be very important for the representations that the government has to make outside of this Province to be able to say that we have the unanimous support of the House of Assembly of Newfoundland,

PREMIER PECKFORD: or the Parliament of Newfoundland and Labrador. And we have quite sincerely tried to frame a resolution that was least offensive, least provocative and yet addresses ourselves to the legitimate desires and concerns that we have.

Now, Mr. Speaker, I think it important for us to just back up a few steps and review the whole constitutional process that we have been involved in this year, because I think it highly important for members of this House of Assembly, and for the public of Newfoundland, and we have tried to do that through various briefing sessions around the Province in the last couple of weeks, to understand the full import and the context into which all of these things have happened.

PREMIER PECKFORD: I guess it is fair to say, Mr. Speaker, that for the last - very generally it is true to say; it is not accurate to say, I do not think, as the Prime Minister and Mr. Chretien says, but it is accurate to say that there has been a strong feeling, if you will, or desire or conviction, I guess, on behalf of some to make certain changes to the Canadian written Constitution, the BNA Act, for many, many years. The federal authorities from time to time have mentioned thirty years, forty years, fifty years, and so on. And it is true that there have been a number of decades when a number of provinces, a number of federal politicians have expressed the desire for change in the written Constitution. Primarily they have centered on the business of patriating the British North America Act, taking the British North America Act, which is now an Act of the House of Commons of England, and bringing it home to Canada. And I guess it is centered around that, that there is something still - the lingering link or thread of colonialism about Canada still having some of its Constitution as an Act of another country which it has now, if you will, separated from or has declared its independence from some time ago.

So there has been over the decades a lot of discussion, academic discussion, political discussion about this whole question of - some people called it for a while repatriation; it was really patriation - bringing the Constitution to Canada. But I think it is fair to say that - and the Fulton-Favreau formula dealt with this at great length and did a fair job of it, by the way. It is interesting for hon. members, if they are interested in doing a progression and an evolution of this whole matter to go back in time and look at some of the propositions and proposals that were laid on the Table. As a matter of fact, if one looks at all the propositions except the particular Constitution Act now that

PREMIER PECKFORD: is before the House of Commons of Canada, one will find a common thread through most of it which is somewhat - it is not somewhat, it is in its substance quite a bit different from the existing Constitution Act, which is a startling revelation, It is a startling revelation that what this Constitution Act is doing is in direct opposition to most of the deliberate, informed proposals that have come forward, the Pepin-Robarts formula comes to mind, the joint session or the joint committee of the House of Commons and the Senate which spoke about this and made a report only about two and a half, three years ago, the Beige Paper from Mr. Ryan in Quebec and other like documents that had been produced.

But in any case there has been a process and it has been evolving. I suppose with the sudden prominence of Pierre Elliott Trudeau as the Minister of Justice in the Government of Canada in the late '60s, and then his rise to the Prime Ministership, gave stronger impetus, if you will, to this process of patriation and changing the written Constitution. It then took on sharper focus and became more pronounced and prolonged and consistent and persistent and it was then that Canadians became more familiar, the man in the street at least a larger number of Canadians became more familiar with it because it was not just talked about for one conference or one intellectual exercise by the Bar Society here or by a joint committee there. It became more or less pronouncements from the Minister of Justice for Canada and then later the Prime Minister. And this all lead to different federal/provincial conferences which from time to time were started and ended with some success but did not get down to the meat of the matter. 1971, I guess, marks one of the great watersheds in the whole constitutional evolutionary process because of Victoria and the Victoria Charter which almost succeeded. It came so close to succeeding that when the meeting was over most of the First Ministers thought that a new agreement had been



PREMIER PECKFORD: reached. Mr. Bourassa was then the Prime Minister or Premier of Quebec and after some reflection and contemplation back in his own home province, he had to respond by saying, no, that he could not accept the Victoria Charter and hence the constitutional process broke down. It was primarily because of Quebec at the time that it did not succeed. And I guess that Victoria Charter and that Victoria Conference should be remembered not only because it marked a substantial effort on behalf of a lot of provinces and Canada as a whole to do something

PREMIER PECKFORD: about its constitution, about patriation and all of the rest of it, but it also, and I do not think it should ever be forgotten, Mr. Speaker, that it marked a significant consensus across this nation that they can get together and they can make meaningful change. And I think we lost a lot after that time because for one reason or another the First Ministers were not able to get together in the same forum with the same atmosphere as Victoria had produced. And during the rest of the '70s, the Prime Minister of Canada, Mr. Trudeau, tried from time to time through communication letters to the Premiers and so on to resurrect or get the thing moving again and there was, there is a fair amount of body of correspondence available on it.

Meanwhile, other things happened, the bilingualism, a bi-cultural programme was in full swing through the early '70s. There seemed to be significant movement on that. A lot of changes were taking place; the quiet revolution which had sort of occurred in Quebec, and throughout Canada there came to be a lot of changes, not the least of which, as the '70s moved on, the emergence of some significant economic power West of Ontario, which was a startling revelation to most of the people in Ontario, that suddenly there was this power rising out of the West, both in Saskatchewan and in Alberta and in British Columbia.

Well, Mr. Speaker, there were a number of, as I say, committee reports. There was a lot of intellectual discussion. There was, I mentioned the Fulton-Favreau thing, then the Victoria Charter and we got into the joint Senate House of Commons Committee. We got into Mr. Trudeau having Mr. Pepin,

PREMIER PECKFORD:                   the present Minister of Justice and Mr. Robarts, the former Prime Minister or Premier of Ontario, to do a province-wide tour and to bring in recommendations for change. So there are a lot of packages around, there are a lot of proposals around and I guess most people thought that these independent, impartial proposals for both patriation and for change in the BNA Act and all the rest of it, would form the basis of any kind of significant change that any province or the Canadian Government would propose in any new act.

  This leads us and gets us up quickly to 19 - to this year really, to 1980, and the re-election of Mr. Trudeau as the Prime Minister, after a brief interlude with the Conservative Party at the helm in Canada, and his increased desire now for constitutional change which was not only brought about by his own intellectual bent but more importantly by his home province, Quebec, which had, a couple of years earlier, elected the Parti Quebecois party to power and became the government of Quebec which was committed, in one of its main planks, to a policy of sovereignty association which meant that they wanted to be politically independent, would have an economic union with the rest of Canada. In due course the question was put before the Quebec people and I think it was out of that referendum debate that the great impetus to constitutional changes come. I do not think the Prime Minister of Canada, Mr. Trudeau for all his excitement and exercise intellectually about wanting to do something with the written constitution, that it would really have come off at all or that he would have been that interested in it had not the Quebec Referendum helped them out along the way, there is no question.

PREMIER PECKFORD: And so the debate began and the campaign heated up and the Prime Minister in Quebec campaigned, obviously, for the federalist forces and through Mr. Ryan and himself persuaded the majority of Quebecers to turn down the proposition of sovereignty association and to remain in a Canada existing as it had existed up to now. But promising-

MR. NEARY: (Inaudible)

PREMIER PECKFORD: - but promising, Mr. Speaker - 'if you can dream and not make dreams your master' - Mr. Speaker, but promising significant change to the existing constitution, the proposition that Mr. Trudeau and Mr. Ryan put before the Quebec people, and it should never be forgotten, is that we will not have in the future a Canada like we had in the past, that we understand that you have certain legitimate aspirations and we are going to make drastic changes to the Constitution of Canada to try to make you feel more comfortable.

