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TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD
3:00 p.m. - 6:00 p.m.
WEDNESDAY, JUNE 10, 1981

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. Minister of Mines and Energy.

MR. BARRY: Mr. Speaker, I am sorry I forgot to give my colleagues across the House a copy of this. I do not think it is anything that requires a lot of study. I want to make a statement at this time to advise hon. members of government's intention to establish construction and survey regulations under the Petroleum And Natural Gas Act. These will be developed by the Petroleum Directorate and will be administered by the Directorate. For both exploration and development activities, it will be necessary under these regulations to have valid certificates of fitness for all drilling and production platforms operating in our waters. Moreover, the owner of a mobile installation must be satisfied by a report from competent people that the platform is capable of withstanding the environmental factors at any proposed station before it moved into that station.

The regulations will prescribe standards in relation to the design and the construction of offshore installations and will provide for the appointment of certifying authorities, the carrying out of surveys and the issue and termination of certificates of fitness. They will lay down practices to be observed in the siting, alteration and equipping of offshore installations.

The certifying authorities will be appointed by the Minister of Mines and Energy (Mr. Barry). They will issue the certificates of fitness

MR. BARRY: on behalf of the minister. Their primary role will be, (a) to carry out an independent assessment of the design and method of construction of the installation and of the operations manual and (b) to carry out a major survey of the installation and its equipment initially and on a continuing basis.

The subjects of the certificates of fitness are environmental considerations, foundations, primary structure, secondary structure and fittings, materials, construction and equipment.

Now, Mr. Speaker, the Petroleum Directorate wishes to put the regulations forward for government approval before the end of this Summer and we then recommend that a period of approximately one year be given after government approval to allow the petroleum industry to prepare itself to comply.

To help draft these new construction and survey regulations and the guidelines that will go with them, we in the Petroleum Directorate have recently formed an international advisory committee composed of professionals with extensive experience in offshore petroleum operations. The following organizations were represented at the committee's first meeting called by the Directorate in St. John's last week. We had there Lloyd's Register of Shipping, London; the American Bureau of Shipping, New York; Det Norske Veritas, Oslo; Bureau Veritas, Paris; Petro-Canada, Chevron Standard, Gulf Canada and Mobil Oil Canada all from Calgary; and Memorial University, C-CORE, the Department of Development and the Department of Manpower from this Province.

MR. BARRY: The committee chairman - the member for Bellevue (Mr. Callan) does not seem all that interested, Mr. Speaker. I realize he is only recently back in the House and may be leaving again if there is another leadership candidacy announced.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): Order, please!

MR. BARRY: But, you know, I think his constituents will be interested in this if he is not.

SOME HON. MEMBERS: Oh, oh!

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

MR. BARRY: Mr. Speaker, the Committee Chairman of this advisory committee will be Dr. Wilson Russell, the Director of Engineering Systems at the Directorate. The primary purpose of this committee will be to assist in the preparation of the regulations, to assess past and ongoing research and make recommendations for further research required to fill any gaps, particularly in the area of structures operating in ice, Mr. Speaker, and to bring together all relevant information and use it to develop guidelines.

Mr. Speaker, we feel that by the establishment of this committee, we will be reaching a difficult objective efficiently and harmoniously. We are ensuring the very necessary inputs from the petroleum industry, from research institutions, government agencies and the essential contribution of the classification societies. We are confident that these activities being undertaken will contribute significantly to the orderly planning and management of future offshore exploration and development.

And I might say, Mr. Speaker, I think that this will be a good example of co-operation

MR. BARRY: between government and the private sector and educational institutions. The federal government and various agencies were invited to participate and I have to express, Mr. Speaker, some disappointment that the various federal agencies have not been willing to date to participate in this process.

I will table a copy of this, Mr. Speaker, and at the same time, I will table a copy of a news release for the information of members in the House, of the various projects, Mr. Speaker, that have been approved to satisfy obligations under the Education and Training Research and Development regulations that we have in this Province.

MR. FLIGHT: Mr. Speaker.

MR. SPEAKER (Simms): The hon. the member for Windsor - Buchans has about two and one-half minutes.

MR. FLIGHT: Thank you, Mr. Speaker.

We accept the minister's statement, Mr. Speaker. This kind of thing that he announced today, the certification of rigs and that kind of thing; we take it for granted that that kind of thing is going on. We know that we will one day be an oil producing Province. We know we will have an offshore oil production system and we know that in order to get into production then obviously, if the government or the corporations like the Petroleum Directorate are doing their jobs, that they are putting in place this kind of thing. So there is nothing earth-shattering. That is what the people of Newfoundland have a right to take for granted.

SOME HON. MEMBERS: Oh, oh!

MR. FLIGHT: Mr. Speaker, we know also that the insurance companies, Lloyd's of London and the other

MR. FLIGHT: people who will be required to insure these rigs will be making sure that the platforms and whatever can be certified. We are all aware of that, Mr. Speaker. And we are aware of this, Mr. Speaker -

MR. FLIGHT: I will wind up on this, Mr. Speaker - that we have a great deal of confidence in the oil directorate. And, Mr. Speaker, if the people of Newfoundland -

SOME HON. MEMBERS: Oh, oh.

MR. FLIGHT: - we have the confidence, Mr. Speaker, that the Petroleum Directorate will put in place the kind of programmes that will ensure that we are in a position to go into production. And all the people of Newfoundland would ask, Mr. Speaker, and this Opposition would ask, us that we could have the same confidence in the government and in the minister and in the Premier to get the political and the jurisdictional disputes settled so that we can indeed go into our production and implement the programmes he is bringing in.

Mr. Speaker, we have seen no reason yet to believe that the minister is as capable of settling the offshore issue politically as the oil directorate is capable of setting up the regulations that we need to operate when that is done. And, Mr. Speaker, the minister would be far better advised -

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

MR. SPEAKER(Simms): A point of order.

MR. FLIGHT: -Instead of pushing out this type of thing that we take for granted, he would be far better advised, Mr. Speaker, to get a jurisdictional and a political issue out of the way and stop this fed bashing and get down to where we, as a Province, can have some confidence in our offshore.

MR. BARRY: That is your problem, you take too much for granted.

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

MR. SPEAKER: Order, please!

A point of order has been raised by the hon. member for LaPoile.

MR. NEARY: Mr. Speaker, I realize that the President of the Council (Mr. Marshall) is daring us but I

MR. NEARY: have to say this, I would not consider Mr. Roger Simmons to be an object, but I believe it is unparliamentary in this House to have an object on your desk and I would ask Your Honour to direct the President of the Council (Mr. Marshall) to have the object removed from his desk.

SOME HON. MEMBERS: Hear, hear!

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

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

MR. MARSHALL: For once I agree with the hon. gentleman, it is an object, Mr. Speaker. And if the hon. gentleman considers it offensive, I will remove it.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: I think it is fair to say that the point of order has been resolved.

Further statements?

ORAL QUESTIONS

MR. SPEAKER: The hon. member for Lewisporte.

MR. WHITE: Mr. Speaker, my question is for the Minister of Health (Mr. House) and it has to do with the continuing dispute over the serious or critical shortage of nurses in Newfoundland. The minister said a couple of days ago that it was not unusual, the shortage of nurses for this time of the year, and I wonder if the minister is now prepared to change his statement with regard to that in view of the statements coming out of the hospitals in St. John's in the last couple of days that the nursing shortage is critical, more critical than it has ever been and it is reaching crisis proportions?

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, the situation is, as I said yesterday, and I have not changed my mind on it from yesterday, that there is a shortage of nurses every year

MR. HOUSE: about this time. We circulate the hospitals, and this year it was in April when we did it, and there were projections of what would happen, they gave us certain figures, and, of course, usually these figures are accurate - Sometimes they are up in some hospital and down in others. So there is

MR. HOUSE: not necessarily more of a shortage than there was in other years. The statement coming from the - for instance, I will give you an example, I watched the media last night and there was a statement on St. Clare's Hospital. That statement is not accurate as far as I can gather from the administration. The statement, I think, said that they had to close the intensive care unit. The fact of the matter is they say they may have to close it in July and combine it with another part, perhaps the coronary care, if they do not pick up nurses in that particular time. The fact is that there are still, I think, four acute care beds over there.

The situation has not changed from yesterday with regard to the children's hospital, the Janeway. The fact is they are short of thirty nurses there - twelve on leave, eighteen that they have not recruited yet - but they have recruited these and expect to have a full group by September. And as it stands now, of course, they are not anticipating any emergency or crisis situation in that hospital.

We have circulated all other hospitals across the Province basically and we are finding that the normal patterns of vacancies during the Summer is following due to the fact of course of vacations, both doctors and nurses, and the population generally.

So what I want to point out, Mr. Speaker, is the fact that as far as we can gather from the hospital administrations that it is reasonably normal. There is a shortage, there is no question about it, there is a shortage in the acute care that has been ongoing all year - I am sorry, the intensive care units, and we are doing everything we can possible to allay that shortage and one of the

MR. HOUSE: thing that we are doing , of course, is offering bursaries for that particular kind of thing, and encouraging recruitment and assisting in recruitment.

MR. WHITE: Mr. Speaker, a supplementary.

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

MR. WHITE: Mr. Speaker, the minister is still not coming clean with the House in terms of the critical nursing shortage, and even his officials will say there is a more critical nursing shortage this year than ever before. Will the minister tell the House about the recruitment plans of the government, what they are going to do about this situation , and whether or not it is a fact that the recruitment programme this year has been practically a failure because of the low salaries they are offering nurses in Newfoundland?

MR. SPEAKER: The hon. Minister of Health.

MR. HOUSE: Mr. Speaker, the only recruiting that the Department of Health does is recruiting for the cottage hospital system which we have direct responsibility for, direct. In other words, we have to fill these positions.

MR. W. HOUSE:

There is no shortage necessarily in these particular units. The hospitals boards do recruit directly, and one of the hospital boards has not - the one I heard from on this particular thing, has not had a lot of success in recruiting, and that was the Janeway.

With the salary, Mr. Speaker, that is a matter that is under negotiation now. As a matter of fact negotiations are ongoing with the Nurses' Union -

MR. NEARY: (Inaudible) 1981 (inaudible).

MR. W. HOUSE: Mr. Speaker, there is a process for negotiations. The negotiations have taken place, the Nurses' Union asked for a conciliation board -

SOME HON. MEMBERS: Oh, oh!

MR. W. HOUSE: If they want the information the I can give that information. They asked for a conciliation board, the conciliation board was granted. The Minister of Labour and Manpower (Mr. Dinn) granted a conciliation board. The union has challenged the composition of the board. It has gone to a court hearing and the decision has not been handed down and everything is stalled until that time. It is a simple -

SOME HON. MEMBERS: Oh, oh!

MR. W. HOUSE: Well, I cannot interfere with the judicial process, Mr. Speaker. I am sure they would say that I cannot do that.

SOME HON. MEMBERS: Oh, oh!

AN HON. MEMBER: The minister of Labour did it.

MR. W. HOUSE: No, that was not the judiciary. So we are waiting the outcome of that process and, of course, until that is done we cannot get back to negotiations. We do agree to assist and we will assist the Nurses' Association and the hospital boards in trying to recruit.

MR. W. HOUSE: Mr. Speaker, saying that we are not coming clean, we are saying, we are acknowledging the fact, we are not saying that there is not a shortage. We have said that. There is a shortage and there is always a shortage this time of year. And we are saying this year it is a little more acute than normal in the Intensive Care Unit.

And I would not like, Mr. Speaker, for the public to get the wrong impression that there is a crisis when the hospitals tell us that they are able to give adequate care and that it is reasonably normal for this time of year. I think it is wrong to give the impression that the situation is an emergency. The hospitals have not told me that and until they do I will not tell his House that it is an emergency.

MR. F. WHITE: A supplementary, Mr. Speaker.

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

MR. F. WHITE: Mr. Speaker, the minister talks about recruiting when at the same time he should be talking about trying to keep nurses in Newfoundland. Can the minister tell the House, confirm for the House how many nurses will be leaving Newfoundland this year in view of the fact that last year the number of nurses who left Newfoundland was equal to the entire nursing staff at St. Clare's Hospital? Nearly 300 nurses leaving Newfoundland! Can the minister tell the House if he plans to do anything to try and keep nurses from leaving this Province?

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

MR. HOUSE: Mr. Speaker, you know, the member comes out and says, are we doing anything?

MR. TULK: No.

MR. HOUSE: The process is, there is a shortage of nurses across this country of 2,000 now. There is a shortage of 2,000 nurses in Canada. The salaries range from a high in British Columbia to presumably a low in Newfoundland and Prince Edward Island. We are training nurses. We do not put a stipulation on them that after you are trained you have got to stay in the Province. No other province is doing that, we are not intending to do it. We are encouraging nurses to go in for specialist training and we have bursary programmes in place and they do have to give us service, of course, for that and we are encouraging nurses to go into these specialties by operating bursaries and we have a number of them into these positions now.

So the encouragement, I do not know what the hon. member believes, that we go out and say, "Stay home". Or what does he mean? You know, the point about this, they have a process for income and salary and that process is going due course now and as I say it is ongoing and it is delayed. There is no question about it. At the present time all nurses across Canada, I guess, have a working contract this year but our negotiations are stalled due to the fact that we are waiting for the decision of the court on the procedure.

MR. WHITE: A final supplementary.

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

MR. WHITE: Mr. Speaker, could the minister tell the House whether or not any hospital official has told him that the care cannot be given, the proper care, proper health

MR. WHITE: care standards cannot be given now because of the nursing shortage?

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

MR. HOUSE: Mr. Speaker, no, no official has told me that. No. Very definitely. But it depends on what we mean by proper care being given. Normally because of the holiday season in the Summer - doctors take holidays, surgeons take holidays, nurses take holidays, and people take holidays - usually there is a slow down in elective surgery, or elective treatment. And if that means that it is not adequate care, well, there is not adequate care. But all emergencies are looked after and there is no hospital that has said that they cannot deal with the emergencies that are expected from day to day.

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I wonder if the Minister of Health can identify the problem we are talking about. Could the hon. gentleman tell the House the number of nurses, the minister indicated that there is a shortage of 2,000 nurses across Canada, would the hon. gentleman tell us what the numbers are in Newfoundland? I am sure the hon. gentleman must have asked for the figure. And while the hon. gentleman is on his feet, because I do not want to ask another supplementary, would the hon. gentleman care to comment on a statement made this morning by Mr. Smeaton, the representative of the Nurses' Union, a man whom I would assume - this is a very serious matter so I ask the Minister of Fisheries (Mr. Morgan) not to interrupt my question to the Minister of Health.

