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PRELIMINARY
UNEDITED
TRANSCRIPT

HOUSE OF ASSEMBLY
FOR THE PERIOD
3:00 p.m. - 6:00 p.m.
TUESDAY, MAY 26, 1981

The House met at 3.00 p.m.

Mr. Speaker in the Chair.

MR.SPEAKER (Simms):

Order, please!

I would like to welcome today to the galleries on behalf of all hon. members, a group of thirty-five students who are visiting here from Vancouver accompanied by five of their teachers and also accompanied by a teacher from Clarenville in the district of Trinity North. We hope they enjoy their visit here today.

SOME HON.MEMBERS:

Hear, hear!

MR.SPEAKER:

I also have a communication

here addressed to me and I was asked to pass it on to the members of the House. "In acknowledging your letter of May 21,1981 I wish to thank you, and through you the House of Assembly, for the resolution of sorrow which it unanimously passed on May 14,1981 on the occasion of the assassination attempt on the life of His Holiness Pope John Paul II. I am grateful for the excerpt from Hansard documenting this resolution which was moved by the hon. the Minister of Justice (Mr. Ottenheimer) and seconded by the hon.the Leader of the Opposition (Mr. Stirling). Please convey my sentiments of appreciation to them. In thanking you for your personal good wishes for the full recovery of Pope John Paul II,I wish to assure you and the House of Assembly that your response at this time is a source of comfort and consolation to the clergy, religious and laity of the Archdiocese and indeed all the Province. I will communicate this expression of concern and compassion to our other dioceses in Newfoundland and Labrador." And it is signed,"Yours sincerely, Alphonsus L. Penney, Archbishop of St. John's."

May 26, 1981

Tape No. 1810

AH-2

MR. DINN:

Mr. Speaker.

MR. SPEAKER (Simms):

and Manpower.

The hon. Minister of Labour

MR. DINN:

to make a point of privilege of the House.

Mr. Speaker, I would like

MR. SPEAKER:

A point of privilege.

MR. DINN:

Mr. Speaker, yesterday afternoon during Question Period, I was questioned in this House about certain matters with respect to Crosbie Offshore, the SIU, etc., and during the interchange in the House - and I did not have the Hansard record at the time - the hon. member for LaPôile (Mr. Neary) indicated that 'Mr. Speaker knows full well that another rule of this House is that you cannot lie in the House.' And, Mr. Speaker, that was in reference to answers to questions with respect to the SIU and Crosbie Offshore Services. I found out today of course that the hon. member was not referring to that at all but he was referring to letters that were written by me to the Labour Relations Board which he, I assume, had a press conference on this morning and as he put it "let the cat out of the bag." Well, Mr. Speaker, I would like in this House to table all the documentation concerning the letter that I sent to the Labour Relations Board, the reply and how that originated.

First of all, Mr. Speaker,

I received several representations from MHAs in this House, members of a bargaining unit - a now bargaining unit, a bargaining unit that was certified at a particular time, with respect to a decision of the Labour

MR. DINN: Relations Board. And I think it sums up the letter that was written to me by a Mr. Templeton the Vice-President and General Manager of the Newfoundland Light and Power what this was all about. "On February 19th" - and this is a letter to me from the Vice-President of Newfoundland Light and Power - "On February 19th -

MR. WINDSOR: That is not Crosbie Offshore.

MR. DINN: - which is not Crosbie Offshore- "the Labour Relations Board granted certification to IBEW Local No. 1620 for certain employees in the technical, office and managerial sections of the company. In our reply to the Board we asked that a hearing be held and that a vote be taken."

MR. HODDER: Apoint of order, Mr. Speaker.

SOME HON. MEMBERS: You cannot. You cannot.

MR. SPEAKER (Simms): There is a point of privilege on the floor now. The hon. member cannot proceed.

MR. HODDER: There is not point of privilege here.

MR. SPEAKER: Well, the Chair will determine that when it hears what the hon. member is trying to say.

MR. DINN: "The order was issued without a hearing or a vote. We have obtained a writ of Certiorari and the court has set the date of June 3rd for a hearing. On March 2nd we were advised by the Board that the same Local has applied for an extension to the Trade or Craft Certification Order for the inclusion of additional employees in that group. We have again requested a hearing before the Board" - which is their right. "If these requests for certification are granted, then some 85 per cent of 90 per cent of all employees will be covered by certification. We are a public utility supplying an essential service to 85 per cent of the population of the Province.