Now, the referendum was won by the federalist forces and right after it was, the day after, the Prime Minister stood up in the House of Commons and in a written statement to the House of Commons indicated

PREMIER PECKFORD: that he was committed to trying to change - that "everything was negotiable" was the phraseology used, everything was negotiable and let us sit down now and try to work out a way in which not only - well, he talked about Quebec a way to change the constitution, the BNA Act, a way to bring it home to Canada and to change it in such a way that Quebecers and hopefully all Canadians would feel more comfortable. Mr. Speaker, at that time I indicated that I, too, was very pleased to see that the federal forces won the day in Quebec but I went on to say, Mr. Speaker, for the record that this meant that the Prime Minister of Canada was committed to "massive change", that, "everything was negotiable", which is from his statement in the House of Commons, and that he had to understand, as did the federal forces, the federal government, that change meant change not only for Quebec but also for many of the other provinces of Canada which felt some strains that they thought needed to be changed for the betterment of their own provinces and regions and also for the country as a whole. And I made that quite clear at the time both in writing and in public statements that I made orally. Now the Prime Minister, after that statement to the House of Commons, convened a meeting of First Ministers, and I feel obligated, Mr. Speaker, to take the time to go through this in some detail because it should be on the record of this House of Assembly for all time, he convened a meeting of First Ministers and the eleven First Ministers of Canada met at twenty-four Sussex Drive. And we were given before we arrived at Sussex Drive, a preliminary copy of what it was the Prime Minister wanted to talk about. We all knew it had to do with the constitution. The Prime Minister indicated when we got there, and after having this preliminary telegram, that he wanted to patriate

PREMIER PECKFORD: the constitution or bring it home and all he wanted to do then was to do one or two little things, one or two Charter of Rights and one or two fundamental freedoms. That was it. This was his so-called people's package and, of course, an amending formula would have to be a part of it and that amending formula was very, very much up in the air. There was no indication of what the nature of that amending formula would be. So it was patriation, amending formula, one or two Charter of Rights and one or two fundamental freedoms. When we sat down at that meeting I guess we all said, just about all the Premiers said, "Mr. Prime Minister, we do not agree with that artificial distinction of people's problems or people's issues versus government issues. They are all Canadian issues. They are all people's issues." The whole question of offshore oil and gas is a people issue for the people of Newfoundland and Labrador and for the people of Canada, national energy policy and all the rest of it. That the transmission of electrical power should be treated the same as oil and gas was a people issue because it meant jobs, it meant wealth, it meant all the rest of it. So we did not fancy this people's package and we had an argument and a discussion that lasted - an argument in the sense that he was on one side of the issue and most of the premiers were on the other not in the sense of its acrimony or anything but in the sense that there was a lively discussion ensued. And out of it came an agreement by the Prime Minister, 'Alright fine, you do not want to make that distinction, you want to have just a package. And if we are going to do this symbolic act so-called and at the same time do something which is going to be substantial like start enshrining rights in the constitution for all time, then that becomes just more than symbolic.

PREMIER PECKFORD: It is symbolic in the sense that you are bringing the constitution home to Canada but you are doing some other things which are drastically going to change Canada. So let us do it all, let us do a massive change, let us do a substantial thing. And so over a number of hours that was agreed to, that we would not have this distinction of packages, that there would be just one package. And then it got down to the question, 'Well, now, we cannot have thirty or forty items, gentlemen, here on this', and, of course, everybody said, "Of course not". But we have a list that we have been working on in the Continuing Committee on the Constitution for the last two or three years when you were Prime Minister before and we can pick up from that and see if we can narrow down that package to some realistic number. And then we started working on it for a couple of hours. And it started off with patriation, amending formula, we did not care what the order was, Charter of Rights, fundamental freedoms, resource ownership and interprovincial trade, Senate, family law, offshore. And interprovincial trade also had in it some talk - we had agreed that there would be some discussion on the business of hydro transmission and so on until we got down to eleven items.

The meeting was getting short, first ministers had to leave and one thing and another, and then I raised the issue with the Prime Minister directly, "Sir, I appreciate that the offshore and the

PREMIER PECKFORD:

hydro transmission items are going to be discussed, but there is one other issue which I would like to add to the list of eleven, and everybody else had been satisfied with the eleven, and it is the issue of the fishery in that I would like the item 'fishery' be put as number twelve, to be put on the list to be debated and discussed and he disagreed, the Prime Minister disagreed. He said 'No. No', he said, 'I do not think that is suitable at all'. He did not go along with it at all and so I argued with him. And after arguing for a while Mr. - the Premier of British Columbia joined in the argument and he said, 'No, I think the Premier of Newfoundland has a good point. I think this is a matter that is very important to his Province and so on and we would like to have a look at it as well. And gradually most of the other Premiers joined in, over the next half an hour, to support my position. I just did not ask that fisheries be discussed, I asked it be discussed in the nature of change, changing the present arrangements. I went into a long dissertation of twenty or twenty-five minutes on why I thought there should be some sharing of jurisdiction in the fishery. It was not just to try to gain a point, it was not to gain some psychological advantage in the meeting as Premier of Newfoundland, it was done in a serious, sincere way. And the Prime Minister never did agree with it but he reluctantly accepted the will of the consensus of the meeting and said, 'Well, fine, if it is necessary and nobody else has anything else, if it is necessary to make it, to the meeting, all right we will put it on'. And that is how the twelve items came about.



PREMIER PECKFORD: Now, those twelve items came about in the context that we would work on all twelve of those items and try to reach a common position for change. And we upped number one, that it was looking for ways in which those items could be agreed to by all governments. It was also agreed that it was going to be difficult to do that in two or three months, that if we could get a concentrated effort by the Ministers of Justice for the Provinces and for the federal government together over the Summer, hot or cold, Summer or Winter, it did not make any difference, let them work through the Summer, and if we could get six or seven out of the way, if you will, or agreed to, then we would come together as first ministers, review that, agree that we had six or seven agreed to and go back and work on the other six or seven through the Fall and Winter. The Prime Minister near the end of the meeting expressed his desire that he wanted to move fast and he wanted this done, very, very quickly. We kept insisting that, 'Yes, we agree that it has to be done fast but fast is not three months in our view'. We have lived pretty good now under the system we have, it needs to be changed we all agree, let us take our time and do it right.

But anyway, there was a disagreement over the timeframe when the meeting broke up, no question about that, the Prime Minister talking about very short timeframes, most of the Premiers talking about longer ones. So what was instituted then was this process of meetings between the officials of Intergovernmental Affairs and Justice of the Government of Newfoundland and Labrador and with all the other officials of the provinces and the Government of Canada. We went through a great series of meetings. The ministers were on in three major meetings; one in Montreal one in Toronto and one in Vancouver, where they reviewed the

PREMIER PECKFORD: work of their officials and the best efforts drafts of the committee to see how close they had come.

Now, just let me signal something here which is extremely significant: One, the federal government did not want to get into the whole question, even though it was agreed to sort of verbally. And I was not going to try to get something in writing and no other Premier was going to put it in writing, we just understood one another and trusted one another. The hydro transmission item hardly rose and it was difficult to bring it up. On the offshore, and this is very, very significant, the committee agreed ten to one that the offshore oil and gas resources - that is, the committee of officials for all the governments agreed ten to one that the offshore oil and gas should be treated the same as onshore oil and gas. So the committee reported back to the ministers and the federal government said, 'No, we do not agree with that even though all the other ten provinces do. Put it back to the committee for more work'. And the Newfoundland delegation said, 'Well, what is the point in putting it back to the committee for more work, the committee has reported?' 'Well, let us go back again.' It went back three times and came back three times unchanged. For the whole length of that constitutional discussion by officials and ministers - three times without absolutely no change - all ten provinces said, 'Offshore should be treated the same as onshore' and the federal government never budged one inch nor did they put a sheet of paper on the table to show any

PREMIER PECKFORD: sign of compromise whatsoever, nothing. They actually did not respond with anything, did not move an inch. On the fishery, the same thing happened. They did not move an inch, and it was a nine to two proposition; Nova Scotia was the province that held out in the committees on that principle, but the other nine provinces had supported the position of Newfoundland and Labrador. And the only concession on that was in the last couple of meetings of the constitutional discussions during the Summer where the federal government said, 'All right, you want some change in the fisheries. We are prepared to put in the constitution that the federal Minister of Fisheries must meet with the provincial Minister of Fisheries at least once a year.' That was their concession. So, I mean, it was a joke, it was an insult to our rational, sane and well-developed ideas on a shared jurisdiction regime for the fishery, for them to suggest this kind of proposition. After all the Summer and Fall meetings, this was the best that they could come up with, this was their best efforts draft on the fishery.