MR. MORGAN: I am not talking to my colleague here. You are not going to control the whole House.

June 9, 1981

Tape No. 2325

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MR. NEARY: Mr. Speaker, Mr. Smeaton, a man whom I
assume knows what he is talking about, says that the situation
has reached crisis proportions in the hospitals,

MR. NEARY: that it is a very dangerous situation, that the cancer care units have to be shut down in some of the hospitals and that the cancer patients cannot now be admitted to hospital and that he fears that people may, or it is conceivable that there will be loss of life; death would be caused because of the shortage of nurses. Now I am summarizing what Mr. Smeaton said, these are not my words. Would the hon. gentleman care to comment on these statements and also, while he is on his feet, identify the numbers that we are talking about in this Province?

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

MR. HOUSE: Mr. Speaker, when I identified 2,000 as being the figure across Canada, it was the figure in April in the height of the season not considering at all the holiday, the close down or the shut down or the slow down due to the Summer recess. So I do not have any figures for the total of Canada now. I would suggest perhaps it is more like 4,000 or 5,000. So I do not have that particular figure.

With regard, Mr. Speaker, to the statements by Mr. Smeaton, I do not have any figures here anywhere where there are any beds closed at the current time for emergencies or for any cancer treatment. The fact of the matter is that you have to bear in mind and I am not going to say anything now at all now about it other than to say that Mr. Smeaton is heading up the Nurses' Union and right now they are in a bargaining position. And, you know, they are going to say what has to be said. I do not want to get into the bargaining process. And therefore I -

MR. NEARY: Is there any truth in the statement he made? It is a pretty severe statement.

MR. HOUSE: I do not think so. In terms of the hospital administrations it is not crucial or critical. There is a shortage, I recognize it, in the intensive care units, and that is critical

MR. HOUSE: enough but they can handle emergencies, and it is due of course basically to, as I said, the slow down in the Summer.

The fact is about the other surgical things that are necessary -

MR. NEARY: Wait for a new (inaudible).

MR. HOUSE: You know, according to the reports that I am getting that there is no basis -

MR. NEARY: Well, are you saying there is no foundation to what Mr. Smeaton said?

MR. HOUSE: I am saying, Mr. Speaker, that I have no information to tell me that they are closing out critical care beds.

MR. NEARY: But would you investigate it in view of the statement that he made this morning?

MR. HOUSE: Mr. Speaker, I have investigated enough to be satisfied that everything is in hand and that we are

MR. W. HOUSE: available to assist any hospital when and if there is a crisis.

MR. SPEAKER (Simms): The hon. member for Windsor - Buchans.

MR. G. FLIGHT: Mr. Speaker, I have a question for the Premier and it concerns a letter, a householder I would think, written by a member of this House of Assembly to constituents. In this case it is the member for Bonavista South (Mr. Morgan) - a householder to constituents, Mr. Speaker. I am wondering if the Premier is aware that this letter was written on the Department of Fisheries letterhead, the letter went out under the Office of the Minister and it was strictly constituency business. Does the Premier approve of that kind of thing by his ministers?

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: I have heard some great questions in my day, Mr. Speaker, but that takes the cake! We have heard it all now. We have heard about a piece of correspondence that has been sent out by the Minister of Fisheries (Mr. Morgan). How well the fishery is doing in Bonavista or how well it is doing in Fogo or how well it is doing off the Labrador coast, whether the fishery is working out well this Spring and this Summer or not and all the other relevant things which should be of importance to this hon. House seem to have fallen by the wayside and people are interested in the piece of paper that the hon. the Minister of Fisheries sent out. It is just astounding to me, Mr. Speaker, really astounding! Incredible! Just incredible!

MR. G. FLIGHT: A supplementary, Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. member for Windsor Buchans.

MR. G. FLIGHT: I want to ask the Premier then, Mr. Speaker, they are saying in some quarters what has happened here is considered a dangerous precedent. The member concerned in his capacity as minister threatened to resign unless certain things were done, unless the government's legislation were amended and unless the changes were made in the present legislation. It is not parliamentary, Mr. Speaker, I suppose but one could almost use the word 'blackmail'. The government then, after presenting legislation in this House, the government caved in as a result of pressure, it so appears, pressure by a minister to his constituents. Is that -

MR. W. MARSHALL: That is unparliamentary, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please! Order, please!

If I may, perhaps the point of order may be relevant. The hon. member is absolutely right to use the term 'blackmail' is not parliamentary so I would ask him to withdraw it.

MR. G. FLIGHT: I withdraw, Mr. Speaker.

MR. SPEAKER: Now is there a point of order?

MR. W. MARSHALL: Mr. Speaker.

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

MR. W. MARSHALL: Mr. Speaker, the hon. gentleman is not asking a question, you know, he is making a speech. Another thing, Mr. Speaker, under Beauchesne, page 129, "A question oral or written must not be trivial, vague or meaningless". I think that the hon. gentleman is counted out on all three criteria, certainly the first two.

MR. SPEAKER: Any further questions?

MR. G. FLIGHT: Did you rule on the point of order, Mr. Speaker?

MR. SPEAKER: There is no point of order.

MR. SPEAKER (Simms): There is no answer.

A final supplementary, the
hon. member for Windsor - Buchans.

MR. G. FLIGHT: On the same supplementary,
Mr. Speaker, because I was interrupted by point of order.
I did not get to finish it.

MR. SPEAKER: There was no answer. Oh, you
are not finished your question. Sorry.

The hon. member for Windsor -
Buchans.

MR. G. FLIGHT: So I would ask the Premier, Mr.
Speaker, if this is what we can expect now, this type of
thing? Is this new policy, is this within his new guide-
lines that a minister on the threat of resigning can change
legislation tabled in this House and are we looking to
government by resignation?

MR. J. MORGAN: A point of order, Mr. Speaker.

MR. SPEAKER (Simms): Order, please!

A point of order has been raised by the hon. the Minister of Fisheries.

MR. MORGAN: The point of order is this, that if the hon. gentleman is going to quote any correspondence written or signed by me, I want him to quote it accurately, Mr. Speaker. Because there was never any mention of any resignation, there was never any mention of threatening resignation, anything of that nature in that piece of correspondence, and I want the hon. gentleman asking the question to refer to the correspondence in an accurate way.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: To the point of order. A point of order should be raised on a breach of order in the House. There is no point of order. The hon. the Minister of Fisheries, as I understand it, took the opportunity to clarify remarks that were attributed to him.

MR. FLIGHT: Mr. Speaker, a supplementary.

MR. SPEAKER: A further supplementary, the hon. the member for Windsor - Buchans.

MR. FLIGHT: My question to the Premier is this: Is this the type of government we expect to see now with government by threat of the minister to resign if certain legislation is not changed?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, the hon. member can expect, unfortunately, a government which lives up to its commitments, which is interested in the fishery, is interested in hydro development, is interested in the ownership of the offshore -

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: - which is interested in creating 40,000 jobs in four years, which is interested in getting

PREMIER PECKFORD: on with the job of giving good government to this Province. That is what the hon. member can expect and that is what the hon. the members of the Opposition can expect.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: I know, Mr. Speaker, that they want to expect other things, but I must unfortunately bring tragic news to the Opposition. This government is going to continue to operate in an honest, open fashion and bring good government to this Province. Unfortunately, the hon. members expect something else and I am very, very sorry to disappoint them again today.

SOME HON. MEMBERS: Hear, hear!

MR. FLIGHT: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): A final supplementary, the hon. the member for Windsor - Buchans.

MR. FLIGHT: In spite of the rhetoric, Mr. Speaker, it is self-evident, it is very evident what happened in this particular case. But I want to ask the Premier something that concerns me a lot more than possibly what he has just been talking about. And as a result of pressure brought on by the Minister of Fisheries (Mr. Morgan) on behalf of his constituents, fishermen, then I want to ask the Premier if he is prepared to exempt, through legislation, taxicab stands in the district I represent, farmers' sheds, Mr. Speaker; I want to ask him if he will exempt from the property tax small take-out stores, small shops where property tax in a given town is the only thing that is stopping them from surviving. Mr. Speaker, property tax exemption in their case is just as important as property tax exemptions to fishermen in Bonavista or anywhere else. I am not opposing property tax

MR. FLIGHT: exemptions to fishermen -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. FLIGHT: - I am asking that my constituents
or other constituents, other people whom property tax is
hurting get the same consideration as the minister got
when he interceded. That is the question.

SOME HON. MEMBERS: Oh, oh!

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

SOME HON. MEMBERS: Hear, hear!

SOME HON. MEMBERS: Oh, oh!

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

MR. SPEAKER (Simms): A point of order has been raised by the hon. President of the Council.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MARSHALL: The question was not a question, Mr. Speaker, it was a speech. That is the point of order. The hon. gentleman was making a speech and during Question Period he is not supposed to be doing it.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please! I understand the hon. member has asked a question somewhere in amongst all those comments that he made and there has been a question asked. I indicated it was a final supplementary. Are there further questions? Answers?

The hon. the Premier.

PREMIER PECKFORD: The hon. member can be assured that all policies that this government enunciate or amendments to legislation are put forward in the best interest of all the people of the Province, that we will ensure that we accommodate and look after as many people as we can. This is a compassionate, reasonable, straight-forward government and when suggestions come forward from that side of the House, this side of the House, any side of the House, we will look at them compassionately, we will look at them seriously and then we will take action. But we must in all seriousness say to the hon. member for Windsor-Buchans (Mr. Flight) that there is no question that municipal taxation is here to stay in one form or another and that people have to pay their fair share, that right now we have outstanding well over \$100 million in municipal debts that all the people of the Province pay through income taxes where there is no

PREMIER PECKFORD: property tax and so on. Most of the municipalities, outside of four or five, all of them have their debt charges paid for them by the Government of Newfoundland through the Municipal Affairs Department. And what we are saying through property tax, reasonable, fair property tax, is that they will then be able to operate at least that system without any subsidy and perhaps over time when they become more financially viable because of some additional property tax, they might even be able to pay back ten or fifteen per cent of the capital cost. Without that kind of municipal taxation system, then it will be impossible for many parts of the Province to achieve some degree of decent water and sewerage systems which are so badly needed. It is a fair and equitable system and we solicit the support of the hon. member for Windsor-Buchans (Mr. Flight) for ongoing, progressive steps to insure that all parts of the Province receive services that are now only partly enjoyed by some.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): The hon. member for Torngat.

MR. WARREN: I yield, Mr. Speaker.

MR. SPEAKER: The hon. member for Torngat yields to the hon. member for Windsor-Buchans.

MR. FLIGHT: Mr. Speaker, if I can cut through all that, Mr. Speaker, I just want the Premier to assure the House, Mr. Speaker, that people trying to make a living in the farming industry, the operators of small shops, marginal operations will be excluded from the property tax in the same sense that the fishermen of Bonavista or all the fishermen in the Province are going to be excluded from property tax. That is the question. I want the Premier to tell me whether or not he is prepared to exclude all the people for whom the property tax creates a hardship insofar as

MR. FLIGHT: being able to carry on their business. Will he make a commitment there that they will be excluded in the same sense that the fishermen the minister represents will be excluded?

MR. NEARY: A supplementary, Mr. Speaker.

MR. SPEAKER (Simms): The hon. member for LaPoile.

MR. NEARY: Mr. Speaker, would the hon. the Premier care to comment on the behavior of one of his members, namely the member for Bonavista (Mr. Morgan), who was sent a telegram over two weeks ago to attend a public meeting in Bonavista and to bring the Minister of Municipal Affairs (Mrs. Newhook) to explain the property tax to Bonavista at a public meeting and the hon. gentleman has not even had the decency to acknowledge or reply to his telegram? Will the hon. gentleman -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: - direct his member to at least acknowledge the telegram and reply to it to say whether or not he has the courage to attend a public meeting in Bonavista to defend his position on the property tax -

MR. HANCOCK: The Premier can attend at the same time.

MR. NEARY: - and bring the Minister of Municipal Affairs with him?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I am only too happy to comment upon the Minister of Fisheries, the member for Bonavista (Mr. Morgan) who, by the way, is one of the greatest Fisheries Ministers this Province has ever seen.

SOME HON. MEMBERS: Hear, hear.

PREMIER: Not only that, Mr. Speaker, but the member for Bonavista South has won elections in his district by a greater margin -

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER (Simms): Order, please!

PREMIER PECKFORD: - than almost any other member who sits in this hon. House. I challenge the hon. member for LaPoile (Mr. Neary) to go back to LaPoile and win his district by as much as the member for Bonavista South (Mr. Morgan) will go back and win his district.

SOME HON. MEMBERS: Hear, hear.

PREMIER PECKFORD: I challenge the hon. the roadrunner from Bell Island who scooted off to LaPoile to keep scooting around this Province until he finds a district that he can win by just as big a margin as the member for Bonavista can. That is what I challenge.

SOME HON. MEMBERS: Hear, hear.

PREMIER PECKFORD: I will comment on the member for Bonavista -

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: - that is what I will, when the hon. the roadrunner will stop running around this Province looking for new districts when he gets scared of PC candidates -

MR. SPEAKER: Order, please!

PREMIER PECKFORD: - I will comment on the member for Bonavista.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: Order, please!

PREMIER PECKFORD: Yes, Mr. Speaker, I will comment -

MR. SPEAKER: Order, please!

PREMIER PECKFORD: - all day long on the member for Bonavista, a wonderful member.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER: Hon. member are aware, of course, that one should refer to hon. members in the House by the districts they represent and not hon.' roadrunner '.

MR. NEARY: A s upplementary, Mr. Speaker.

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: I want to apologize very sincerely
I am very sorry that I referred to -

MR. NEARY: Apologize (inaudible)

SOME HON. MEMBERS: Oh, oh.

PREMIER PECKFORD: - the former hon. member for Bell
Island, now the member for LaPoile, I am sorry that I referred
to him as the 'roadrunner'.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER: The hon. member for St. Mary's -
The Capes.

MR. HANCOCK: Thank you, Mr. Speaker.

MR. NEARY: I drove the hon. gentleman off
his head again, bring in the bodyguards, bring in the bodyguards.

SOME HON. MEMBERS: Oh, oh!

MR. HANCOCK: Mr. Speaker, now that the Premier
seems to be back to himself again in his old form, he was
worried there for a while with threats on his life, I am
wondering at this time if he is about to call off the
security guards who have been following him around Canada
and the States for the last couple of weeks? Are the taxpayers
going to be saved that amount of money now if we do not need
any more security guards now he is back to his old form?