AN HON. MEMBER: Where is the point of privilege?

MR. DINN: "During the strike in 1979 - 1980, we were very lucky to be able to maintain service to the public with so few blackouts and we were fortunate that those that did occur were not more serious. We are not covered by the Public Service Collective Bargaining Act and cannot designate essential employees. With 85 per cent to 90 per cent of our employees covered by certification, we will not be able to maintain service. We believe that the special circumstances surrounding the service that we supply to the public should have been of concern to the Board and that a hearing should have been held and a vote taken."

MR. THOMS: Get to your point of Privilege.

MR. SPEAKER (Simms): Order, please!

MR. DINN: Mr. Speaker, in reply, when I received that letter from the Vice-President of the Newfoundland Light and Power, I wrote a letter to the Labour Relations Board, which I have done, by the way, Mr. Speaker, on many occasions.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. DINN: And the letter to the Labour Relations Board reads as follows: "I have received a letter from the Vice-President and General Manager of Newfoundland Light and Power Company Limited expressing concern over the actions of the Labour Relations Board in granting an application for certification from IBEW Local No. 1620

MR. DINN: concerning a unit of employees of the technical, office and managerial sections of the company without providing an opportunity to the company to be heard before the board. He alleges that the company, in its reply to the application, requested that the board hold a hearing and conduct a representation vote and that the board certified the union without granting either of these requests. While I recognize that the board may not be legally required to hold a hearing in every case, I am, to say the least, surprised that the board would not hear the company in this case, bearing in mind that you are dealing with a public utility and the board's decision would have an impact on the whole of the Province. It seems to me to amount to a denial of natural justice to deny a hearing in a case such as that.

"I am sure you are familiar with the long standing dispute between these two parties which lasted through 1979 and 1980. In that dispute, when the union acquired the right to strike, they delayed the exercise of that right and virtually laid in waiting for a power outage. through a storm or otherwise to go on strike, in effect holding the innocent third party, the public of this Province, up to ransom. And extension of the powers of a union in those circumstances by including additional employees in a bargaining unit represented by the same union where the health, safety and security of the people of the Province could be affected surely deserves a thorough hearing."

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER (Simms): Order, please!

MR. DINN: Well, Mr. Speaker, now to that I said, and this is basically relaying the information of the Vice President of the Light and Power, I said, "I would be pleased to hear your reaction and response to this important question "because naturally when a minister gets a request or

MR. DINN: a letter from a constituent or gets a letter from the Light and Power, gets a letter from the union, he has to reply. The only way one can reply is to write a letter and get a response.

MR. SPEAKER (Simms): Order, please!
I must ask the hon. minister please to come to a conclusion on his point of privilege.

MR. DINN: The point is that yesterday afternoon in this House, the hon. the member for LaPoile (Mr. Neary) in questioning me about the SIU and about Crosbie Offshore Services and so on, inferred and attributed basically to me, 'Mr. Speaker knows full well that another rule of this House is that you cannot lie to the House.'

MR. ROBERTS: No. You are not allowed to lie but you can lie.

MR. DINN: Well, Mr. Speaker, that is the question of privilege and I would ask that the Speaker ask the hon. member for LaPoile to withdraw it.

MR. NEARY: To that point of privilege, Mr. Speaker.

MR. SPEAKER: To the point of privilege, the hon. member for LaPoile.

MR. NEARY: Mr. Speaker, first of all let me say that I doubt very much - I can almost read Your Honour's mind - that there is a point of privilege, but I think I am entitled to make a few comments on the remarks that were made by the hon. gentleman. It was more like an admission of guilt than it was a point of privilege.

MR. THOMS: That is what it was.