In any case, one of the big results of that process of the ministers and their officials during the Summer, before the televised constitutional discussions of September, was this, that we were all surprised at how much progress we had made and how much common ground there was.

Now, exhibit A, to prove that contention is this, there was an agreement on the amending formula. I think this is very important, Mr. Speaker, there was an agreement. The Prime Minister had said all along, 'These warring municipalities, these warring provinces, they cannot get along,' and, you know, father figure Prime Minister, Head of State for Canada, must move into this chicken barn and scurry the chickens one side and get on with the job of cleaning up the barnyard and making sure that the animals were happy for ever, ever more. But the Prime Minister overlooked,

PREMIER PECKFORD: in trying to depict the provinces as being warring and warlike, that there was an agreement on an amending formula called the Vancouver Consensus in which the amending formula would be seven provinces and 50 per cent of the population would be the formula for changing the constitution in the future, with, however, Mr. Speaker, with, however, three or four areas which would remain outside any amending formula: resource ownership, border, education, three, and legislative competence now existing in the provinces, four areas. And they would be sacrosanct, they would be sacred. They were guarantees never to be changed, not a part of any new amending formula - never, unless the consent of the provinces had been gotten, obviously.

Those four areas, that was the Vancouver Consensus, natural resources or resource ownership, the question of the border, the question of education and the overall legislative competence of the province to meet and have a Legislative Assembly to decide on how many members would be there, the existing powers that it had for education and forestry and all the other things that it now has under the existing constitution. And that was agreed to by the provinces. It was called the Vancouver Consensus because it was a bit of an amendment. It really came out of an Alberta proposition and Alberta put it into the record. Alberta asked for it to be changed because some of the meetings were held in Vancouver because they thought it would have a better chance of success if it were called the Vancouver Consensus and not the Alberta Consensus, given that the perception of Alberta in Ontario was not all that good and that it might have had a better chance for success. But regardless of the name or the description of the amending formula, there was an amending formula which was agreeable, but which the federal government opposed.

Now, if any time provinces agreed to change those other four areas, fine and dandy,

PREMIER PECKFORD: the affected province would have to agree.

And we thought it was a good compromise to the difficult problem of arranging a federal state. In any case, it was not accepted by the federal government, it was just turned down. It was turned down on the rather questionable grounds, that by going that way there would be a hodgepodge across the country. But, of course, my argument to that is simply that that is what a federation is, it recognizes the constituent parts and that there are certain things that the constituent parts can agree on should be done by the central government and the constituent parts also agree there are certain things that should continue to be done by the constituent parts. That is the whole concept of Confederation or federation, the separation of powers and the division of powers.

In any case, the process was completed, the ministers had their final meeting and they reported to the First Minister with their best effort drafts. And there were about

PREMIER PECKFORD:                    six, and it could be seven, of those twelve items that we could have had agreement on - all the provinces agreed on - and that if we had the federal government agreement we could have said, 'We had a successful conference here in September. Out of those twelve items, through a hot and steamy Summer, we have agreed to seven, together. This is major progress. Let us take those seven items now that we have agreed on, make a big hullabaloo about them, that there can be success in this country, ask leave to sit again through the Fall and Winter, meet again in January and February to see if we have the other five or six taken care of. And then we would, after having that, hopefully we would have an agreement on all twelve and then we would in one magnanimous symbolic act, ask the Government of the United Kingdom to patriate the constitution, the written part of the constitution, the B.N.A. Act, get it home, and then we can make the changes we want to make. What a fantastic thing that would have been.

Well, everybody knows, Mr. Speaker, the results of the Constitutional Conference. There was no agreement. As a matter of fact, as the days went on it became clear what was at stake here, and we went out of our way, Mr. Speaker - it should be recorded, and our White Paper proves this - we went out of our way to say that, 'Yes, there might be some benefit in a Charter of Rights'. And we did that. Not that we had any great hang-up about the Charter of Rights being in or out of the Constitution, because our hang-ups were clearly identified, they were economic, they had to do with offshore, they had to do with the fishery, they had to do with hydro transmission. But we went out of our way to address ourselves to all twelve and to try to show where we could flexibility on the other items: family law, Senate, the whole bit, interprovincial trade, the resource ownership

PREMIER PECKFORD: question, and to talk about different wording. The Charter of Rights and fundamental freedoms, and the amending formula, we went out of our way on. But never, Mr. Speaker, through that whole process, and this is very significant, was it ever, ever mentioned that, one, the federal government would act unilaterally - patriation, yes, but nothing else. They would act unilaterally on patriation, but to act unilaterally on substantive changes to the B.N.A. Act before it was brought home - nor was it ever hinted or indicated through this whole process that some kind of an amending formula, very much different from Victoria, very much different from Vancouver Consensus, very much different Pepin-Robarts, very much different from the Beige Paper, very much different from Fulton-Favreau, very much different from the Joint Committee of the House of Commons or Senate would ever come forward, that it was just assumed, presumed. Through it all there was this thread that the amending formula would be very similar to the almost total consensus that was available or around the table all during the Summer; something close to Victoria or Vancouver or one of those. And never was it ever contemplated in our wildest dreams that something called the 'referendum' could be one of the levers in the amending formula. The question referendum never raised its ugly head, never through it all, and we did not know, and we did not know it during the conference in September. Never did the Prime Minister ever mention anything about an amending formula different than somewhere, something similar to Vancouver or Victoria or whatever. So we were absolutely flabbergasted and astounded when this Constitution Act was introduced in the House of Commons to find this element of the amending formula in there, because we had never even discussed it or talked about it. So it came as a complete and absolute surprise to everybody in Canada, and I think

PREMIER PECKFORD: not only the provinces but a lot of people who had done a lot of work, a lot of constitutional experts.

Now, Mr. Speaker, through the Summer, therefore, the Newfoundland Government's position on the whole business of constitutional change was outlined in our White Paper and we thought, erroneously now, that there would be no need for us to argue that there were certain things which were rights that would remain, because it never had come up that it would ever be any different. And number two, we never, ever thought that we would be exposed, or any small province would be exposed under amending formula the way we turn out to be, if this Constitution Act goes through, so, therefore, under those pretty realistic assumptions up to then in the history of constitutional change in Canada, assumptions that all the other provinces also accepted, we pursued a policy focused in on, not totally, but focused in upon the economic problems of Newfoundland and Labrador, and



PREMIER PECKFORD: to try to gain through this constitutional process some recognition of our offshore ownership question - recognition of our right to transmit electricity through Quebec in the same way as gas is being transmitted, not free but pay or user charge or whatever the charge is that oil and gas taxes paid through the National Energy Board, and some say in the fishery, recognizing that fishery must always - there must always be a strong Federal Government presence forevermore.