MR. NEARY: Now that he has graduated to the people
with white coats now, not bodyguards.

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

PREMIER PECKFORD: The answer that that question
deserves is this, no comment.

MR. NEARY: A supplementary, Mr. Speaker.

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

MR. NEARY: Mr. Speaker, I want to come back to Bonavista again. The hon. gentleman did not give the people of Bonavista the answer to the question that I put, that they have been trying to get an answer to for the last couple of weeks, and that is is he going to send the Minister of Municipal Affairs (Mrs. Newhook) down to Bonavista, accompanied by the member who has refused to acknowledge telegrams from the committee down there in connection with the property tax, to attend the public meeting. And while the hon. gentleman is on his feet, will he also tell the House -

MR. MORGAN: Out of order.

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

MR. NEARY: - while the hon. gentleman is on his feet -

MR. SPEAKER: I have to tell the hon. member first of all that that question -

MR. HANCOCK: You are only meeting with Tories now, are you?

MR. SPEAKER: Order! That question is out of order because it has already been a question that has been asked and Beauchesne says, paragraph 171, that a question, "must not repeat in substance a question already answered or to which an answer has been refused." So the hon. member will have to put a new question.

MR. NEARY: I will ask the hon. gentleman a new question. Is it true that Mr. Max Way, Councillor Way, has resigned, resigned on May 11th. from the Town Council in Bonavista in protest over

MR. NEARY: the implementation of the property tax?

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

PREMIER PECKFORD: Mr. Speaker, it seems to me once again that the line of questioning here in the hon. House is anything but provincial in nature but takes a very partisan and district approach to all the problems of the Province.

Now let me just say this, Mr. Speaker, in answer to the hon. member for LaPoile (Mr. Neary); obviously once again the Minister of Fisheries (Mr. Morgan), the member for Bonavista South (Mr. Morgan) has gotten under the skin of the Opposition, that he has out manoeuvred them in Bonavista. They thought by going down there first that they could out manoeuver the Minister of Fisheries.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: You let me tell you something, Mr. Speaker, they are going to have to learn -

MR. NEARY: (Inaudible).

MR. SPEAKER: Order, please!

MR. NEARY: (Inaudible).

PREMIER PECKFORD: Can I answer the question? I let the hon. member for LaPoile speak without being interrupted.

MR. SPEAKER: Order, please!

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: Can I have the same courtesy, Mr. Speaker?

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

PREMIER PECKFORD: The member for LaPoile is going to have to stay up all night long to -

MR. NEARY: I challenge you to go to Bonavista and have a public meeting.

PREMIER PECKFORD: - do his research. He is going to have to have not only the present Leader of the Opposition (Mr. Stirling), and the member for LaPoile, but all the members of the Opposition down in Bonavista and work like dogs for the next two years to even come close to having the political expertise that the

PREMIER PECKFORD: Minister of Fisheries has.

MR. SPEAKER (Simms): Time for one final question, the hon. member for Torngat Mountains.

MR. WARREN: Yes, Mr. Speaker, my question is to -

MR. NEARY: If the Minister of Fisheries has not got the courage, why do you not have the courage?

MR. SPEAKER: Order, please! The hon. member for Torngat Mountains -

MR. NEARY: He had to get a helicopter in the last time (inaudible).

MR. SPEAKER: - has a few seconds. The hon. member for Torngat Mountains.

Order!

MR. WARREN: Mr. Speaker, my question is to the Premier of the Province. In light of the fact that on February the 5th. the Town Council of Nain submitted to this government that they were willing to pay \$170,000 a year towards their grant, their loan from this government, and sees fit that this government as of today has not replied to the Nain Council to confirm whether this was acceptable or not, could the Premier advise whether this will be acceptable within the next few days?

MR. SPEAKER: The hon. the Premier.

PREMIER PECKFORD: Mr. Speaker, I will take that question as notice and get the information for the hon. member.

MR. SPEAKER: The time for oral questions has expired.

PRESENTING PETITIONS

MR. SPEAKER (Simms): The hon. member for Trinity-Bay de Verde.

MR. F. ROWE: Mr. Speaker, I have a petition -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: That is not an M.H.A. letter.
That is not an M.H.A. letter.

MR. SPEAKER: Order, please!

MR. NEARY: That is on government stationery.
On government letterhead.

MR. SPEAKER: Order, please!
I must ask the hon. member for LaPoile (Mr. Neary) to please restrain himself. The hon. member for Trinity-Bay de Verde (Mr. F. Rowe) has the floor, Presenting Petitions.

MR. F. ROWE: Mr. Speaker, I would like to present a petition on behalf of 278 residents of Old Perlican and Sibley's Cove dealing with John Hoskins Elementary School in the community of Old Perlican. And the prayer of the petition reads as follows: "We the undersigned, being very considered about the well-being of our children, do hereby petition the Government of Newfoundland and Labrador for action re improvements to the John Hoskins Elementary School of Old Perlican, Trinity Bay, Newfoundland, for the following reasons: one, the school has no gymnasium or play area of any kind; two, the school is considered unsafe for children in that it does not comply in any way with the Fire Department regulations, and three, the school is far below modern standards, generally in a bad state of repairs and is considered as unfit for our children to attend."

MR. F. ROWE: Now, Mr. Speaker, in supporting this petition I would like to point out that on March 31, 1980 a number of members of the House of Assembly serving the jurisdiction of the Avalon North Integrated School Board, were asked to attend a meeting by that particular school board in order to get some idea of the priorities for construction and improvements of the schools under that particular school board.

And as it happened it was divulged at that meeting that the John Hoskins Elementary School was a number one priority for renovations and improvements, according to the school board. And probably the best way to give the House some idea of the conditions of that school would be to read an excerpt from the report by the Committee on Material Improvements to the John Hoskins Elementary School, and this committee was composed of a number of parents in that particular community.

There is no physical educational programme. The fact that physical education is compulsory where facilities exist shows the importance placed upon it by the Department of Education. We feel that our children suffer from the lack of such a programme and are unable to compete on the same level when they finally start physical education at the high school level.

MR. F.B. ROWE: Without such a programme they are missing a valuable experience for most of their school year:

Mr. Speaker, I might take a little more than the five minutes if I wish to complete this particular excerpt from the report, so I will ask leave of the House if I go over a minute or so.

MR. SPEAKER (Simms): Well, at the time the hon. member's time expires I will ask if there is leave.

MR. F.B. ROWE: Thank you.

Two: 'There is no area except classroom space for bused students to spend their lunch break. The lunch break has already been shortened but problems still exist with supervision and a rushed lunch for the children in the community of Old Perlican this year.

This year, with the transfer of two classrooms, that is kindergarten and Grade I, from Sibley's Cove, there are sixty-one students bused in. Proper supervision of these students during lunch break is very difficult:

Three: 'There is no area for concerts, assemblies or choir practices'

Four: 'With a new gymnasium and classroom, the present intolerable kitchen and lunchroom facilities could be improved'

Five: 'The new gymnasium would provide extra classroom space which is needed for proper music instruction. The school Board assured us that they could get the funds. If they could get the funds from the Integrated Education Committee, we could get the gym.

In May of last year the

MR. F.B. ROWE: Integrated Education Committee assured us that they would not make any such funds available for that year. The lack of a gymnasium is not, of course, the only problem.'

And they go on to list off - and I will table this, Mr. Speaker - they list off nine additional improvements that are required such as drinking fountains, washrooms downstairs, new floor coverings, chalk boards, things you would normally expect to find in a school.

Mr. Speaker, I can only say that that school cannot be really adequately described as a school that should be a part of this particular decade in our Province. The parents themselves -

MR. SPEAKER (Simms):

Order, please!

I must advise the hon. member his time has expired. The hon. member wishes leave.

SOME HON. MEMBERS:

By leave.

MR. F.B. ROWE:

Just one minute, Mr.

Speaker.

MR. SPEAKER:

Is there leave?

SOME HON. MEMBERS:

By leave.

MR. SPEAKER:

Agreed.

MR. F.B. ROWE:

Thank you, Mr. Speaker.

Mr. Speaker, the parents themselves are so frustrated that in their latest correspondence to me, dated February 9, of this year, they indicated that they are so dissatisfied with the conditions there that they decided unanimously at a public meeting in January, 1981, not to send their children to this school in September of 1981, if the new gymnasium has not been started.

Now, Mr. Speaker, I realize that the - I hope that the Minister of Education (Ms. Verge) speaks in support of this petition - money is

MR. F.B. ROWE: forthcoming from the
Denominational Education Committees, but the point I would
like to make is that this school is a school that is not
fit to be attended by students in this day and age.

MR. F. ROWE: And I find it very difficult to see how a revised high school programme can be introduced into this Province with an additional grade when, in fact, the government really does not have enough money to give the Denominational Education Committees enough money to carry on with the present system that we have.

Mr. Speaker, I would simply ask that this be placed upon the table of the House and referred to the department to which it relates.

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: Mr. Speaker.

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

MR. LUSH: Mr. Speaker, it is absolutely sickening to realize that the circumstances outlined in that particular petition exists today, in 1981, in an unisolated area of this Province. And, Mr. Speaker, I suppose it illustrates again the tremendous inequalities that exist in educational opportunity right throughout this Province. The circumstances, Mr. Speaker, listed in that particular petition from the John Hoskins School are, Mr. Speaker, symptomatic of so many schools throughout this Province, certainly so many in my own district, the district of Terra Nova.

Mr. Speaker, to realize that so many thousands and thousands of elementary school children throughout this Province have to attend school where they are not given the opportunity to take part in physical education, to have no lunchroom facilities; they are required to stay in the school, because of the busing situation they have to stay in the school to lunch; there are inadequate lunchroom facilities, inadequate

MR. LUSH: facilities for the kids after they finish lunch to socialize or to participate in any kind of physical activity, something that would keep the kids occupied in a good, honest and productive fashion. That is what the school is asking for and these facilities do not exist. As I have said, Mr. Speaker, that exists in so many communities in rural Newfoundland. And I am sure that hon. members who come from the larger areas of this Province find that rather difficult to believe. People from areas like St. John's, Gander, Corner Brook and Grand Falls find that situation hard to believe. But, Mr. Speaker, all one has to do is to visit the school that the hon. member just mentioned in his petition, visit the school in Musgravetown, visit the school on the Eastport Peninsula, and Mr. Speaker, we find these kinds of inequities existing all over the Province, these kinds of educational inequities, these things which, Mr. Speaker, militate against providing equal opportunity, providing equal educational opportunity for the children of this Province. Mr. Speaker,

MR. LUSH: it is, as I said again, absolutely sickening to realize that so many children have to attend buildings that are inadequately equipped, they have to attend inferior buildings. And, Mr. Speaker, the teachers in these communities cannot give these children the same quality education that could be given in areas that have the facilities, gymnastic facilities, that have music facilities, that have all of these facilities and all of the support facilities necessary, Mr. Speaker, to give a full education. And, Mr. Speaker, I would hope the Minister of Education (Ms Verge) will take note of this situation and take note of the seriousness and the gravity of the situation as it exists throughout this Province, throughout the Island part of the Province and Labrador. Mr. Speaker, I hope the minister will take action on this so that we can remove these inequities, so that we can truly make educational opportunity equal throughout this Province.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Simms): To the petition. The hon. Minister of Education.

MS VERGE: Thank you, Mr. Speaker. Mr. Speaker, I am aware of the situation at this particular school in the member for Trinity-Bay De Verde's (Mr. F. Rowe) district. I, in fact, met with several parents and people from the area concerned a couple of months ago and was fully briefed about the shortcomings of that building.

Mr. Speaker, government has taken action. Over the past ten years we have made available in our capital budget funding to allow for the construction of \$200 million worth of school buildings in namely the rural communities around our Province. In the current fiscal year, the new fiscal year, Mr. Speaker, we have

MS. VERGE: made provision in the estimates, which are now before this hon. House, for \$10.8 million worth of government funds for school construction. And on top of that \$5 million worth of funds for high school related construction for a total of \$15.8 million of government funds. Under the constitutional arrangement that is where government's role ends. That funding is given on a per capita basis to the church authorities, the Denominational Education Committees, the Intergrated Education Committees. The church authority responsible for John Hoskins Elementary School will be making decisions, has already made some decisions governing the allocation of the funding for the new fiscal year. The church authorities have the responsibility for distributing the funding among school boards and taking care of needs, presumably in order of priorities.

Mr. Speaker, I will be glad to receive the petition and I will be referring it to the Intergrated Education Committee, although I understand from previous contact that the IEC is quite aware of the needs of the school in Old Perlican.

ORDERS OF THE DAY

Mr. Speaker (Simms): This being Private Members' Day I call Motion No. 8 moved by the hon. the member for Stephenville.

The hon. member for Stephenville.

SOME HON. MEMBERS: Hear, hear!

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

MR. SPEAKER: A point of order has been raised by the hon. the member for Terra Nova.

MR. LUSH: Mr. Speaker, for the future direction and for the future guidance of politicians, parliamentarians

MR. LUSH: of this House, I want to raise a matter, an important matter that is related, Mr. Speaker - a point of order on an important matter. Mr. Speaker, all hon. members will know that the proceedings of this House are governed by the written rules, our Standing Orders, and the gaps are filled in, of course, by the Standing Orders of the House of Commons and by other authorities and by precedent. Now, Mr. Speaker, the matter I raise here today is the one that has been ruled by precedent time and time again by other speakers, and I would expect by every speaker of this House and I would expect by Your Honour, and, Mr. Speaker, that is that we have always here in this House, refrained from debating matters that are before the courts. And, Mr. Speaker,

MR. T. LUSH:

I would suggest that the matter up for debate today is a matter that is before the courts and because we have established that precedent in this House, that long established precedent that we do not debate matters, Mr. Speaker, which are before the court, then I would rule that this particular motion is out of order bar the - even, Mr. Speaker, that it is by precedent in this House. I also refer Your Honour to Beauchesne, page 118 of the Fifth Edition. Under The Sub-Judice Convention, section 335 says, 'Members are expected to refrain from discussing matters that are before the courts or tribunals which are courts of record'. And, Mr. Speaker, further to that section 338, clause four, it here again says, 'The reference of a bill to the Supreme Court of Canada withdraws that bill temporarily from the jurisdiction of Parliament. If the constitutional situation of human rights is submitted to the Supreme Court, it thereby becomes sub-judice and cannot be considered by a committee of the House until the Court has given its decision'. So, Mr. Speaker, we have it on two accounts. It is established by precedent in this House that any matter that is before the courts is not to be debated and substantiated here, Mr. Speaker, by Beauchesne.