MR. NEARY: Now, Mr. Speaker, actually it should be us who is making the point of privilege. It is this side of the House who should claim that the privileges of the House have been breached. And why do I say that, Mr. Speaker? Well, let me quote from yesterday's Hansard and let me clear up the red herring that the hon. gentleman tried

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Tape No. 1812

SD - 3

MR. NEARY: to drag in there when he said that
I started questioning about the SIU and Crosbie Offshore. That
is quite true, but the questions because

MR. NEARY:

very broad and of a general nature after one or two questions about Crosbie Offshore and the SIU. And of the other questions, out of eight or ten questions that I asked, only two had to do with the SIU, and the answer that the minister gave me to one of my questions had nothing at all to do with the SIU and here it is: "Mr. Neary. Would the hon. gentleman care to elaborate on what he means by communicating with them", meaning the board, "and expressing concern? Would the hon. gentleman care to elaborate on that statement?" "Mr. Dinn; Mr. Speaker, the Labour Relations Board deals with different areas of disputes in the Province, some of the disputes which I personally deal with myself and I have frequently communicated with the Labour Relations Board and members of the board." That is very damaging in itself, Mr. Speaker, but listen to this, "I do not think I have ever interfered in any way, shape or form with rulings of the board. Indeed I think that would be inappropriate."

Now, Mr. Speaker, that is where the hon. gentleman himself yesterday misled this House and withheld information from this House. Because, I have here in front of me, Mr. Speaker, a letter to indicate that the hon. gentleman did contrary to what he said, that he did interfere with the proceedings of the Labour Relations Board. I have the reply to the letter that the hon. gentleman just read, and he did not read that letter. He withheld that from the House today. The letter, he had no intention of reading the reply from the Labour Relations Board that I and table to show how the hon. gentleman breached the privilege of this House by making misleading statements and withholding information from the House.

MR. NEARY: Just listen to it, Mr. Speaker, to show how the hon. gentleman has interfered with the judicial process in this Province. It is black and white. There is no backdoors about it. Anybody who does that, the Speaker knows what the consequences are.

It is dated May 19, 1981 and addressed to the Hon. Jerome W. Dinn, Minister of Labour and Manpower, Confederation Building. "Dear Mr. Minister; As indicated in the letter of the Board's Chairman of April 30, 1981, your letter of April 20, 1981 was referred to the next regular board meeting. This meeting was held on May 13, 1981. All members of the board are unanimous in their alarm and concern that you would deem it proper to suggest to the board the manner in which it might deal with a matter properly before the board and within its jurisdiction. If the Newfoundland Labour Relations Board is to be an effective tribunal and fulfill its clear obligations to impartially adjudicate the matters before it, the board must never give any recognition to the views of any party, however well intentioned, except those parties properly represented before it. Accordingly,"-

MR. MORGAN: (Inaudible) interfere with (Inaudible)

MR. THOMS: You do not interfere with the Courts.

MR. SPEAKER (Simms): Order, please!

MR. CALLAN: Shut up! Shut up!

MR. SPEAKER: Order, please!

MR. NEARY: Listen to this, Mr. Speaker.

"Accordingly, the board deems your letter inappropriate and wish to clearly state that such representations by you or any other third party cannot and will not

MR. S. NEARY: have any effect on the disposition of the matter you referred to or any other matter now or hereafter before the board." And that letter was signed by the Chairman of the Board, the permanent members of the Board and the alternates, and I will read their names. Hon. members may recognize some of these hon. gentlemen: C.G. Easton -

MR. MORGAN: They are probably in the gallery.

MR. S. NEARY: I will not react to that, Mr. Speaker. C.G. Easton -

MR. L. THOMS: He is a well respected lawyer, G.C. Easton.

MR. SPEAKER (Simms): Order, please!

MR. S. NEARY: - C.W. White, I understand a prominent lawyer in the city -

MR. E. ROBERTS: Not unknown to some hon. members. Blank, White, Blank and Green, I think, is the firm.

MR. S. NEARY: Not unknown to hon. gentlemen who sit across the House. F.W. Russell, G. Gillingham, W. Alcock, J. Walsh, R. Gosse and Mr. F. Bowdring.

Now, Mr. Speaker, I am going to table this letter because I think the hon. gentleman who raised the point of privilege breached the privileges of this House himself. What I said this morning at my conference that the hon. gentleman raised earlier was that in the past couple of days we have come across evidence of a blatant attempt by the Minister of Labour and Manpower (Mr. Dinn) to interfere with and to influence a decision of the Labour Relations Board.