And so we zeroed in on these and made those our chief arguments, our chief topics, we highlighted as being important. If there was going to be constitutional change, if there was going to be massive change and if Canada was really going to have a chance to be wealthy from sea to sea, then certain levers that already existed in other provinces should exist here so that we could both be better off and provide the services we want and become a have province and at the same time contribute to other places in the country which were not now have provinces or would not be have provinces at that time and so we articulated as clearly as we could and as responsibly as we could those three economic points. And now we are left today, Mr. Speaker, in a very unfortunate position. We have now to fight three arguments. We have now to oppose on three grounds. We never thought that the Federal Canadian Government would act unilaterally to substantially change the BNA Act before they brought it to Canada and we believe that because they are acting this way, that it is illegal and unconstitutional. Because never before in the history of Canada has a Canadian government asked for changes in the BNA Act which affected the powers of the provinces without their consent. Never has that ever been done, this is the first time.

PREMIER PECKFORD: So that leaves me, Mr. Speaker, quite logically to -

MR. NEARY: When Newfoundland went into Confederation did they not act unilaterally?

PREMIER PECKFORD: That was an agreement between the Dominion of Newfoundland and the Dominion of Canada.

MR. NEARY: Oh, I see, but not an agreement with the other provinces.

PREMIER PECKFORD: It was an agreement between the two of us .

MR. NEARY: The Parliament of Canada -

PREMIER PECKFORD: Mr. Speaker, I am not going to get into a debate on it across the House like this. If the member for LaPoile (Mr. Neary) has something to say in this debate, I am sure he will say it in due course.

AN HON. MEMBER: (Inaudible).

MR. NEARY: I know he would like to have me.

PREMIER PECKFORD: But you know, that can be answered in due course and he is on very shaky ground. But in any case, Mr. Speaker, that brings me -

MR. NEARY: (Inaudible).

MR. SPEAKER: Order, please!

PREMIER PECKFORD: - that brings me to the concept of a constitution and over this there can be some disagreement but it is very technical disagreement, it is very refined disagreement and it loses - and, in my view, those who take the opposite view from me - it loses its credibility and validity in history. Now, the Constitution of Canada has been recognized by the Supreme Court of Canada, that is a pretty high body, as consisting of the British North America Act plus customs and conventions which have grown up between the Governments of Canada since 1967. Now, this was recognized last year when the federal government referred to the Supreme Court of Canada, the question as to whether the federal government could unilaterally change the Senate. The Supreme Court of Canada ruled on that and ruled that, 'No, you cannot. And in their ruling, and in the body of

PREMIER PECKFORD:            their argument for ruling the way they did, they talked about the convention and custom in Canada, of things which affected the provinces, must be done with the provinces consent. And that was in the body of the argument that was used to a decision which told the federal government that they could not change the Senate because it affected some of the powers of the provinces because the provinces are represented in a certain way in that august upper chamber. So, my view and the view that a lot of constitutional experts and provinces hold, is that the constitution is two things: It is the British North America Act plus agreements and customs that we have entered into as governments in good faith over the years. That is what the constitution is. And it is on that basis and it has some good legal foundation, a constitutional foundation, that six of the provinces of Canada are opposing this Canadian Constitution Act, opposing it on the grounds of its legality and its constitutionality and they have, after meeting on a number of occasions, decided to challenge it in three different courts in Canada. We cannot go to the Supreme Court of Canada, A province does not have the power to refer a matter to the Supreme Court of Canada, only the Government of Canada can do that, or by appeal. It cannot be done directly from the province directly to the Supreme Court of Canada. We can only

PREMIER PECKFORD: refer a matter to the highest court in the Province. So the provinces have met and decided that they - the other five and ourselves - that they agree with us on the concept of the Constitution, that they believe that this Constitution Act is illegal and violates the Constitution of Canada as I just defined it. And they have decided to do it in three courts, three provincial Supreme Courts, for very good reasons. The court - and this is very important, talking about custom and convention, Mr. Speaker, this is very, very important, because we are going to the Court of Quebec because that is a founding province of Canada. We are going to the Province of Manitoba because that is a created province of Canada. We already have a difference in Canada, all the provinces did not come in the same way. There is an irregular pattern of status that is implied in the nature of how provinces were formed and how they came into Canada - and then thirdly, in the Province of Newfoundland because we have a separate contract and arrangement with the Dominion of Canada when we joined that no other province has.

So in doing that, you cover off, if you will, the provinces who oppose this Constitution Act, cover off all the three dimensional nature of Canada as reflected in its provinces. And we are putting to each one of those courts a number of questions as it relates to the legality and constitutionality of the Constitution Act.

In our Province, within the next several weeks, we will be in a position to refer the questions to the Supreme Court of Newfoundland. The Manitoba Government, in consultation with the other five, have already referred questions to the Supreme Court of Manitoba, and that Supreme Court of Manitoba will be meeting, Mr. Speaker, I think, to discuss or to hear that matter early in December. And the Quebec Government will be referring some of its questions to

PREMIER PECKFORD: the Supreme Court, as I understand it, late in December or early January.

So let us be clear, Mr. Speaker, on how the Government of Newfoundland is pursuing this whole question of constitutional change: number one, we believe that what the federal government is doing through the Constitution Act is illegal and unconstitutional and we intend to test that in our own court as well as joining in testing it in the other courts in Canada to which the questions have been referred, the Supreme Court in Quebec and the Supreme Court in Manitoba.

That was something we never thought we would have to worry about during the whole constitutional process this Summer. This was new, this was thrust upon us with this Constitution Act, because it brought and incorporated within it things that were never even discussed or talked about during the whole constitutional process, things which were never even discussed by Pepin and Robarts, things that were never even discussed by the Prime Minister any time that he has spoken on the Constitution, things in that Constitution which the Joint Committee of the House of Commons and Senate never ever mentioned or that the Fulton-Favreau never ever mentioned or the Vancouver Consensus never ever mentioned, or the Victoria Charter never ever mentioned. They were brand new things that came into it, and unilateral and substantive in nature in the complexion of Canada for the future.

Secondly, we oppose the Constitution Act, Mr. Speaker, because of the economic arguments and questions and issues that we put before the other provinces of Canada during the constitutional discussions, the legitimate concerns that we had economically for the well-being of this Province. We believe here on this side of the House that without these changes, Newfoundland will be a have not province for as long

PREMIER PECKFORD: as you can see into the future, in my view, then, forever more. We will be have not forever more unless we get some of these economic changes. There is no way under the sun where we can see that without these changes where we can generate \$350 million to \$450 million, which is what you would need to equal your equalization, and therefore be 'have' in the definition of have, as understood under the present constitution and even the proposed constitution. There is just no way. And you see, Mr. Speaker, you have not only to earn as much as you are getting in equalization, you have to earn more to be any better off. Because if you only earn as much you have just replaced what you were getting in equalization. So the \$350 million to \$400 million that was

PREMIER PECKFORD:

coming into equalization stays in Ottawa. As you create a new dollar you lose one on equalization. So that \$400 million less called for, Mr. Speaker, stays in Ottawa. Now, we have created \$400 million ourselves, that is why it stays there. So two things have happened, Mr. Speaker, one, the federal government is \$400 million better off and Newfoundland is the same as it has always been, the only thing different now is that we are a bit prouder because \$400 million which used to come in equalization has now been created out of the sweat of our own brow. But to make us better off we must earn and generate revenue in this Province \$400 million plus one and the day we can create \$400 million plus one is the day we can start to shout, hurray! And the day we can create \$400 million plus two we can should a bit louder. But it will not be until we can create \$400 million plus 100 or 200 million -

MR. S. NEARY:

How about \$500 million?