So, Mr. Speaker, I submit to Your Honour, that is a very important matter and I am sure one that will be treated seriously by Your Honour for the future guidance and for the future direction of parliamentarians who will come to this House in the future. It is a very serious matter and I am sure Your Honour will deal with it in that light.

SOME HON. MEMBERS: Hear, hear!

MR. W. MARSHALL: To the point of order, Mr. Speaker.

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

MR. W. MARSHALL: Your Honour, there is no doubt that matters that are sub-judice cannot be considered by a Parliament. But, Mr. Speaker, what we are considering is the hon. member's resolution, 'BE IT RESOLVED that this House endorses the position of the government as set forth in its white paper-Towards the Twenty-First Century-Together. That is not, Mr. Speaker, before the courts. What is before the courts is a resolution that has been passed by the -

OTTENHEIMER: By the House of Commons.

MR. W. MARSHALL: - the friends of the hon. gentleman there opposite in Ottawa. That particular resolution - we are not debating, Mr. Speaker, we are not debating the matter -

SOME HON. MEMBERS: Oh, oh!

MR. W. MARSHALL: - we are not debating the matter -

MR. SPEAKER(Simms): Order, please!

I would ask the hon. President of Council to continue.

MR. W. MARSHALL: We are not debating, Mr. Speaker, that particular resolution. What we are debating, Mr. Speaker, is this very impressive paper-towards the Twenty-First Century Together which contains the basic principle of Newfoundland's constitutional position. The matter of resources, Mr. Speaker, will be debated, the offshore resources, the fisheries, resource ownership and these other things, items, Mr. Speaker, which sorely embarrass the hon. gentlemen there opposite, items which they do not always wish to discuss, they do not wish to hear about, items, Mr. Speaker, which I say, as they know, that they are not standing with the people of Newfoundland when they took opposite positions.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. W. MARSHALL: So, Mr. Speaker, sub-judice -

I am not aware that the Twenty-First Century-
Together has been referred to a court of law. Mr. Speaker,
it has been referred to a court of public opinion and has
come out with 95 per cent approval, but it has not been
referred to a court of law.

SOME HON. MEMBERS: Hear, hear!

MR. S. NEARY: Mr. Speaker.

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

MR. S. NEARY: To that point of order, Mr.
Speaker, I feel that there is indeed a point of order here
if the hon. gentleman merely went down to the last part of
the member for Stephenville's (Mr. Stagg) resolution.
The first part of it, Mr. Speaker, if Your Honour will
read the resolution says, "WHEREAS the Federal Govern-
ment has acted unilaterally to change the Canadian Constitu-
tion in spite of opposition from eight provincial govern-
ments and contrary to the principle of consensus; AND
WHEREAS the federal Government's constitutional proposals
threaten the powers of the Provinces and, in the case of New-
foundland, remove existing protection from the sacred rights
enshrined in our Terms of Union." Then there is the 'WHEREAS'
Mr. Speaker.

So this resolution definitely,
definitely deals with the constitution. Now, Mr. Speaker,
let me say this that we would like to debate the constitu-
tional matters in this House today. We would love to debate
it. In the light of the statement the Premier made in
Western Canada where he said that the provinces

MR. NEARY: who are against the constitution should oppose it even when it is brought home to Canada, they should oppose it advocating civil disobedience -

MR. HANCOCK: What a separatist.

MR. NEARY: - in Canada, then, Mr. Speaker, we would love to debate it, but we do not think that it should be debated today. If it is debated I will get into the debate. But we have ample precedent in this House, Mr. Speaker. On many an occasion in the past, I have been ruled out of order for debating matters that were before the courts. This particular matter is before the court, the Supreme Court, the highest court in this land outside the Parliament of Canada. And I believe it would be improper for us to debate a matter that is before a tribunal or before the court. And I would submit that is a good point of order, Mr. Speaker. And as much as we would like to debate it, we would like to see the rules of this House adhered to.

SOME HON. MEMBERS: Hear, hear!

PREMIER PECKFORD: Mr. Speaker, to the point of order.

MR. SPEAKER (Simms): To the point of order, the hon. the Premier.

PREMIER PECKFORD: It is a very important point of order. And one can only hope, from this side of the House, that the motivation for the point of order stems from the question of knowing whether in fact any rule of this hon. House is being broken by the debate of this resolution, and not any motivation which would lessen the whole decorum of this House, that being a motivation which

PREMIER PECKFORD: shows that the Liberal Opposition is afraid to debate it.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: So I am taking it, Mr. Speaker, that this point of order is put forward in trying to ensure the decorum of this hon. House, put forward in the sense that a rule is being breached. But I would submit, Mr. Speaker, in the point of order, I would submit that what is before the Supreme Court of Canada is a resolution from the House of Commons of Canada. It is a resolution from the House of Commons of Canada which has been referred to the Supreme Court of Canada. It is not -

MR. WARREN: (Inaudible) it in.

PREMIER PECKFORD: Mr. Speaker, if I can -

MR. SPEAKER (Simms): Order, please!

PREMIER PECKFORD: - this is a very important point and I would ask the hon. member to please restrain himself, and abide by the rules of the House. If the hon. members opposite wish to get up and make a point of order that some rule is being broken then surely they are not going to sit down and break rules.

SOME HON. MEMBERS: Oh, oh!

PREMIER PECKFORD: So, Mr. Speaker, I would ask -

SOME HON. MEMBERS: Oh, oh!

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

The hon. members to my right have indicated they consider this to be a very important matter. I would like to hear the debate on the point of order, until I feel I have heard enough.

The hon. the Premier.

PREMIER PECKFORD: Well, Mr. Speaker, this is an extremely important point that the hon. member for Terra Nova (Mr. Lush) raises. Now, I submit to you for your consideration in ruling on this point of order, that the resolution before this hon. House is a resolution duly put by the member for Stephenville (Mr. Stagg) and it is to debate this document which is Towards the Twenty-First Century - Together which is the white paper of the Province of Newfoundland. By the way, as a matter of fact, if one looks there could be a number of Legislatures in Canada now debating similar kinds of resolutions.

But in any case, this is what the resolution talks about, this particular white paper put out by the Government of Newfoundland and Labrador. This white paper and its principle are not before the House of Commons, it is a resolution from the House of Commons in Ottawa to the Supreme Court of Canada. What we are putting out here is our position on the offshore, our position on fisheries, our position on the role of Parliament, our position on the Charter of Rights and so on. There is a very specific resolution before the Supreme Court of Canada and, Mr. Speaker, that is not this white paper. And I think that is an extremely important point to make besides which, on the more less technical issue - in a less technical issue, it is high time, in my view, that this Parliament, that this Provincial Legislature got around to debating the principles that underlie this Confederation. But that is a secondary point.

The primary point is simply that there is a resolution out of the House of Commons before the Supreme Court of Canada, this is

PREMIER PECKFORD: a white paper put out by the Government of Newfoundland enunciating a number of principles by which it understands confederation, a completely different matter altogether and it is high time that the Liberal Opposition adopted their responsibilities and got on with trying to tell the Newfoundland people where they stand.

MR. SPEAKER (Simms): If the hon. member has some further help to the Chair I will listen to it.

MR. LUSH: No, actually I think -

MR. SPEAKER: The hon. member for Terra Nova.

MR. LUSH: Mr. Speaker, just to clear up a matter, I took great care with the words that I used when I brought in this point of order and did it as diplomatically as I could, without being accused of trying to make any cheap political points. I was not the person to bring that kind of thing into the debate. Mr. Speaker, my motives were genuine. I want to ensure that no rules of this House are broken and Mr. Speaker, I do again want to impress upon Your Honour that all of the preamble in this particular resolution does refer to the constitution of Canada, every bit of it. And I would suggest to Your Honour that if this motion is allowed today that it will not open up the floor to talk about this, Mr. Speaker, not only about this white paper, that it will open up the whole constitutional debate.

MR. NEARY: Challenging the Charter of Rights.

MR. LUSH: Mr. Speaker, it will open up the whole constitutional debate so I do want to let my case rest, Mr. Speaker, on these few explanatory notes.

MR. NEARY: The member for Stephenville confirmed that.

MR. SPEAKER: Is there any further argument to the point of order? I will hear one other point.

The hon. member for Stephenville.

MR. STAGG: To that point of order. I certainly want to get going here today. Obviously the Opposition does not want to hear me. They have not heard me for a while and I guess they were hoping that this session would -

MR. SPEAKER (Simms): Order, please! Order, please!

MR. STAGG: - that I would not have another crack at them for the session.

MR. SPEAKER: I would like some assistance in making the decision.

MR. STAGG: Mr. Speaker, I do not think that the Parliament of Canada stopped discussing the constitution while the matter was before the Supreme Court of Newfoundland or -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. STAGG: - or the Supreme Court of Manitoba, or the Supreme Court of Quebec.

MR. SPEAKER: Order, please!

MR. STAGG: It came as quite a surprise to them, the Supreme Court of Newfoundland decision and they were discussing it at the time.

Mr. Speaker, I intend to range far and wide in my discussion on this matter. I am certainly going to deal with this Towards The Twenty-First Century - Together, but there are an awful lot of other things that I intend to deal with as well that are in that, and hon. members opposite are going to squirm a bit when I bring them to their attention. But I just say this to the Speaker, that there was no stopping of discussion on the constitution while the matter was before the provincial court.

MR. NEARY: Provincial court?

MR. SPEAKER: With respect to the matter, obviously I am going to require a bit of time because I wish to check precedents and I wish to check with other authorities in other Houses, hon. members will have to be aware that that is going

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MR. SPEAKER (Simms): to take more than a few moments. I would like to give it some consideration if that is - well, whether it is agreeable or not, that is what I will have to do. We will recess.

RECESS

MR. SPEAKER (Simms):

Order, please!

With respect to the point of order raised by the hon. the member for Terra Nova (Mr. Lush) members, I am sure, will realize that this is a very difficult matter to have considered, to try to research, in a very short period of time. However, I have done some research on the matter and I would like to quote some pertinent references from the various authorities, in addition to those that have been used in the debate on the point of order.

I refer hon. members to Beauchesne's Fifth Edition, page 118, paragraph 336(1) which says: "The sub-judice convention has been applied consistently in criminal cases".

Reference (1), paragraph 338(4): "The reference of a bill to the Supreme Court of Canada withdraws that bill temporarily from the jurisdiction of Parliament. If the constitutional situation of human rights is submitted to the Supreme Court, it thereby becomes sub-judice and cannot be considered by a committee of the House until the Court has given its decision." However, it goes on to say: "The question cannot be before two public bodies at the same time."

The matter under discussion is whether or not the question before the Supreme Court is the same as the question contained in this resolution. Also, I ruled in the past that when a question such as this arises, we deal with the actual resolved part of the resolution and not the preamble.

May I further quote from Sir Erskine May, the 19th. Edition, page 427, concerning matters pending judicial decision. "On 28 June 1972 the House came to a further Resolution, that notwithstanding the Resolution of July 23 1963 and

MR. SPEAKER(Simms): subject to the discretion of the Chair, reference may be made in Questions, Motions or debate to matters awaiting or under adjudication in all civil courts, insofar as such matters relate to Ministerial decision which cannot be challenged in court except on grounds of misdirection or bad faith, or concern issues of national importance such as the national economy, public order or the essentials in life; and that in exercising its discretion the Chair should not allow reference to such matters if it appears that there is a real and substantial danger of prejudice to the proceedings."

And further, Sir Erskine May, page 333, says: "Though the House has more recently resolved to allow reference to be made to matters awaiting or under jurisdiction in all civil courts, subject to the discretion of the Chair, provided that there is no real and substantial danger of prejudice to the proceedings."

I have also checked with another authority outside our own Legislature, our own House and I believe the sub-judice convention is really to prevent prejudice to parties or witnesses. But in this case the matter raised in the point of order has already been heard and I doubt that there will be any prejudice to parties or witnesses by debating this resolution which says: "THEREFORE BE IT RESOLVED that this House endorses the position of the government as set forth in its white paper - "Towards the Twenty-First Century - Together".

So I cannot find that this matter is sub-judice at this time and I would have to rule that the resolution is in order. I would advise

MR. SPEAKER (Simms): the hon. member for Stephenville (Mr. Stagg) that he has - we started speaking at 3:58, we adjourned at 4:06, so the hon. member has twelve minutes remaining to the resolution.

The hon. member for Stephenville.

SOME HON. MEMBERS: Hear, hear!

MR. STAGG: Thank you, Mr. Speaker, for another wise and well-researched ruling.

Mr. Speaker, I wonder why the Opposition really did not want to hear this resolution debated in this House today? Was it because, Mr. Speaker, they were genuinely concerned about it or are they afraid of hearing members on this side supporting -

MR. TULK: I will let the hon. member know how afraid I am when I start speaking.

SOME HON. MEMBERS: Hear, hear!

MR. STAGG: The hon. member says he will let us know how good he is when he starts speaking.

AN HON. MEMBER: He did not say how good, he said 'how afraid'.

MR. STAGG: Well, we have yet to hear him say anything worthwhile, although I must say he has occupied the time of the House on occasion.

Now, Mr. Speaker, I would like to say, in introducing my remarks, that I am greatly disappointed in the conduct of the Opposition in many ways. Today, for instance, in the Question Period the Opposition did not deal with -

AN HON. MEMBER: Is this relevant?

MR. STAGG: I am dealing with the inconsistency of the Opposition as it relates to constitutional matters, and I will just see how it is mirrored in their other activities, i.e., the Question Period. Nothing about the squid fishery, nothing about the Japanese intervention into our squid fishery,

MR. STAGG: nothing about the drift net fishery on the South Coast - salmon fishery - nothing about that, they do not want to hear about any of those things, Mr. Speaker. They would like to digress and to divert the attention of the public, and particularly the press, into little idiosyncrasies or foolishness, hopefully, that would detract from and assault the morale of the members on this side in some way, by tearing down the people on this side to build themselves up. Well, Mr. Speaker, it is not going to work. It is not going to work and they are going to find out that it is not going to work.

Now, what is the resolution that I put forward here? It is a resolution that may have become passé in some quarters, passé among members of the Opposition, certainly to talk about the constitution, to talk about the actions of the federal government. Well, it is not passé, Mr. Speaker, because the rules of the game for Canada for the next 100 years or for time immemorial are being set at the present time by the Supreme Court of Canada - at least they are going to have their say on it in the near future. But if the Supreme Court of Canada rules in favour of the federal government, I predict that it is not over. I would say that if they rule against the federal government that the federal government will gladly give up, because they know they are on the wrong side of this issue, they are on the wrong side of this issue with the public of Canada. Hon. members opposite, yes - and I get a sneer on that from the member for Bellevue (Mr. Callan), a sneer. The hon. member thinks that because he got elected down there, because he squeezed in by getting out the solid Liberal vote in Bellevue and -

MR. FLIGHT: The same with Stephenville.