PREMIER PECKFORD:

I am using the example of \$400 million as an example.

MR. S. NEARY:

(Inaudible) closer to five.

PREMIER PECKFORD:

So if we use as an example \$400 million, being the figure to kept it for simple minds, if we use that we will not be able to shout very ecstatically up and down in this Province until we have created somewhere over \$400 million. And I suggest to you and submit that it would have to be significantly over \$400 million so it would have to be somewhere closer to \$500 to \$600 million before you would get anywhere near being any better off. And we submit - now remember, Mr. Speaker, during all of this time the federal Canadian Government is better off by \$400 million that they were sending in equalization through them, through Alberta, through B.C., through Ontario and the other 'have' provinces who are feeding into the equalization pot

PREMIER PECKFORD: so that the other poor provinces would get it, plus the day that we create more than \$400 million ourselves, we start contributing to equalization in reverse.

SOME HON. MEMBERS: Hear, hear.

PREMIER PECKFORD: So the Canadian federal government starts to save not only the \$400 million they were sending down to us on equalization but getting so many cents of every new dollar over \$400 million that we created which is the Canadian way.

MR. S. NEARY: Trudeau (inaudible) at the university.

PREMIER PECKFORD: Now, Mr. Speaker, that is a dream, that is the wildest dream of all times. Alice In Wonderland would love that kind of scenario because you see, Mr. Speaker, that can not happen unless the Canadian government recognizes that this kind of programme for development and success by the people in this Province can not even attempt to be realized unless we get the larger share of revenues on offshore and control it and unless we can get a fair deal both on the Upper Churchill and on the creation of more hydro plants on the Lower Churchill River and sell the power ourselves to a customer through Quebec. There is no other way to generate that kind of revenue, no other way.

MR. FLIGHT: What about the Anglo-Saxon Route?

PREMIER PECKFORD: The Anglo-Saxon Route is about ten mils more expensive, and we have also got the transmission problem there that we have to deal with, so let us deal with it the cheaper way. Because you have got to transmit it through Nova Scotia, they are a province of Canada too, so you would have the same problem, besides which, it would be more expensive and we are trying to make as much money as we can on what we have left here to make money off of.

AN HON. MEMBER: There is not very much here.



PREMIER PECKFORD: We have got a lot here. We just want to be treated. Now, so the underlying principle, Mr. Speaker, which we used at the outset in our constitutional position was would, could, will the Canadian government and the Canadian people recognize that offshore resources be treated the same as onshore resources which therefore automatically gives the Canadian government 25 per cent of all the revenues from that oil and gas, from the first barrel to the last barrel. But it gives us a chance to catch up and that is why we need the 40 per cent. If you are down you have got to have a bit more so that you can catch up or how else are you ever going to catch up?

AN HON. MEMBER: Never.

PREMIER PRECFORD: Never. You have got to run a bit faster, we have got to run a bit faster, we have got to have the larger share besides which, we are being treated then the way the other provinces of Canada are being treated as it relates to their natural resources.

On hydro transmission the same thing applies. It is the equal treatment principle

PREMIER PECKFORD:

no more, no less. We just want to be treated as other Canadians are now being treated in the transmission of their energy products and on the fishing industry which is the backbone, the cornerstone of the policy because all of that is no good in the long-term unless the non-renewable dollars, which are great on the front end, are reinvested back into the renewable resources which are good for all time, fishery, forestry, farming and the hydro. So the whole cornerstone of our economic policy is the fishery around which will gravitate the generation of revenue to both get us out of our fiscal situation, make us less reliant on other provinces of Canada and yet give us a chance to develop and manage our renewable resources in a long-term permanent fashion. And we believe that to be a fairly honest sincere attempt, Mr. Speaker, to help Canada, to help Canada. Because you are helping Canada in two ways, Mr. Speaker: You are saving them \$400 million for the other nine provinces and you are allowing Newfoundlanders to do by the sweat of their own brow and to feel more comfortable in Canada by generating themselves in Newfoundland.

AN HON. MEMBER:

Hear, hear.

PREMIER PECKFORD:

Your are doing two things:

You are helping Canadians who live in Newfoundland and you are helping Canadians who live in all the other nine provinces of Canada simultaneously. It is a very creative - The Canadian experiment is fantastic. The equalization principle is a noble principle in political experiments by man since Athens, no question about it. It can stand, it has stood the test of time. And there are many political jurisdictions and political commentators the

PREMIER PECKFORD: world over who have from time to time commented upon the great Canadian principles of federalism as espoused through time, through custom, through convention and through written documents in the House of Commons in the United Kingdom. And thirdly, Mr. Speaker, and we did not know that we would ever have to address this, was that we always believed that there were certain basic rights. And rights mean they are guarantees for all time in our Terms of Union with Canada, that would never even open the door, let one shine of light come through that door to ever question or expose us in the future to some kind of changes on those. And now we find, under the new amending formula, anything is possible to be changed in the future without our consent.

AN HON. MEMBER: (Inaudible)

PREMIER PECKFORD: Without our consent. I challenge any member opposite, when he stands, to prove that this is an incorrect statement.

AN HON. MEMBER: It is.

PREMIER PECKFORD: Everything is possible to be changed under this new Constitution Act. We have that on the greatest and highest of authorities. We have done our homework on it, Mr. Speaker, and we know from whence we speak that everything is possible to be changed. Now we agree, Mr. Speaker, that most things in Canada must be decided, national matters, must be decided by some kind of formula. You cannot have unanimity on everything otherwise you do not have a country. That is why the Vancouver consensus, we thought, was so important, that it recognized that fact, seven provinces, fifty per cent of the population, with three

PREMIER PECKFORD: or four things being exempt, three or four things being exempt. But now we find that Terms of Union that we signed in 1949 are being torn up.

MR. NEARY: Not true.

PREMIER PECKFORD: And one remembers the day when the then leader of the Liberal party -

MR. NEARY: Not true.

PREMIER PECKFORD: - when he thought that Term 29 was being torn up - not torn up, we were not going to get as much in the way of revenue, and if that was a very important principle that was agreed to in 1949 that was being torn up, how much more so today, Mr. Speaker, that all the Terms of Union with Canada in 1949 are possible to be changed, are being exposed and being left open for change by an amending formula which cancels Newfoundland out from having any say in it?

MR. NEARY: It is not true.

PREMIER PECKFORD: How much more? Draped in black? Draped in black, Mr. Speaker? We should have all started of this constitution debate today with black suits on and black ties and draped the whole Province down because -

MR. DOYLE: Poor old Neary, he is (inaudible)  
You are not allowed to (inaudible)

PREMIER PECKFORD: -because here we are now today

MR. DOYLE: (inaudible) black crepe.

PREMIER PECKFORD: - discussing Terms or Union that were solemnly entered into that are now being made possible for change after this Constitution Act goes through.

PREMIER PECKFORD: Let us just discuss a couple of them.

AN HON. MEMBER: Show you what we would do (inaudible)

PREMIER PECKFORD: Let us discuss a few of them. Number one, the right - and this is not even a part of the amending formula. Over this you cannot dispute at all. This is 110 per cent valid rather than 100 per cent - the right of a province and a provincial legislature, or the right of a province, which means provincial legislature and the people of Newfoundland and Labrador to educate their children as they see fit, whatever that education system is, just to have that right, whatever that system happens to be, that is not part of the amending formula, that is going to be enshrined in the Charter of Rights which is going to be adjudicated by the Supreme Court of Canada.

MR. NEARY: No. It is not up yet.

PREMIER PECKFORD: Oh, yes.

MR. NEARY: Oh, no.