MR. STAGG: - yes, you can get the solid Liberal vote out in Stephenville and you will find out exactly what it is. Sneer is what the hon. members understand, sneer and the attributing of base motives.

MR. STAGG: Mr. Speaker, what is this Resolution? It ends up in the Resolution part of the motion that 'This House endorses the position of the government as set forth in its white paper - towards the Twenty-first Century - Together! Well, I would submit that not very many members of the Opposition have read that document because they do not want to read facts that are going to divert them from their theory. Now, Towards the Twenty-first Century - Together was written sometime during the Summer of 1980 and it was published under the Premier's hand on August 18, 1980, that is almost a year ago. And what does it deal with? Well, I will just deal with the table of contents because I am sure hon. members opposite have not read it. They would not want to read it because it explodes the fallacy and the political difficulties that anyone would have in supporting the federal government after having read this document. It deals with the basic principles of Newfoundland's constitutional position - Parliamentary Democracy, Balanced Federalism, Equality of Opportunity for Provinces and People, Consensus, Human Rights and Fundamental Freedoms. It is dealt with there. I would suggest hon. members should read it - Resources, The Fishery, Offshore Resources, Resource Ownership and Inter-provincial Trade, Powers over the Economy, Patriation and the Amending Formula, and so on. It deals with all of the things that ultimately were dealt with to some extent in this bill called The Canadian Constitution, 1980, which was sent around to practically all Canadians.

Well, what is before the Supreme Court of Canada now is only - this bill is in tatters before the Supreme Court of Canada and before Parliament

MR. STAGG: because it has been assailed by interest groups all across Canada, it has been assailed by the Opposition, it has been assailed by members of the government and it is in tatters. And what is it? Can anybody in this House honestly say that they know exactly what the bill is that is before Parliament at the present time?

AN HON. MEMBER: Sure.

MR. STAGG: No, nobody can - there may be some. I do not know exactly what it is. It is certainly not what is in this bill here - the amending formula changed somewhat, the so-called Charter of Rights changed dramatically, altered. So what is it? It is in tatters. And that is symbolic of the federal government's attitude towards this whole issue. The federal government's commitment to Canada is in tatters. It is a political commitment. It is a political commitment to the perpetuation of the Liberal Party which hon. members opposite are very familiar with. They have a commitment to the perpetuation of the Liberal Party. Unfortunately, the Liberal Party that they are a part of will never get back into power in this Province. The Liberal Party may get back into power but hon. members opposite will never get back in.

Hon. members opposite support the federal government. In any debate, in any discussion where the provincial position and the federal position are being put forward, you will find hon. members opposite weaseling around and trying to curry favour with their federal colleagues.

And what did the Supreme Court of Newfoundland have to say about the federal proposal? The Supreme Court of Newfoundland took a very realistic approach. It looked at what some other politicians

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MR. STAGG:
jurisdictions had said.

in other times and in other

I am just going to quote

MR. STAGG:

briefly from the part of the Supreme Court Newfoundland decision. It is at 38 In 1907 Sir Wilfred Laurier, Sir Wilfred Laurier no other, said in reference to the compact of Confederation, "It should be altered only for adequate cause and after the provinces themselves have had an opportunity to pass judgement on the same." Now, that was the great Liberal Prime Minister of Canada at the turn of the century who said that the twentieth will be Canada's century, Sir Wilfred Laurier. And he said that the provinces should have an opportunity to pass judgement on it. Well, what have we witnessed in this country? We have witnessed eight provinces, eight provinces that have violently opposed the federal resolution and we see one province, the province of Ontario that perceives that it has a vested interest in the perpetuation of this perpetration of this constitutional package upon the rest of Canada. And in doing so, in dealing with the province of Ontario I would like to deal briefly with some remarks made by the Premier, some very good remarks made by the Premier at Calgary last week. I just happen to have a copy of this speech here - I have not committed it to memory yet, Mr. Speaker. I have not committed the Premier's speech to memory yet but the Premier said in Calgary last week, "One of the most unwholesome aspects of this situation, i.e., the unilateralism of the federal government, is that it is being advanced with the knowledge and understanding that Ontario supports the programme, that province feeling uncomfortable now that it is no longer alone at the top of the Canadian economic order. Such insecurity does not benefit this

MR. STAGG: historically progressive and prosperous province at a time when Canada, especially the industrial heartland, should be pursuing the economic development made possible by stable energy supplies and low prices. Ontario prefers to pout over its diminishing economic status rather than take advantage of the considerable edge which the West's energy makes possible for that province in the international market place." I think that sums up Ontario pretty well in the context of this debate. And I do not say that we have PCs in Ontario. Somebody said - I heard PCs said. I do not think we have a bunch of PCs in Ontario. We have a government in Ontario that elects itself as Progressive Conservative but they are as close to the Liberal party as I would ever want to get.

SOME HON. MEMBERS: Hear, hear!

MR. STAGG: They are a bunch of Liberals in Ontario.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: That should make headlines today.

MR. STAGG: Yes, I hope it does make headlines. It will be the first headlines I have made in quite a while. Now, let me deal with one other - MacKenzie King. What did MacKenzie King have to say about it, about this issue? In 1940 MacKenzie King - Was MacKenzie King a Tory? No. MacKenzie King said, we then immediately sought to bring in a measure of unemployment insurance which would be the unquestioned as to its validity. The difficulty - it would be difficult but the most necessary part of the whole business was to get the consent of the several provinces."

MR. STIRLING: Was that his (inaudible).

MR. STAGG: Well, I am not sure who was advising but he got good advice at that time. And Prime Minister Louis St. Laurent, not a noted Tory, said, 'I submit again that the statute, i.e. the BNA Act, apportioned the sovereignty

MR. STAGG: to Parliament for certain purposes and to the legislatures for other purposes. And what it assigned to the legislatures is in no way under the jurisdiction of this Parliament and cannot be touched without the consent of those who have jurisdiction over it.

Now, Mr. Speaker, I submit to all hon. members that they should read two documents, read, Toward The Twenty-First Century-together and read what these three great patriots in the Appeal Court of Newfoundland had to say about this issue when they threw it out. Mr. Speaker, I move the passing of this resolution.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (BUTT): The hon. member for LaPoile.

MR. NEARY: Mr. Speaker.

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: Mr. Speaker, let me say straight away that we are going to vote against this resolution. We think it is silly, it is completely irrelevant. We feel that the matter will be decided in due course. All members of the House know that the Queen, Her Majesty the Queen will be coming to Canada in July and I have the feeling that Her Majesty the Queen would not be coming to Canada in July if there was an unfavourable decision as far as the Constitution of Canada is concerned and the Charter of Rights. And that is what we are talking about here, Mr. Speaker, in this document that the hon. gentleman was waving around for the last half hour or so. You have the provincial government challenging- the provincial government here in Newfoundland is challenging the Charter of Rights. They are laying down their own ground rules. And one of the items that they are challenging is the right for Canadians to be able to move from one end of this country to the other. That is one of the highlights

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MR. NEARY: of their - what is it they
call it? - their Towards The Twenty-First Century. Their
objective towards the twenty-first century is to bar
Canadians, is to throw up the

MR. NEARY: barriers, throw up the barricades and bar Canadians from moving freely back and forth across this Province to work for a living and to earn a living for themselves and their families.

Mr. Speaker, that particular policy which is included in that document is backfiring. It is having an adverse effect on Newfoundlanders who are seeking employment in other parts of Canada.

Do you know, Mr. Speaker, today Newfoundlanders who are leaving -

MR. DINN: (Inaudible).

MR. NEARY: May I have order, Mr. Speaker?

MR. SPEAKER (Butt): Order, please!

MR. NEARY: That gentleman does not exist so he should just keep quite.

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, Newfoundlanders are forced to leave this Province today in droves to seek employment in other parts of Canada, especially in Alberta. We have a record 'out' migration in the last couple of years from this Province, people who are going -

MR. DINN: (Inaudible).

MR. NEARY: Mr. Speaker, would you ask the non-existent gentleman just to restrain himself?

MR. SPEAKER: Order, please!

MR. NEARY: Mr. Speaker, we have record 'out' migration in this Province, mainly Newfoundlanders going to other provinces but especially to Alberta to seek employment. And what would happen, Mr. Speaker, if every province of Canada adopted the same policy as this government has adopted here? What would happen if they threw up the barricades, if they brought in their immigration laws and their work permits and sent all the

MR. NEARY: Newfoundlanders packing back home? What would happen, Mr. Speaker, in this Province? She would sink in the depths of unemployment.

You know, Mr. Speaker, Newfoundlanders today who leave this Province - and I have talked to a good many of them - when they go out now to Western Canada and when they go to Ontario, they will not admit they are from Newfoundland. When somebody asks them where they are from they say, 'down East' rather than say they are from Newfoundland and become embroiled in all kinds of controversy and argument and embarrassment and abuse by their fellow-Canadians.

If there is one thing that this government has done, Mr. Speaker, in the last ten years that it has been in power in this Province, it has put Newfoundland and Newfoundlanders in the most embarrassing position they have ever been in in their lives, and they should hang their heads in shame. And the non-existent minister, Mr. Speaker, is the ringleader. Only today I was reading correspondence between the Minister of Labour and Manpower in this Province (Mr. Dinn) and the Seafarers' International Union. I have it down on my desk and I will be bringing it and tabling it in this House eventually. If you want to see another classic example of anti-labour, anti-unionism in this Province, I will produce another one next week.

And what does that correspondence, the letter from the Minister of Labour and Manpower in this Province say? It says that an employer, namely, Harvey's Offshore Oil, and the Seafarers' International Union which is recognized right across North America - the Minister of Labour in this Province says that they cannot sign an agreement, they cannot sign a union contract,

MR. NEARY: a working agreement, because the offshore regulations say you have to give preference to Newfoundlanders. And not only that, Mr. Speaker, but the Seafarers' International Union are even prepared to obey that law, which they think is discriminatory, they are prepared to obey that, but the Minister of Labour and Manpower (Mr. Dinn) will not recognize the agreement. He says the agreement is illegal. Can you imagine, Mr. Speaker? You can sign that kind of an agreement anywhere on the North American continent, anywhere in the free world except in Newfoundland. It is illegal to sign an agreement in Newfoundland between two parties. And only yesterday we had a sermon, we had a lecture from the Minister of Justice (Mr. Ottenheimer) about contractual agreements. Here is a legal contract between two parties, Harvey's Offshore Oil and the S.I.U.

MR. DINN: What about the rights of the workers?

MR. NEARY: Mr. Speaker, that covered the rights of the workers. That agreement covered working conditions, wages and workers' rights.

MR. DINN: There were no employees
(inaudible).

MR. NEARY: Oh, the Seafarers' International

MR. NEARY:

Union has no membership, I suppose, and Harvey's Offshore have no employees. They may not have any tugs at the moment but they are anticipating having tugs and they entered into a legal and binding agreement so that they could crew these tugs with Newfoundlanders. And they were told the agreement is illegal. Well, that may be challenged in other -

MR. DINN: They withdrew it.

MR. NEARY: - they have not withdrawn it.

MR. DINN: They have withdrawn it.

MR. NEARY: Mr. Speaker, there will be more about that in the future.

AN HON. MEMBER: (Inaudible) SIU.

MR. NEARY: I beg your pardon.

AN HON. MEMBER: (Inaudible)

MR. NEARY: I have nothing against the SIU no more than I have against Harvey's Offshore, but I am against the principle of interference by the Minister of Labour and Manpower (Mr. Dinn) in this Province, interference in a contract between two parties - the SIU and Harvey's Offshore Oil. Kowtowing to the Crosbies, that is what he was doing, in cahoots with the Crosbies.

SOME HON. MEMBERS: Hear, hear.

MR. SPEAKER (Butt): Order, please!

MR. NEARY: Mr. Speaker, having disposed of that matter of the discriminatory hiring policy, local preference policy that has made Newfoundlanders from coast to coast ashamed to admit where they are from - people who come down here from the mainland can hardly believe what they are hearing in Upper Canada from little Newfoundland. And we on this side of the House believe, Mr. Speaker, that Newfoundlanders, wherever possible, should get the jobs. We believe that, we subscribe to that but we do not believe it should be the law of the Province. And so when the constitution

MR. NEARY: is brought home in July, thank God that regressive step will be eliminated, and the Premier of this Province will hang his head in shame. By Christmas of this year, Mr. Speaker, the Premier of this Province will not want to hear about the Constitution. He went out to Alberta there the other day and made another fool of himself and that is why he was quoted in mainland newspapers from coast to coast the other day as 'the Premier with the fastest mouth in the East' as far as provincial rights are concerned, quoted in the Montreal Gazette yesterday, 'The Premier with the fastest mouth in the East' is the Premier of this Province.

MR. FLIGHT: Ah, ha.

MR. NEARY: And just listen to what he did the other day, Mr. Speaker, when he got aboard of Premier Lougheed's jet, when he scabbled, he could not wait to get into the jet with Lougheed his old buddy, and jetted off to Alberta. Well, what did he say when he was in Alberta? Well, he said that Mr. Trudeau, the Prime Minister of this country and the government of this country, can bring home the constitution and bring home the Charter of Rights but I, the fastest mouth in the East, will not recognize certain portions of that Charter of Rights.

SOME HON. MEMBERS: Oh, oh.

MR. NEARY: Mr. Speaker, can you imagine what the hon. gentleman - did he know or did he understand what he was saying? What he was saying, Mr. Speaker, he was encouraging the dissenting provinces to ignore certain parts of the Canadian Constitution.

SOME HON. MEMBERS: Oh, oh.

MR. NEARY: Mr. Speaker, I know the hon. gentlemen do not want to hear this, but that is what the Premier advocated from coast to coast in Alberta the other day, that the dissenting provinces - and there are eight of

MR. NEARY: them - should consider ignoring parts of the Constitution. He said that - and I am quoting him - that they should tell Mr. Trudeau that we cannot live with this proposal. We all maintain and live under the old constitution'. That is what he said. Even when the constitution is brought home by the Queen in July, the Premier of this Province says that he is going to ignore certain parts of it and he says that we should all maintain and live under the old constitution.

DR. COLLINS: Which parts (inaudible)?