PREMIER PECKFORD: As soon as - Mr. Speaker, if I can just complete this because this is important. The Charter of Rights becomes part of the new constitution. The United Nations Constitution, by the way, has a provision for freedom of religion but it also has a

PREMIER PECKFORD: caveat on it, the global,  
universal, progressive organization called the United Nations.  
We agree with the Charter of Rights, do not get us wrong, but just -

MR. THOMS: (Inaudible) hates the Charter of  
Rights.

PREMIER PECKFORD: May I -

MR. THOMS: (Inaudible).

MR. SPEAKER: Order, please!

PREMIER PECKFORD: I do not care how much the hon.  
gentleman knows about that. All I am saying is -

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: - about the United Nations, all I  
am saying is the United Nations has a freedom of religion  
provision in its Charter of Rights but it has a caveat and a  
condition on it that the parents and political jurisdictions  
of this world have a right to have some say over the education.  
Therefore, the freedom of religion provision has that kind of  
caveat on it in the United Nations Charter. It does not in the  
Canadian Constitution Act; it does not. So, therefore, some  
organization in East Vancouver can test the validity of the  
educational system of East Vancouver, East Vancouver to the  
Supreme Court of Canada to say, "I do not want my tax money spent  
on this kind of education system because my philosophy of life  
differs from that". The Supreme Court of Canada has to rule,  
has to rule based upon the Charter of Rights provision which is  
the freedom of religion, one, and we are saying that that puts  
the right of a province to educate its people at risk because  
you do not know how the Supreme Court of Canada is going to rule,  
and nobody can tell you that. So, that is put at risk and very  
at risk. Just let me - if somebody saw the television news last  
night they got a good example of what has happened in the United  
States. We do not know that the jurisprudence of Canada will  
follow the jurisprudence of the United States, but why risk it?  
Why put it at risk? Why take the chance? Why not just put a

PREMIER PECKFORD: little provision in there under the Charter of Rights freedom of religion, 'That this will not interfere with the right of a province to educate its people as it sees fit'? Then you are covered for all other kinds of religious freedom that is necessary in Canada and, yet, you do not impinge upon the right of education of the province.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

PREMIER PECKFORD: That is the rule that has to be put in there. That is all that has to be put in there. Mr. Speaker, even the amending formula itself is possible for change and the Canadian Government can call for a referendum any time it sees fit. It has all the cards. It decides what the question is, and all it has to do is have a majority government and get it through the House of Commons. It is not a unanimous House of Commons resolution. They can do it. They can do it, and that leave us at risk.

MR. OTTENHEIMER: Impose closure even.

PREMIER PECKFORD: And, yes, impose closure as they did. So, all we are saying as it relates to the rights and Terms of Union with Canada, is that we had solemn guarantees, solemn guarantees, that these could not be changed without our consent. What we are saying now, Mr. Speaker, is, and it is clear, as clear as anybody wants to read it, that those guarantees - and Mr. Chretien has admitted - I have the copy of his statement - has admitted it. The Minister of Justice for Canada has admitted that everything is possible to be changed.

MR. NEARY: You have not referred to Mr. Trudeau's letter, the telex he sent you the other day.

PREMIER PECKFORD: Yes, I have responded to it.

MR. NEARY: You have not referred to that yet.

PREMIER PECKFORD: It is nothing; it is a nothing - it is a nothing telegram.

MR. NEARY:

Read it!

PREMIER PECKFORD:

I have read it and we have examined it, and it contains nothing.

MR. NEARY:

So it is not even worth (inaudible)

PREMIER PECKFORD:

He does not argue the point; he concedes the point in it, that it is possible to be changed without our consent. What we are saying is - I do not suppose there is anybody in this hon. House would question that the Prime Minister of Canada would do it tomorrow or the next day or next year, but who is to be the Prime Minister of Canada in 2000 or 2010? What is the nature of Canada then? Where is the power going to be? Then, on top of all of that, there is a veto for two provinces and how convenient, Mr. Speaker, and let me sort of end on this note. How convenient, how convenient! Now there is not juridical equality in this country where there are ten equal provinces. There are two provinces which are equal and eight other ones which vary in the amount of power that they have. You have at least three different status of provinces now after this is through, depending on who you can link up with to make your 50 per cent in your region. You have at least three sets, and how convenient it is worded, that the 25 per cent rule for census so that you have a veto power applies to a census that is held now or yesterday or last year, 1979, so that Quebec fits in under that veto for all time. The Quebec population is declining and within ten years it will be below 25 per cent, but it will not make any difference then because their right to have a veto was based on a census in 1979. It has already decreased 1.4 per cent in population from 27 to 26 in the last seven years. We have the census, and it will be down



PREMIER PECKFORD:

past twenty-five within the next ten years. Yet they will continue to have a perpetual veto for all time. And so the whole concept of equality of provinces has been destroyed and we are left exposed, we are left totally exposed under this new amending formula.

So, Mr. Speaker, to sum up: Number one, we believe it is un-Canadian what the Canadian Government is doing, totally and absolutely un-Canadian. Nothing was ever done like it since 1867. Two, the provisions ignore the right of Newfoundland to ever have a chance to be a have Province. And thirdly, it destroys and exposes Terms of Union that were entered into sincerely and honestly by the people of this Province. We cannot. Mr. Speaker, and we will not stand by and watch those kinds of principles, legalities, economics and our Terms of Union go down the drain. We will stand up for our Province within Confederation that has existed well in the last 113 years. We will argue with the other Provinces for that and we will continue to argue. And we ask the Leader of the Opposition and the people opposite to join with us in a provincial issue, not a partisan issue, in a Newfoundland issue, in a Labrador issue, to be good Canadians within the concept of a federation which we think worked in the past and can work in the future. And we ask for your support now and beseech you to have that support this week so that when we argue our case we argue on behalf of all Newfoundlanders and Labradorians as good Canadians, Mr. Speaker, as good Canadians because there is no other choice for Newfoundland but that, as a part of a Canadian federal state which recognizes the same kinds of rights that are now existent in other parts of Canada to be existent here, no more, no less. There is no Newfoundlander around who wants a handout. He can make his way, just give us an equal chance to do it and

PREMIER PECKFORD: we will pay our way and we will be good Canadians. But we fail to understand how this constitutional proposal, now presently before the House of Commons, will assist Canada and assist Newfoundland and assist British Columbia and the Yukon towards its legitimate aspirations within a federal state as we understand it. It will not and it will allow us to be always cap in hand, to allow us always to be less than equal and it will continue to perpetrate perhaps some kind of a different Newfie joke but one nevertheless long into the future and that we cannot stand for. And as a new leader of a political party which has had a lot to do with the course of history in this Province over the last twenty or thirty years, the Leader of the Opposition (Mr. Stirling) has a lot of weight on his shoulders right now. Is he going to make a mark for Newfoundland and Labrador? And if he is, he has a chance now to make a mark for Newfoundland and Labrador, to put aside partisanship and to stand up in his place and to talk about the economics of Newfoundland, to talk about our Terms of Union and to talk about us, together, trying to change the mind of the federal government from doing what is an act which can only be described in its most sympathetic and reasonable form as one that does not take into consideration at all the best interests of Newfoundlanders and Labradorians within Canada.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (SIMMS): The hon. Leader of the Opposition.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: Thank you, Mr. Speaker. Let us see first of all, Mr. Premier, if there are some things that we can agree on. In your closing remarks you made some points about the opportunity for the Leader of the Opposition and the members here to unite in this common cause. Let us see how much area we have on which we can have agreement. Because

MR. STIRLING: the kind of approach that we intend to take on this side is one of being good Canadians.

MR. WARREN: Right on! Right on!