MR. NEARY: Pardon.

DR. COLLINS: Which parts do you ignore?

MR. NEARY: Mr. Speaker, the hon. gentleman, I am sure, can speak for himself.

Mr. Speaker, that is an outrageous proposition and I do not care what parts they are, once the constitution and the Charter of Rights become the law of this land, then nobody but nobody, especially a premier of a province, should encourage that it be ignored and encourage

MR. NEARY: civil disobedience right across this country. And that is the principle, Mr. Speaker, that is being enunciated by the Premier of this Province. Even though, Mr. Speaker, the matter may be sanctioned by the Supreme Court of Canada, even though the constitution may be approved by the Parliament of Canada and the British Parliament and brought back to Newfoundland, the fastest mouth in the East says, 'No, we should ignore it!'

Of course, Mr. Speaker, may I hasten to point out that out of the eight provinces, the fastest mouth in the East is, of course, the only Premier in Canada - out of the eight dissenting provinces, the fastest mouth in the East is the only one who is saying that we should ignore the constitution when it is brought home in July. And make no doubt about that, Mr. Speaker, the constitution is going to be brought home in July. The Supreme Court will rule in favour of the constitution by a large majority and the constitution will be brought home, approved by the Parliament of Canada, approved by the Supreme Court, approved by everybody, the dissenting provinces will approve, all except Newfoundland.

DR. COLLINS: And take away our offshore rights and (inaudible).

MR. NEARY: Oh, Mr. Speaker, listen -

MR. CARTER: What a debate! What a debate!

MR. NEARY: Mr. Speaker, the other Premiers in the dissenting provinces have put up a good fight. They have put up a good fight to try to get the decision reversed. They have fought hard but they have kept their debate and their discussion and their fight within the realm of good taste, and they have kept it within the true British tradition. Even, Mr. Speaker, even René Levesque, who is fighting for an independent Quebec, even René Levesque could not go along

MR. NEARY: with the Premier of this Province.

MR. CARTER: A pretty decent fellow
(inaudible).

MR. NEARY: He has maintained, Mr. Levesque and the other provinces have maintained, that the constitution is immoral and unacceptable and should not apply, and they should not be making unilateral decisions. And he has tried to persuade the Parliament of Canada and the Prime Minister of Canada, and he may indeed make representation to Her Majesty the Queen to stop the final amendments to the British North America Act, but, Mr. Speaker, Mr. Levesque and the other premiers, except the fastest mouth in the East, have acted in a very responsible manner in this matter. They have raised all kinds of challenges, including use of the courts as we saw in Alberta and in Newfoundland against the package, they opposed it, they paid for political campaigns. They did it all. They fought on the political front. But, Mr. Speaker, in this Province we have the fastest mouth in the East who is advising Canadians and advising the other Premiers of Canada that they should ignore the constitution and that we should continue to function under the old constitution, even when the new constitution is brought home.

Now, Mr. Speaker, the hon. gentleman is either a fool, and I do not think he is that, or he is being unpatriotic, Although today during the Oral Question Period I had grave doubts about the hon. gentleman when he went berserk again, the first time since he has come back from Nassau. He really danced a jig today.

AN HON. MEMBER: (Inaudible) one thing about him.

MR. NEARY: Nasty and rude which again, Mr. Speaker, is unbecoming of a Premier.

MR. WARREN: Yes. What did he look like?

MR. NEARY: Oh, he got out in the middle of the floor and danced a jig and ranted and raved and pulled on his belt and raised his arms and he was beside himself.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: And as I said so often, Mr. Speaker, in this House -

MR. WARREN: What question was it?

MR. NEARY: The question - he was trying to defend another non-existent minister, the member for Bonavista South (Mr. Morgan).

MR. CALLAN: Oh, oh!

MR. NEARY: Mr. Speaker, I say this to the hon. gentleman, and he should heed my warning -

MR. WARREN: Come down off his seat.

MR. NEARY: - that once the constitution is returned to Canada in a democratic fashion, once it is returned to Canada we have our own constitution, every rule

MR. NEARY: and every word and every sentence in that constitution should be observed by Canadians, especially by provincial premiers. They should live by the law, Mr. Speaker, they should live by the law and not encourage the breaking of the law. Because, by encouraging the breaking of the law, Mr. Speaker, what the Premier of this Province is advocating right from coast to coast is civil disobedience in this nation.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (Butt): Order, please! Before recognizing the hon. member for Harbour Main (Mr. Doyle) there are two points of privilege I would like to rule on now which I have reserved ruling on for quite some time, one going back to last Friday with respect to a point of privilege raised by the hon. the Minister of Social Services (Mr. Hickey) out of remarks made by the hon. member for Torngat Mountains (Mr. Warren). I have had an opportunity to check Hansard and there is insufficient evidence to establish a prima facie case. Of course, if it were, there would be a motion put that would take precedence over all other business of the House. Therefore, I rule no prima facie case. With respect to the point of privilege raised by the hon. the Leader of the Opposition (Mr. Stirling) out of answers to questions by the hon. the Minister of Environment (Mr. Dawe), once again I have checked Hansard and found insufficient evidence; therefore, no prima facie case.

The hon. member for Harbour Main.

MR. DOYLE: Yes.

MR. SPEAKER: -Bell Island, sorry.

MR. DOYLE: Thank you, Mr. Speaker.

Now, I would like to make a few brief comments on this resolution, Mr. Speaker, that was so ably put forth by my colleague, the hon. member for Stephenville (Mr. Stagg) who, incidentally, made a very fine speech as he always does,

MR. DOYLE: Mr. Speaker, in this House, a fine, relevant speech which is something, of course, that I did not hear too much of after the hon. member took his seat.

Now, Mr. Speaker, I suppose at this point in time, when we are about to see a Supreme Court decision handed down in a few days, depending on what that decision might be, there can be no doubt in anybody's mind, Mr. Speaker, as to what effect that decision will ultimately have, I suppose, upon federalism as we know it today and what effect that decision will undoubtedly have upon the individual rights and the individual freedoms that the provinces who live within that federation enjoy. Now, Mr. Speaker, we have always maintained as a government, in this constitutional battle, that the Newfoundland Government firmly believes, firmly believes, Mr. Speaker, that we should have a strong central government where both the federal and the provincial governments are strong and viable. Now, this is the position that the government has put forth in this white paper, Mr. Speaker, Towards the Twenty-First Century - Together. But the only problem with it is that the Prime Minister somehow does not understand what the word 'together' means and, apparently, that is a word that does not exist in the Prime Minister's vocabulary because, as we all know, Mr. Speaker, it is the eventual aim of the federal government to create a Canada which will be a unitary state with all the power going to the empire builders in Ottawa. So, Mr. Speaker, if the Prime Minister has his way, what we are going to see are three forms of government here in Canada, one being the central government, one being the Government of Ontario and one being the Government of Quebec, and we, the rest of the provinces, will, of course, be eight little settlements who will always be begging and always be struggling to improve ourselves and develop ourselves provided, of course,

MR. DOYLE: that it does not conflict with the interests of Ontario and Quebec. So as we know, Mr. Speaker, Ontario and Quebec have been granted veto privileges in the constitution so I suppose, this whole concept as envisioned by the federal government will affect our little Province just as greatly as it will affect any other province in Canada.

Now, Mr. Speaker, we on this side of the House, of course, felt so very strongly about the constitutional issue that some time ago the members on this side of the House

MR. N. DOYLE: through their own financial resources decided to go to a printing company. This pamphlet, Mr. Speaker, which I refer to now, the one which the hon. member for LaPoile (Mr. Neary) last week accused me of having done through government resources and the government printing office here in

Confederation Building - we felt so strongly on this constitutional issue, Mr. Speaker, that we decided actually to try and put our views forward to the constituents in our own respective districts and as a result-even went to the extent that we would go to a printing company and put forth our views on the constitution on paper and send it out to our constituents in our own respective districts. But, of course, Mr. Speaker, you have seen this pamphlet, the one to which I refer, the one which outlines Ottawa's stand and the one which outlines Newfoundland's stand.

MR. WINDSOR: An excellent picture on the back.

MR. N. DOYLE: And a great picture on the back, I might add, and a great picture on the front as well. So, Mr. Speaker, that pamphlet dealt at some length with our position regarding shared jurisdiction over the fisheries and regarding our right to transmit hydro power across Canada, and also outlined the fact that Newfoundland does have the highest unemployment rate in all of Canada, has the highest taxes in all of Canada, the lowest income in all of Canada, Your Honour, and the lowest living standard. And, of course, this was the pamphlet that we sent out to all our constituents and now they all have the message, and they all know what the stand of the Opposition is on this particular issue.

MR. N. DOYLE: Now, Mr. Speaker, I was quite astounded, actually, a couple of months ago when this constitutional debate was fresh and when it started here in the House of Assembly, that the hon. members opposite, at one point in time I know of, stood in this House and told the House of Assembly that it was about time that we got off this constitutional issue and got on to move relevant subjects, namely, the creation of jobs here in the Province. They accused the government, of course, of not dealing with the bread and butter issues of the day. Now, I believe that was a quote from the hon. member for St. Mary's - The Capes (Mr. Hancock). I believe he was the one who said, 'The government should get off the constitutional issue and start dealing with the relevant issues, the issues which create jobs in the Province'. Now, Mr. Speaker, I would submit to hon. members opposite - and I believe there is one over there - that this particular issue of the constitution may very well be the most basic bread and butter issue that this Province will ever have to deal with. Because actually what it means is the creation of jobs through transmission of hydro power, through shared jurisdiction in the fishery and through ownership of offshore oil and gas. So, Mr. Speaker, if that is not a bread and butter issue, then I would certainly like to know from hon. members opposite what can be considered a bread and butter issue in this Province?

Also Mr. Speaker, we saw the hon. member for Baie Verte - White Bay (Mr. Rideout), a couple of weeks ago, stand up in this House and present a resolution to the House and it said, 'WHEREAS the Province of Newfoundland and Labrador has a moral and a legal claim to the minerals on the continental shelf; AND WHEREAS the federal government does not recognize our claim' - we kept on going through - 'THEREFORE BE IT RESOLVED that this hon. House urge the federal government to reconsider its position on

MR. N. DOYLE: offshore minerals and recognize the Province's legitimate right to ownership and control of them'.

So, Mr. Speaker, what did we see?

MR. T. LUSH: A point of order, Mr. Speaker.

MR. SPEAKER (Butt): A point of order, the hon. member for Terra Nova.

MR. T. LUSH: Mr. Speaker, I do not think there is a quorum here. I think there should be a quorum to come in and listen to the hon. member.

MR. SPEAKER: Call in the members.

QUORUM CALL

MR. SPEAKER: Would the Clerk please count the House.

MR. SPEAKER (BUTT): We have a quorum.
The hon. member for Harbour
Main-Bell Island.

MR. DOYLE: Thank you, Mr. Speaker. Now,
Mr. Speaker, as I started out to say before I was
interrupted, we now know what the official position of
the Opposition is with respect to ownership of our offshore
oil and gas. Because as I started out a moment ago to
say, in the House here we saw the member for Baie Verte-
White Bay (Mr. Rideout) move a resolution that would
have our ownership of offshore oil resources confirmed.
But what did we see, Mr. Speaker? We saw the Opposition
unanimously voting against that resolution. So this is
quite consistent anyway, Sir, with the position of the
Prime Minister of a couple -

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

MR. SPEAKER: A point of order, the hon. Leader
of the Opposition.

MR. STIRLING: Just so that the Executive Assistant
to the Premier, now appointed to the Public Accounts Committee,
does not get accused of misleading the House, there was a
resolution presented, as he suggested, which was amended that
asserted that position and went further to call for
negotiations. And to be correct, they voted against
the assertion of ownership, Mr. Speaker. So that he
is not being correct when he says - he quoted part of
a resolution. He did not quote the whole resolution.

MR. SPEAKER: Order, please!
That is not a point of order.
The hon. member for Harbour Main-
Bell Island.

MR. DOYLE: Thank you, Mr. Speaker. There
is no trouble to know when we are getting to hon. members
opposite because they always come up with these points
of order. But as I started out to say, there was a resolution

MR. DOYLE: moved by the member for Baie Verte-White Bay (Mr. Rideout) that - and, Mr. Speaker, I will repeat part of this resolution because I think it is relevant to this resolution that we have before us today. "WHEREAS the Province of Newfoundland and Labrador has a moral -

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

MR. SPEAKER (BAIRD): A point of order, the hon. Leader of the Opposition.

MR. STIRLING: Mr. Speaker, the orders are very clear that you cannot debate a resolution that has already been dealt with in the House or another resolution that is being dealt with on another Order Paper under a specific resolution, which is now being dealt with. The resolution that the member is now quoting has already been dealt with and it is out of order to be dealing with it again.

MR. SPEAKER: To that point of order, the Chair was just about to change over, I will reserve judgement, check on it and rule on it later.

MR. DOYLE: Thank you, Mr. Speaker. As I said, this resolution was moved by the hon. member for Baie Verte-White Bay just a couple of weeks ago. And I will just make brief reference, if I may, Mr. Speaker, to that resolution.

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

MR. SPEAKER: A point of order, the hon. member for LaPoile.

MR. NEARY: My understanding of Your Honour's ruling was that Your Honour would rule on the point of order raised by the Leader of the Opposition at a later date. Well, if that is so then the whole matter should rest in abeyance. The hon. gentleman should not be allowed to continue on the same trend, on the same theme, Mr. Speaker, because he should show courtesy to the Chair and refrain from dealing with that previous

MR. NEARY: resolution because Your Honour has reserved judgement. Otherwise, I mean, why not have the ruling now or adjourn the House for five minutes and then give us a ruling. If you let the hon. gentleman carry on well, then, the ruling is absolutely irrelevant, Mr. Speaker.

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

MR. SPEAKER (BAIRD): To that point of order, the hon. House Leader.

MR. MARSHALL: That is an abuse. Both Leaders of the Opposition, Mr. Speaker, are abusing the rules of this House. The hon. gentleman there behind me has only twenty minutes to speak in this debate. All the hon. gentleman was doing was referring to the resolution. He was not anticipating it at all, Mr. Speaker. And this shabby, shoddy thing just shows how disunited the Opposition is. It is about time they got their act in order and allowed the House to function properly.

SOME HON. MEMBERS: Hear, hear!

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

MR. SPEAKER: To that point of order, the hon. Leader of the Opposition.

MR. STIRLING: The member was actually reading the resolution. Not only was he debating it, he was reading it again into the record.

MR. SPEAKER: To that point of order. I did not see the member reading the resolution. Relevancy is hard to define. I would ask the hon. member to continue.

MR. DOYLE: Mr. Speaker, I assume, then, I can make reference whenever necessary to previous resolutions that came before this House dealing with this constitutional issue.

MR. NEARY: The Speaker has not ruled on that yet.

SOME HON. MEMBERS: Oh, oh!

MR. DOYLE: So, Mr. Speaker, as I said a moment ago, the member for Baie Verte-White Bay (Mr. Rideout) feels very much the same way as we feel regarding the resolution that is presently before the House, the one which is presently before the House today, put forth by my hon. colleague from Stephenville (Mr. Stagg), that the House endorse the position of the government as set forth in the White Paper - Toward The Twenty-First Century - Together.

Now, Mr. Speaker, as I said a moment ago, we all know on this side of the House what

MR. DOYLE:

the official position of the Opposition is regarding ownership of our offshore oil and gas resources.

We saw the hon. member for LaPoile (Mr. Neary) a few minutes ago, Mr. Speaker, stand in the House and accuse the Premier of being unpatriotic because he is fighting for control and ownership of offshore oil and gas resources.

MR. NEARY:

A point of order, Mr. Speaker.

MR. SPEAKER (Baird):

A point of order, the hon. member for LaPoile.

MR. NEARY:

The hon. gentleman, of course, is completely incorrect, Mr. Speaker. Just to set the record straight, what I did say was that the Premier was encouraging Canadians and the Premiers, his colleagues across Canada, to disobey the new Constitution of Canada when it is brought home and the Charter of Rights. That is what I said, and I made no reference to offshore. I made reference to the hiring policy but not to offshore, because everybody in the Province knows that the original decision to own the offshore resources came from the Smallwood Government, from the Liberal Government of this Province.

MR. SPEAKER:

To the point of order. There is no point of order, the member took the opportunity to clarify remarks attributed to him.

MR. DOYLE:

As I said a moment ago, Mr. Speaker, the hon. member for LaPoile just a few minutes ago stood in the House and accused the Premier of being unpatriotic, called him - I believe the phrase he used, I am not quite sure of this - the -

AN HON. MEMBER:

Fool.

MR. DOYLE:

-big mouth of Canada because he happens to be fighting for Newfoundland and for control and

MR. DOYLE: ownership of offshore oil and gas resources, which we, Mr. Speaker, on this side of the House consider to be a basic bread and butter issue.

Now, as I mentioned a few moments ago, in the constitutional debate of approximately three or four months ago, when this issue was quite fresh before the House of Assembly, I believe it was the hon. member for St. Mary's-The Capes (Mr. Hancock) who stood in the House and said, We should not be discussing the constitutional issue because it is not a bread and butter issue. It does not involve jobs, it does not involve the fishery of Newfoundland, it does not involve the transmission of hydro power across Quebec, and it does not involve shared jurisdiction of the fishery.

Mr. Speaker, I do not know if the hon. member for St. Mary's-The Capes realizes that the fishery in this Province happens to represent the biggest supplier of jobs in this Province. So if that does not happen to be a basic bread and butter issue, then I would certainly like the hon. member for St. Mary's-The Capes to inform me as to what a bread and butter issue is. I suppose we should ask the fishermen of St. Mary's-The Capes if they consider shared jurisdiction over the fishery to be a bread and butter issue. I suggest that we ask the unemployed masses, Mr. Speaker, if our local preference policy is all right with them. When they go out looking for a job, we should ask them if our local preference policy is all right. Or better still, maybe hon. members opposite would like to tell the people of Bell Island that they do not need a better ferry service. Maybe the hon. gentleman from Bell Island (Mr. Neary) would like to tell the people of Bell Island that they do not need a better -

MR. NEARY: (Inaudible).

MR. DOYLE: Well, if we get.

MR. NEARY: It is up to you to fight for them.

MR. DOYLE:

Mr. Speaker, I did not interrupt the hon. member when he was speaking, I suggest that he not interrupt me either.

Mr. Speaker, I think that hon. members opposite who oppose this resolution do not realize that if we fail to recognize what the federal government is attempting to do, and if we fail to realize what inequities really do exist from province to province throughout this country, then we can really never rise above the 'have not' status that we have here in Newfoundland right now, and we can never rise above the 13.5 per cent, I believe - I guess the hon. Minister of Labour and Manpower (Mr. Dinn) could straighten me out on that, but I think we do have approximately 13.5 per cent to 14 per cent unemployment rate here in Newfoundland right now.

So, Mr. Speaker, if we do not get our rights under this proposed constitution, then we can never really rise above that 13.5 per cent to 14 per cent unemployment rate that we are labouring under right now here in this Province.

So, Mr. Speaker, that is about all I have to say on this particular issue at this time, my time is up, so I would once again commend the hon. gentleman for Stephenville (Mr. Stagg) for this very fine resolution that he has brought forth, and I know that it will, Mr. Speaker, get the support of all hon. members in this House.

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER (Baird):

The hon. member for Terra Nova.

MR. LUSH: Mr. Speaker, I agree with the opening remarks of the member from LaPoile (Mr. Neary) when he said that the discussion of this particular resolution was a waste of time, a complete waste of time of the members of this House. Now, Mr. Speaker, to discuss the latter part of this resolution, because we pointed out earlier when I rose on a point of order, that just to discuss this resolution, particularly in terms of the guide rules laid down by government members, "THEREFORE BE IT RESOLVED that this House endorses the position of the government as set forth in its white paper, Towards the Twenty First Century - Together", Mr. Speaker, what a lot of nonsense! The other parts of the resolution have become irrelevant. So the member said, the hon. member said that that had nothing to do with the resolution. So, Mr. Speaker, to take the resolution in terms of how hon. members opposite said we should, it is, "THEREFORE BE IT RESOLVED that this House endorses the position of the government as set forth in its White Paper, Towards the Twenty First Century - Together". Mr. Speaker, removed from the context of its preambles, separated from the preamble, this just becomes a Progressive Conservative philosophy, that is all, Mr. Speaker. It becomes a Progressive Conservative philosophy. Since when did a Liberal philosophy coincide with a P.C. philosophy?

MR. FLIGHT: Never.

MR. LUSH: Since when did Liberals ever agree with a Tory philosophy?

MR. FLIGHT: Never.

MR. LUSH: So, Mr. Speaker, it is absolute nonsense to think that, you know, we could agree with this document but, Mr. Speaker, the point of the matter is that it is neither philosophy, it is not a position paper, it is just a lot of motherhood issues. And this is what this government have been doing, Mr. Speaker, ever since they were elected back in 1972, is looking for some issue to latch onto,

MR. T. LUSH: through bread and butter issues. and that is what this government has failed to do, talk about bread and butter issues, they have tried to get to the hearts of the people of this Province by idle talk. And this is what they have been doing, Mr. Speaker, for the past seven or eight years, looking for a bandwagon to jump on. So the first little bandwagon we had, Mr. Speaker, was offshore ownership.

SOME HON. MEMBERS: Hear, hear!

MR. T. LUSH: Now, the Liberals of this Province were the first people to enunciate that we claimed the minerals offshore. But, Mr. Speaker, it did not become a big thing with us because we were doing other things; we were providing jobs for people. Now, we did not have to look for diversionary tactics to try and take away public attention from the fact that nothing was going on, and this is what this government is doing, this is what this government is doing and, Mr. Speaker, they have been using Private Members' Day to do it, Private Members' Day to bring out these foolish motions, these foolish motions to try and talk their way into the hearts of the people of this Province-

MR. FLIGHT: Silly, silly.

MR. T. LUSH: -not realizing, Mr. Speaker, that it is done through bread and butter issues. What a lot of nonsense, Mr. Speaker, what a lot of nonsense using these diversionary tactics to indoctrinate and brainwash the people of this Province to take public attention away from the fact that they are doing nothing, to take public attention away from the fact that they are not providing any jobs. Well, Mr. Speaker, I would suggest, again, along with the member for LaPoile (Mr. Neary), who spoke about the large numbers of people who are leaving this Province -

MR. FLIGHT: There are hundreds.

MR. T. LUSH: - let me suggest to hon. members that this is why our unemployment statistics are improving, that is why they are going down, Mr. Speaker, little by little, because so many people are leaving this Province and going to Alberta and other Canadian provinces to find jobs, that is why there is a shift, that is why there is a slight shift. But, Mr. Speaker, using these diversionary tactics to take away the attention, to take away public attention from the fact that they are doing nothing, this is what they spent their time at, and taking up Private Members' Day on these silly motions that get us nowhere, that get us nowhere. And, Mr. Speaker, it is time that they started doing something, it is time that they started doing something, it is time that they realized that they are not going to get to the hearts of the people of this Province through idle talk.

SOME HON. MEMBERS: Hear, hear!

MR. T. LUSH: They are not going to do that, Mr. Speaker, they have to start doing something, they have to start performing. And, Mr. Speaker, talking about the offshore ownership, talking about getting the transmission rights across Labrador, across Quebec to get our power to Quebec, talking about joint jurisdiction of the fisheries, all of this, Mr. Speaker, is getting us nowhere, all of this idle talk.

MR. FLIGHT: Smoke screens.

MR. T. LUSH: That is correct, Mr. Speaker, raising these smokescreens is not getting us anywhere, let us have some action. Let us see the government do something, Mr. Speaker, in the areas for which they have control.

MR. T. LUSH: How about agriculture, Mr. Speaker?

I see the minister responsible for that just walking out and I have been trying to get on the floor for days to ask that minister what is happening with respect to our hog and swine industry in this Province-

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Baird): Order, please! Order, please!

MR. T. LUSH: -Mr. Speaker, an industry over which we have absolute control, and an industry that can be made viable in this Province, but because of the lack of attention given it by this government, it is in danger of going bankrupt. So many hog and swine producers in this Province, Mr. Speaker, within this month, possibly, will go into bankruptcy if there is not some action taken by this provincial government. Well, Mr. Speaker, here is something over which we have control.

But, Mr. Speaker, what we are trying to do all of a sudden - we have talked about offshore ownership, that is not a new issue, shared jurisdiction with the fisheries is not a new issue, Mr. Speaker, trying to get hydro electric power across Quebec is not a new issue, but all of a sudden they become big issues, all of a sudden they have become issues under the constitution! All of a sudden they have become issues under the constitution and issues which, if we do not resolve them, this Province will never again move forward. And we cannot help but ask how did we ever get this far?

Mr. Speaker, what this government has done is that they have abdicated responsibility. They have abdicated their responsibility, Mr. Speaker, so much so that the people of this Province wonder why we have a government at all. They abdicated total responsibility for governing this Province. Everything is blamed on Ottawa! Everything, Mr. Speaker, everything!

SOME HON. MEMBERS: Oh, oh!

MR. T. LUSH: Now, Mr. Speaker, be it forestry, be it in the area of agriculture, be it within the area of mining -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Baird): Order, please!

MR. T. LUSH: - whatever the problem is, Mr. Speaker, it is blamed on Ottawa. Well, that is not going to wash anymore with the people of this Province. That is not about to wash anymore!

SOME HON. MEMBERS: Hear, hear!

MR. T. LUSH: The people of this Province are seeing through this government and are beginning to see it for it is the worth, just cheap political talk, Mr. Speaker, Cheap political talk, trying to find an issue, and they realize that what this government have been doing, Mr. Speaker, is trying to convince the people of this Province that they are the great fighters -

MR. SPEAKER: Order, please!

It is very hard for the Chair to hear what is going on with several conversations going on back and forth. I would ask everybody to please use a little restraint. The member has the right to be heard in silence.

MR. T. LUSH: Mr. Speaker, the people of this Province realize, they finally realize that this government, what they have been doing, is just

MR. LUSH:

trying to bluff the people of this Province, just trying to bluff the people of this Province, Mr. Speaker. And the people of this Province began to realize that all of this constitutional gibberish is nothing but gibberish, nothing, Mr. Speaker, but a smoke screen, nothing but a diversionary tactic to take away the public attention from the fact that this government is doing nothing and intend to do nothing.

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: Mr. Speaker, and that is what the people of this Province are beginning to see. They are beginning to see, Mr. Speaker, that this pretence of being the great fighters for Newfoundland, being the great defenders of all the rights of Newfoundlanders and Labradorians is nothing but pretence. What a lot of nonsense, Mr. Speaker, to try and convince the people of this Province that if you are not on the government side, that you are not fighting for the rights of Newfoundlanders. What a lot of nonsense! How long do they think the people of this Province are going to accept that kind of nonsense? How long do they think the people of this Province are going to accept that kind of nonsense, Mr. Speaker? What people of this Province, Mr. Speaker - ask the people of Terra Nova if they think that their member is not a fighter for Newfoundland, ask them.

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: Do not ever try to convince them, Mr. Speaker, do not ever try to convince them that their member is not a fighter for their district and a fighter for Newfoundland. And, Mr. Speaker, it is time that members elevated themselves beyond that kind of cheap, political -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. LUSH: - cheap, political maneuvers, Mr. Speaker, cheap, political manipulation. It is time that we went beyond that kind of sort of thing.

Now, Mr. Speaker, as I have said, it is time for this government to start producing, it is time for them to stop this nonsense of trying to indoctrinate the people with these little publications of, Towards The Twenty-First Century-Together, Discussions for Major Bi-lateral Issues, It is time for us to stop that nonsense. Now, Mr. Speaker, trying to indoctrinate and trying to indoctrinate the people of this Province, trying to brainwash them that because now the Canadian Constitution - all of the sudden that the constitution is preventing us from developing, that is the idea of it, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. LUSH: Oh, yes, Mr. Speaker. What they have said, this government, they have abdicated their responsibilities. But what they are now telling the people of this Province, 'Oh, if we can change certain powers, if we can change powers from what they used to be, if we can get control over things that we have never had control over, if we can change the powers of what were once traditionally federal powers, if we can get control over resources and matters that were once federal matters, oh, we will do it. Now, give us Churchill Falls, give us the offshore, give us all of that and we will be able to make this Province move'. What they have said, Mr. Speaker, what they are admitting, 'Give us control of our fisheries, give us all this, Mr. Speaker, and we will be able to make this Province move'. Give us all of that, Mr. Speaker.

MR. LUSH: What they are saying is that they have absolutely no initiative, is that they have no imagination, is that they have no vision.

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: That is what they are saying, Mr. Speaker. They lack the vision, Mr. Speaker.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Baird): Order, please!

MR. LUSH: They lack the vision, Mr. Speaker, they lack the vision and they lack the imagination of the politicians who made this Province great.