MR. STIRLING: One of being fierce fighting Newfoundlanders but one of trust, belief-

MR. WARREN: Like true Newfoundlanders.

MR. STIRLING: - one of expecting that we are entitled to fair treatment, that we are going to get fair treatment, one that - for example, let us just deal in a positive sense with what has happened since the Premier has had his constitutional conference. At that constitutional conference I heard him say to the Prime Minister about this concern about transmission of hydro across Quebec. The Premier being a former Liberal, of course, knows that we have -

MR. WARREN: He still is.

MR. STIRLING: - conventions at which we present the points of view of our party and we try to influence the federal thinking. The Premier would be interesting in knowing that the people in Newfoundland representing the Liberal Party brought that same question, the whole question of the

MR. STIRLING: economic development of Labrador, the question of Newfoundlanders and Labradorians being able to stand up and being proud Canadians and developing our own resources, we brought that to the Winnipeg Convention and I am very pleased to say that we had it passed, passed by all Canadians, passed by all Canadians with a tremendous round of applause that Newfoundland would get a chance, get a chance to develop in its own best interests and contribute to Canada, to be a part of giving to Canada, to be the proud fighting Newfoundlanders and the proud fighting Canadians that we all want to be.

Now, Mr. Speaker, I am taking the Premier at his word and I am going to ask the Premier if he would think now in the same spirit that he just spoke, think back to the night - now, I will not go through the recitation of all the things that happened; I think the Premier has done a very good job, a very good job of pointing out all of the frustrations of trying to get everyone to agree on bringing back the constitution. As a matter of fact, in the last few days we have heard from Nova Scotia that really it was agreed on patriation. Apparently one federal, nine provincial agreed. Now, I do not know whether you can believe the man from Nova Scotia. I tend to believe him.

MR. FLIGHT: Who disagreed?

MR. STIRLING: I do not know. The man from Nova Scotia said it would have all gone through except for the Premier of Newfoundland -

MR. FLIGHT: What?

MR. STIRLING: - and he only disagreed, not on any of these principles but it was on the question of the offshore.

PREMIER PECKFORD: A point of order, if I can.

MR. STIRLING: Sure! By all means!

MR. SPEAKER (Simms): The hon. the Premier.

PREMIER PECKFORD: I mean, this is very important on the debate.

I do not know if the Leader of the Opposition (Mr. Stirling) is really serious -

MR. STIRLING: I am.

PREMIER PECKFORD: - when he wants to take the word of Mr. Morris, a minister in Nova Scotia, on this matter. I can prove by the minutes of the meeting, if the Leader of the Opposition wants it - if that is the approach he is going to take on this Constitutional Resolution, well fine, you know, I will debate with him - I will not debate with you on that level because I am not going to bow down to it. But the fact of the matter is that that is an untrue, incorrect statement. That I was not the one who sabotaged patriation, on that I stand and to that I swear. And to say so, and to propogate that rumor is not doing justice to me or to Newfoundland at this point in time.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: Mr. Speaker.

MR. SPEAKER (Simms): Do you wish to speak to the point of order?

MR. STIRLING: I do not think it is a point of order, but I accept that the Premier has -

MR. SPEAKER: I would like to rule that it is not a point of order, but the Premier has taken the opportunity to clarify remarks or a position that was attributed to him.

The hon. the Leader of the Opposition.

MR. STIRLING: Thank you, Mr. Speaker. I accept the Premier's word. I am glad that he has taken the opportunity to sort it out, but I am sure that he can see from that incident the kind of concerns that he is causing in the rest of Canada in which an hon. Minister of

MR. STIRLING: the Crown can get the impression, wrongly now, as the Premier has cleared up, but he certainly had the impression that one man out of all of Canada ceased it. And it must be something that the Premier is doing to cause people to have that kind of impression. I accept his word that he did not stop it.

But I am now going to ask him to think in terms of the challenge that he put out to us. Now, I sat and watched him on television and I am, I think, being consistent with what I said the day afterwards, and in the middle of our Leadership campaign, that if the Premier sought this kind of T.V. coverage, this kind of attempt to go to the people of Newfoundland on what were two very sacred, frightening issues, then surely he must have discussed this first with all his colleagues, and with us in the House of Assembly. I checked and found that nobody had discussed it with him from our side, I found that he had not checked with Ottawa, and only, I guess, Monday of this week we got the documentation that he talked about. So I had said the next day that surely, from the phone calls that I had made to Ottawa, nobody wanted to change the boundary, and nobody wanted to change the denominational system of education so that the name of the game would be for us to find out what doubts the Premier had and let us get rid of the doubts and, therefore, Mr. Speaker, my colleagues really wanted to

MR. STIRLING: support these concerns that the Premier has had to remove any doubts about that, and that is why we are amending - or will propose an amendment. I have copies, and if the Pages would like to pass these out to the members on the other side - copies of an amendment to the Resolution, which I think should have been brought in by the Premier, coming out of his debate, coming out of his television and his whole PR thing ever since. So I think this is the Resolution that should have been - and I would like to move this amendment, Mr. Speaker, seconded by my colleague, the member for Port au Port (Mr. Hodder), that the Resolution be amended by deleting all of the words after 'Whereas' and replacing them with the following:

WHEREAS the Parliament of Canada is now considering a Resolution concerning the Constitution of Canada;

AND WHEREAS concerns have been expressed that under the terms of the Resolution presented to Parliament it would be possible to alter, without the consent of this House, the terms of the constitutional provisions respecting the boundaries of this Province and the Denominational Education System as it presently exists;

AND WHEREAS the Government of Canada have stated their policy that such a result is neither intended or desired by them;

BE IT THEREFORE RESOLVED THAT this House requires and requests that the Parliament of Canada take such steps as are necessary to amend the said Resolution to ensure that the Constitution of Canada contains provisions adequate to ensure that the territorial integrity of Newfoundland and Labrador and the Denominational System of Education cannot be altered without the authorization of a Resolution of this House;

MR. STIRLING:

AND BE IT FURTHER RESOLVED THAT subject to such amendment being made this House supports and endorses the proposal to patriate the Constitution of Canada;

AND BE IT FURTHER RESOLVED THAT the Speaker of this House be directed to convey this Resolution to the Co-Chairman of the Joint Committee of the Senate and the House of Commons now considering the said Resolution, and to the Speakers of the House of Commons and the Senate of Canada.

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

MR. SPEAKER (Simms): A point of order, the hon. the President of the Council.

MR. MARSHALL: Mr. Speaker, I would submit that this particular amendment to the Resolution in its terms, in effect, negates the Resolution which is before this House and, as a consequence, is not in order for consideration but would be more appropriately considered as a separate Resolution if the hon. member wishes to lead it before the House as his own Resolution itself. It does not, Mr. Speaker - as I say, it so negates the Resolution if you consider the terminology of the Resolution itself, it does not address itself to matters pertaining to the very important items of the offshore jurisdiction which is embodied in this Resolution. It does not address itself to the fisheries aspect, the shared jurisdiction in fisheries, and the confirmation of our right to transmit hydro power across the province; neither, Mr. Speaker, does it address itself to that part of the Resolution in which is embodied the prayer that this House urge the Government of the United Kingdom not to enact amendments to the British North America Act affecting federal/provincial relations without the provincial government having been first consulted. So, Mr. Speaker, on that basis, I mean, it does not address itself,



MR. MARSHALL: as I say, to these two main, or these two co-main or - there are three main parts to this Resolution. One is relating to the rights that have been taken away, or allegedly taken away by the federal government as a result of the Resolution that is before the House pertaining to denominational education and pertaining to the amendment and pertaining to the Terms of Union. But it certainly does not address itself to the others and, as such, by leaving the others out, would definitely and positively negate the Resolution in its entirety. In other words, to accept this amendment by cutting everything out after the first 'Whereas' would, in effect, result in this House merely addressing the first part of the Resolution in a term other than was put there in mind by the Resolution itself. In its terms it is out of order but it does not address itself to the other two items, Mr. Speaker.