SOME HON. MEMBERS: Hear, hear!

MR. LUSH: And, Mr. Speaker, anybody can make anything great, give us all the tools so they are there just pleading with the people of this Province, "Excuse us" - Mr. Speaker - "excuse us, we cannot do this, we cannot do that because we do not have control of this resource, we do not have control of this power under the constitution". Well, Mr. Speaker, give us all those powers, give us all those resources and we will be able to do it.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. LUSH: Mr. Speaker, the truth of the matter is-

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

MR. SPEAKER: A point of order, the hon. member for LaPoile.

MR. NEARY: Mr. Speaker, the Minister of Fisheries (Mr. Morgan) is being very loud over there and I cannot hear my colleague. I wonder if you could ask the hon. gentleman to restrain himself, Mr. Speaker.

MR. MORGAN: I was talking to him too loud.

MR. SPEAKER (Baird): To the point of order, the hon. House Leader.

MR. MARSHALL: If the hon. gentleman there opposite had been interested in listening to the hon. member for Terra Nova (Mr. Lush) as we have been over here, if he was interested in hearing his colleague, Mr. Speaker, there would be no interruptions.

MR. SPEAKER: To the point of order, there is no point of order, but I would remind all hon. gentlemen that three or four times I have had to call order. I would ask you to please restrain yourselves.

The hon. member from Terra Nova.

MR. LUSH: Thank you, Mr. Speaker.

Now, Mr. Speaker, I am not sure that if we gave this crew over here the powers of the federal government, the total powers of the federal government and control of all the resources in Canada, that they would know what to do with it, that they would know what to do with it all, Mr. Speaker. I believe if you gave the hon. gentlemen opposite all of the powers that are now under the federal government, gave them all of those powers, gave them all of the resources in Canada, that they would not know how to manage them and how to handle them or how to go about doing anything about it. Now, Mr. Speaker, they lack vision, they lack vision. They lack initiative and they lack imagination but, Mr. Speaker, no lack of imagination with respect to idle talk, no lack of imagination in that direction, Mr. Speaker. So for the last two years we have been subjected to a constant - what is the word I am looking for?

AN HON. MEMBER: Harangue?

MR. LUSH: No, no, that is not the word.

MR. CARTER: Perhaps the truth?

MR. LUSH: No, no. All we have been seeing is the publication of this kind of nonsense. This is what

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MR. LUSH: we have been seeing, Mr. Speaker, Towards the Twenty-First Century - Together and Discussion Paper on Major Bilateral Issues, so, Mr. Speaker, as I said, an attempt to brainwash and indoctrinate the people of this Province to the fact that because of the Canadian Constitution, because of the constitution as it presently exists, that this Province is doomed, Mr. Speaker, is doomed to

MR. T. LUSH:

economic failure, doomed to economic disaster all because of the Canadian Constitution. And if we cannot now change it, well, Mr. Speaker, this Province is doomed to financial and economic disaster.

Well, Mr. Speaker, I see nothing in this particular document to support or not to support. It is nothing. If it is not a part of the preamble, as was suggested today, if it is not a part of that preamble, the document by itself means absolutely nothing. And, Mr. Speaker, I was wondering here why the Premier or whoever drafted this document, Towards The Twenty-First Century left out - it was the first time I have seen the reference to the transmission of power left out. Now, it might be there in other words but it certainly was not there in any specific sense. I did not see it there in -

DR. COLLINS: (Inaudible) why do you not summarize (inaudible).

MR. T. LUSH: Mr. Speaker, that could not be done in the contents of what I have laid out here today. It would take a long time to summarize the contents of what I have said today.

The resolution, Mr. Speaker, the motion here is a waste of time, it is a total waste of time and will do nothing, Mr. Speaker, to promote the economic development of this Province, will do nothing to promote the economic development of this Province!

MR. MARSHALL: That book could be summarized in three words.

MR. T. LUSH: That book could be summarized in less than three words, Mr. Speaker.

AN HON. MEMBER: One word, nothing.

MR. T. LUSH: That is right, it is just nothing.

MR. T. LUSH:

But, Mr. Speaker, I would hope that in the future, I would hope that in the next session of this House that members would give more attention to the kinds of motions that they put forward, that they are simply not putting forth motions that are going to be repetitive, that are just going on and on talking about this constitutional debate. I expect, Mr. Speaker, they will be going on with this for years and years to come. Even though this is going to be decided in due course, I suppose, within a month or so those people, the hon. gentlemen have become so fixed in their minds about this constitution and offshore oil, that I am not sure if they are capable of thinking along other lines.

But, Mr. Speaker, I would hope that we can become more productive by bringing in some productive-type resolutions in this House rather than getting on to this constitutional gibberish day in and day out.

But, Mr. Speaker, I agree with the hon. Minister of Finance (Dr. J. Collins). But that is no reason why we here have to waste our time in talking about constitutional matters, because it is done right across Canada.

MR. T. LUSH: Mr. Speaker, I would like also to get into the Premiers' accord but I will not get into that, because that again changes this matter here, changes this thing dramatically. The hon. the member from Stephenville (Mr. Stagg) mentioned that this document might be passé, it might be passé. I think he thought it might be passé because the constitution was going to be resolved shortly in the Supreme Court. But, Mr. Speaker, I would suggest that it is passé for another reason, it is passé, Mr. Speaker, because the Premier was party to this accord that was signed on April 16th and that made this document, Mr. Speaker, passé. The accord signed by the Premier's of April 16th made this document passé. But, Mr. Speaker, the point of the matter is, and let me recapitulate, let me give a resumé of what I have said, the point of the matter is that this resolution, Mr. Speaker, like so many other resolutions put here by hon. members opposite, is just a diversionary tactic, Mr. Speaker, it is just something to divert public attention away from the fact that this government is doing nothing. And, Mr. Speaker, that is the total purpose of this particular resolution, it is an attempt, Mr. Speaker, it is an attempt to try and tell the people of this Province that all of a sudden this government can do nothing because of the constitution, because of the powers of Ottawa, because of the powers of the federal government that this government is hamstrung, they cannot do anything. Well, Mr. Speaker, as I have said that will not wash, that will not wash with the people of this Province, Mr. Speaker. The people of this Province know that this government have responsibilities, that they have a task to perform and blaming Ottawa, Mr. Speaker, is not going to get them anywhere, that this has gone on for far too long, The people take this for what it is worth, just a lot of idle talk and it is time for us to get on to something substantial, it is time for

MR. T. LUSH: us to get on to something productive, it is time, for example, for us to do something in those areas in which we have jurisdiction. Well, Mr. Speaker, it is time for the Minister of Agriculture (Mr. Goudie), for example, to see what he can do to help the hog and swine industry in this Province. That is getting down to bread and butter issues and I wonder what time the minister is going to do that. Well, Mr. Speaker, that is another matter. Mr. Speaker, I want to say -

MR. SPEAKER(Baird): Is the member now concluding his remarks?

MR. T. LUSH: Yes, Mr. Speaker- and I want to say that that is an important matter, more important than hon. members in this House realize.

MR. ROBERTS: Want to place a bet on that?

MR. T. LUSH: This matter of the hog and swine industry; most important and about to go into bankruptcy if this government do not take some concern. If this government were to concern itself with the matters over which they have concern, Mr. Speaker, we would have more employment in the Province today, this Province would be moving. So, Mr. Speaker, with these few concluding remarks

MR. LUSH:

I will finish my dissertation here today and say for these reasons and many other reasons that I could not get into because of the restriction of time, I will be voting against this resolution.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER (BAIRD): The hon. Minister of Labour and Manpower.

MR. DINN: It is a very sad day in Newfoundland and Labrador, a very, very sad day in Newfoundland and Labrador. "THEREFORE BE IT RESOLVED that this House endorses the position of the government as set forth in its white paper - Towards The Twenty-First Century - Together". Mr. Speaker, from what I have heard there is no doubt, absolutely no doubt in anyone's mind in this House, as somebody just passed on, "Lush's bite is absolutely worse than his bark". Mr. Speaker, bread and butter issues are what the hon. member wanted to talk about. He did not want to talk about the offshore, did not want to talk about the fisheries, he did not want to talk about the 17,000 metric tons of fish that the federal government has given away, he does not want to talk about Towards the Twenty-First Century - Together, he wants to talk about bread and butter issues.

He said, "What is the government doing about jobs?". Mr. Speaker, every time Statistics Canada prints its report every month, the hon. member for Terra Nova (Mr. Lush) rushes off and hides. He rushes off and hides. He is absolutely scared to death to look at them. Now, what are the latest statistics from Statistics Canada? He is talking about jobs - well, Mr. Speaker, I just wrote down a couple of notes. The number of people employed in May this year is up 21,000, up 12.2 per cent over the same month in 1979.

AN HON. MEMBER: How much? How much?

SOME HON. MEMBERS: Hear, hear!

MR. DINN: 12.2 per cent over 1979. Now is that bread and butter? Is that bread and butter for the people of this Province?

DR. COLLINS: That is cake.

MR. DINN: A little bit of cake even, as my hon. colleague says. 12.2 per cent up since 1979. Now, what did the hon. the Premier say? The hon. the Premier is here and I know he is going to get embarrassed. I know he is going to get embarrassed because every time he makes a prediction, that prediction is surpassed, every time he does it.

MR. WINDSOR: He is wrong.

MR. DINN: Forty thousand jobs. I have to tell the hon. the Premier today that he is wrong - forty thousand jobs! If these present current trends continue we will go well over 40,000 jobs, well over 40,000 jobs. Sixteen thousand jobs over the same period last year. Now, Mr. Speaker, one cannot ignore the statistics. We know that the unemployment rate in Newfoundland is high. It has been high for some time. So, Mr. Speaker, how did these unemployment statistics come about? Is it because, as the hon. member for LaPoile (Mr. Neary) contends, everybody is moving out of Newfoundland, outward migration, everybody is leaving the Province so less people are employed?

MR. DINN: That is not what Statistics Canada say. I do not know why the hon. member for LaPoile (Mr. Neary) continues to attack Statistics Canada. Mr. Speaker, the net outward migration this year is just over 1,000. Now, what was it in the 1960s, that great period? It peaked out at over 8,000. In the 1960s there were 8,000 people moving out of Newfoundland. Now it is somewhere a little over 1,000, so it is not due to - the hon. member for LaPoile does not know the facts, the hon. member for LaPoile should read Statistics Canada statistics and he would know that he is - he does not wish to mislead the House, I am sure of that, the hon. member does not want to break the rules of the House and mislead the House, it is just that he does not know.

Well, Mr. Speaker, in baby talk what we are saying is, what we are contending is that there are more jobs this year than last year. Since 1979, the two year period, 21,000 more jobs which is way ahead of the hon. Premier's statistics, or the hon. Premier's predictions. So, Mr. Speaker, he not only when he makes a promise during an election of open government, honest government, and living up to his commitment but he exceeds them, Mr. Speaker, All the time the hon. Premier exceeds. What is he going to be able to tell the people of this Province the next time we hold an election? Well, Mr. Speaker, he will tell them 'What I promised came true. What I promised is there for anyone to see.'

Now, Mr. Speaker, the man delivers, that is what it is all about. The hon. member for Terra Nova (Mr. Lush) now, all of a sudden, wants to get up and start asking questions about agriculture. Well, Mr. Speaker, I predict that he will be annihilated just as when he asked questions of the Minister of Labour and Manpower (Mr. Dinn).

MR. DINN: The Minister of Rural, Agricultural, and Northern Development (Mr. Goudie) is waiting patiently for the hon. member for Terra Nova (Mr. Lush) to ask a sensible question in this House about agriculture, or anything else that the hon. minister is responsible for. The hon. Minister of Fisheries (Mr. Morgan) is still waiting for important questions, relevant questions in this House during Question Period, instead of getting up in this House during Question Period and wasting time. What about this piece of paper that went out to constituents in Bonavista with the Department of Fisheries on top of it? A very important question in this House. Wasting the time of the House.

Points of order. The hon. member for LaPoile (Mr. Neary) got so sick of listening to the hon. member for Terra Nova that he got up on a point of order. Wasting the time of the House -he did not want to listen to his own member, Mr. Speaker. He is more interested, the hon. member for LaPoile is more interested in laying affidavits on the Table from Mr. Davidson, laying affidavits on the table and

MR. DINN:

destroying reputations. That is what the hon. member for LaPoile (Mr. Neary) does in this House. We know that, Mr. Speaker. Bread and butter issues are what we are talking about when we are talking about this resolution today. Very important items: fisheries, shared jurisdiction, offshore oil and gas, transmission of hydro power - what more bread and butter issues can you get in this House? - jobs, Mr. Speaker. Without what we require, without our rights, Mr. Speaker, we have been able to produce more than the Premier had predicted in the election, and more than the Premier had promised in the election. And, Mr. Speaker, if we are given our due rights under the constitution, or if we are given a semblance of our rights from Ottawa, we would not only surpass. Mr. Speaker, another interesting point that I might give to hon. members opposite with respect to employment growth rate, is that last year this Province exceeded any province in this Dominion in employment growth rate. Now, Mr. Speaker, that has never happened before. To my knowledge, in this Province that has never, ever happened before in this Province. And, Mr. Speaker, not only that but that will continue not because 8,000 people, not because 8,000 Newfoundlanders moved out, Mr. Speaker, not because 8,000 Newfoundlanders moved out as they did in the 1960s, as it peaked out in the 1960s.

MR. ROBERTS: Why, why?

MR. DINN: Because there were little over 1,000 that moved out last year.

MR. ROBERTS: Why did it happen last year?

MR. DINN: Why did it happen last year?

Many, many reasons. Number one, despite Romeo LeBlanc, we increased employment in the fisheries sector, despite Romeo LeBlanc!

MR. ROBERTS: Despite the Minister of Labour (Mr. Dinn) we still have labour peace in this Province.

MR. DINN: We still have labour peace in this Province, the second year. Mr. Speaker, the hon. member for the Straits (Mr. Roberts) comes in with hoof in mouth disease every day. Every once in a while he attends the services of this House and he comes out with a great statement about labour, labour in this Province. He is very concerned about labour. Well, let us look at a few of the labour statistics. Man days lost last year - I was a novice, a fairly new, relatively new Minister of Labour and Manpower - man days lost, up. Mr. Speaker, what is it this year?

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please! Order, please!

The hon. member would like to adjourn the debate?

MR. DINN: I adjourn the debate, Mr. Speaker.

MR. SPEAKER: The hon. member adjourns the debate.

It being six of the clock this House stands adjourned until tomorrow, Thursday, at three of the clock.