MR. ROBERTS: To the point of order, Mr. Speaker.

MR. SPEAKER (Simms): To the point of order, the hon. the member for the Strait of Belle Isle.

MR. ROBERTS: Hereby with leave of my friend from Port au Port, perhaps I could say a word or two to my hon. and learned friend from St. John's East (Mr. Marshall), who, may I begin by pointing out to Your Honour, conspicuously did not cite Beauchesne in his support. And, of course, the reason he did not, I suggest, is that there is nothing in Beauchesne that supports him, and in fact, Sir, there is reference to the contrary. May I draw Your Honour's attention to a citation with which, I have no doubt, Your Honour is familiar in any event. It is found on page 153.

Now, let me at this juncture, I am using a red volume, red colour. Is that the same as - there is a green coloured volume in circulation as well. It is on page 153 of that, it is number 425, Your Honour, and it is in chapter 11, which is headed 'Motions'.

MR. ROBERTS: And that, after all is what we are dealing with and this is the subheading within that chapter heading entitled 'amendments' and I will read all of 425 in its entirety. "The object of an amendment may be either to modify a question in such a way as to increase its acceptability or to present to the House a different proposition as an alternative to the original which must, however, be relevant to the subject of the questions." And then the learned authors of this tome cite that inexorably learned gentleman, Sir Erskine May, the most recent, the 19th edition of his Treatise on the Law of Privileges, Proceedings and Usage of Parliament, page 387, high authority indeed. If Your Honour has some concern as to what questions are, 412 (1) in the same edition of Beauchesne speaks of as follows: "The question is the subject matter of the motion" And I would suggest to Your Honour that the amendment which my friend, the Leader of the Opposition (Mr. Stirling) has moved is perfectly in order. The whole purpose of it - first of all, it is relevant to the subject of the question. The question of the resolution moved by the Premier, I assume, at least the government resolution on which the Premier just spoke, is dealing with certain matters growing out of the actions being taken by the government and the Parliament of Canada with respect to the Constitution of Canada. That is the subject. There are a number of headings of the subject. My learned friend from St. John's East (Mr. Marshall) points out that one of the recitals deals with shared jurisdiction and ownership, another deals with patriation but objects to the method, and then there are some resolved clauses.

The subject matter is dealing with the Constitution of Canada and the Government of Canada's initiatives with respect to it. And the alternative, the amendment moved by my friend from Bonavista North (Mr. Stirling), the Leader of the Opposition, is simply an alternative to the original. And

MR. ROBERTS: I would suggest that as such, Your Honour, it is perfectly in order. And the citations from Beauchesne are crystal clear. I have read 425 in its entirety. I do not see any possible way in which this is out of order and I would suggest accordingly that Your Honour would be proceeding in accordance with the rules of this House to rule it in order and to allow debate to go ahead on the amendment.

MR. MARSHALL: If I could, Mr. Speaker -

MR. SPEAKER (SIMMS): On the point of order, the hon. President of the Council.

MR. MARSHALL: - since the member for the Straits of Belle Isle (Mr. Roberts) invited me to, you know, go to authorities, as of course we all should go authorities when we are rising on points of order, he read the first part of that and he read it very well.

MR. ROBERTS: I read all of 425.

MR. MARSHALL: Yes, but if he went further on, if the hon. gentleman went further on to page 154 at paragraph 435 he will see it is not an amendment to a motion to move that the question - no, I am sorry, 436, "An amendment proposing a direct negative, though it may be covered up by verbiage, is out of order." Now, Mr. Speaker, my point is that in effect what one is doing in this particular case by not addressing oneself to the unilateral request to the Government of the United Kingdom, by not addressing oneself to the part of the resolution with respect to the establishment of the Canadian practice determining internal relationships, and fishery, offshore resources and the hydro power, in not addressing itself to that part of the resolution dealing with the Parliament of the United Kingdom, in effect what the resolution would do would sweep these particular resolutions away from the consideration of this House and as such in effect would negate the resolution itself as it is proposed. Because

MR. MARSHALL: the resolution proposes that these matters be considered. The amendment that is proposed cuts out-attempts to cut out a large number of the substance of the matters which are the cause of complaint to the people of this Province and the substance of this resolution.

MR. ROBERTS: I would like, Your Honour, -

MR. SPEAKER (SIMMS) The hon. member for the Straits of Belle Isle.

MR. ROBERTS: - to respond to that. My learned friend having been defeated on one point has retreated to another one and I suggest he is on even weaker ground there, Sir. He read 436, and I have no quarrel with it. He does not even need to go to an authority because the proposition is self evident. But I would cite, Sir, that his submission is completely irrelevant. An amendment which negates a motion achieves a result which can only be achieved by defeating the motion itself. That, Sir, is self obvious. Even my learned friend from St. John's East (Mr. Marshall) would agree with that. Our amendment as put by my friend from Bonavista North (Mr. Stirling ), Sir, achieves an entirely different result. If I were simply to vote against the government's resolution this House would express no opinion with respect to the initiatives being taken by the Government of Canada and the Parliament of Canada at the request of the Government of Canada. On the other hand, Sir, if I were to vote in favour of the amendment asked by my friend from Bonavista North, I would be expressing an opinion as a member of this House, or the House if it were to adopt the amendment would be expressing an opinion. It is not an negation, Sir.

MR. ROBERTS: It is an alternative and the relevant ruling is that found in 425 which says that it is "to present to the House a different proposition as an alternative to the original". That is what this is, Mr. Speaker. Of course it leaves out some of the items and if my learned - I am sorry - if my friend from Bonavista North (Mr. Stirling), who is learned in many things but not in the law, if my friend from Bonavista North is allowed to debate it, I have no doubt he will show Your Honour why certain matters are proposed to be left out and why he and those of us who support him in this House, those of us on this side, wish to have this matter brought forward, Sir. It is in order, I would suggest. My learned friend has not found any reason in parliamentary practice why it is not in order. I really donot understand why he is persisting in this. I suggest, Sir, the resolution is in order-or the amendment is in order and the rules and the precedents are quite clear on the point.

MR. SPEAKER (SIMMS): With respect to the point of order, first of all the Chair faces a bit of a dilemma because both arguments have been reasonably strong, in my opinion, and I therefore would like to, unless the House would like to advise me otherwise, I would like to recess until I can prepare a ruling on it although considering the time, it may be more appropriate to call it six o'clock, if the House agrees. Is that agreed?

MR. STIRLING: That would also give the -

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

MR. STIRLING: Yes, Mr. Speaker, I think that if, after the first shock is over, when the people on the other side take a serious look at this resolution they will find that they will be able to support it and in fact we will be able to have unanimous approval of this resolution.

MR. WARREN: Right on! Right on!

November 18, 1980

Tape No. 2231

IB-2

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (SIMMS):

It is agreed, then, to call it

six o'clock?

MR. ROBERTS:

Tomorrow is Private Member's Day.

MR. MARSHALL:

Well, we can debate it, Mr. Speaker,

and you could reserve your ruling, you know.

MR. SPEAKER:

Well, I would be prepared to hear

further debate.

MR. MARSHALL:

I am prepared to call it six o'clock.

SOME HON. MEMBERS:

Oh, oh!

MR. SPEAKER:

That being the case, this House  
stands adjourned then until tomorrow at three of the clock.