Mr. Speaker, it is a well-known fact that under no circumstances, under no circumstances can anybody interfere with the judicial process. If they do, they do it at their own peril. Now the hon. gentleman stated he had a letter from Mr. Templeton, Vice-President and General Manager of the Newfoundland

MR. S. NEARY:

Light and Power Company.

Well, all he had to do was to write Mr. Templeton and say, 'Dear, Mr. Templeton: Thank you very much for your letter. This matter comes under the Labour Relations Board and I have no right to interfere with the proceedings of that Board.' That is what the hon. gentleman should have done. But he did not do that. Instead of that, not only did he interfere with the judicial process but came down on the side of big business, came down on the side of the Light & Power Company, came down on the side of his buddies, his real friends.

Mr. Speaker, that is where the hon. gentleman led the House astray, made misleading statements. I cannot say the hon. gentleman lied. I cannot say that. As a matter of fact yesterday, if Your Honour recalls that particular point, there was a point of order made and I withdrew the remark. And I hope we will not be sidetracked into points of order or points of privilege on this matter. It is too serious a matter. The fact of the matter is - and here is the issue. This is the crux of the matter that the Minister of Labour and Manpower (Mr. Dinn) has interfered with the judicial process in this Province. He may as well have interfered with the Magistrate's Court or the Trial Divisions Court as the Labour Relations Board. It is the same principle. And the hon. gentleman has no choice but to resign his position, remove himself from

MR. NEARY:

the job, or the Premier should ask for his resignation and remove him from the position of Minister of Labour and Manpower in this Province.

MR. ROBERTS: There are hundreds of precedents for it.

MR. SPEAKER (Simms): Order, please!

With respect to the point of privilege, I think the Chair has allowed a fair degree of flexibility on both sides. I might add also that it is my understanding that in the past when points of privileges have been raised that the member is given a fair opportunity to try to explain what his case was and that is the reason why there was a fair degree of flexibility. But I think you will also agree that there was a fair degree of flexibility allowed on both sides.

However, in this particular situation, as it is the Chair's role to rule on the point of privilege raised by the hon. Minister of Labour and Manpower (Mr. Dinn), and it is also the Chair's role to determine whether or not there is a prima facie case on the point that he raised, I cannot see in this particular instance where there is a prima facie case because it was a matter in fact that was dealt with on another day by the raising of a point of order.

So in this particular case
I rule that there is no prima facie case.

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MR. STIRLING: Mr. Speaker, a point of privilege.

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

MR. STIRLING:

Mr. Speaker, we had not intended to introduce a point of privilege because we are going to give the minister the opportunity to explain the situation. I was going to give him the opportunity in Question Period to change his answer in case he was confused yesterday, and it is obvious he was confused.

Now, Mr. Speaker, what we really do have here by the minister getting up on this point of privilege, is a realization that this minister is going to any lengths, any extreme, to abuse the privileges of this House.

First of all yesterday, Mr. Speaker, in answering a specific question, "I do not think I have ever interfered in any way, shape or form with rulings of the board. Indeed I think that would be inappropriate." Any rulings. We now have the tabling by the minister of one letter, giving one side of the story, Mr. Speaker, when he went to such elaborate lengths to defend his position on a point of privilege. What he left out, Mr. Speaker, was the reply from the board which indicated that the board unanimously thought, unanimously were of the opinion that this was an interference that could not be tolerated.

So, Mr. Speaker, when you put that together with the answer yesterday which was that, "I have never interfered with the board," and he at the time that he said it had in his possession a letter from the board in which it was brought to his attention that he had in fact interfered with the board and it was rejected by the board itself. Therefore, Mr. Speaker, I would ask you to take under consideration this whole matter, and I do not think it is

MR. STIRLING:

something that you can decide in a matter of minutes, this whole question of what was the minister's intent and whether or not the privileges of this House in fact have been breached by a combination of the information that he gave yesterday and the information that he withheld today, and that this whole question, Mr. Speaker, is a very serious one. The question of privilege can only be brought up as a very serious question. It is not one on which I would expect Your Honour to rule, but it is one that I would ask you to take under advisement bearing in mind the whole information and we will deal with that when Your Honour has had a chance to look into this very serious problem, Mr. Speaker.

MR. MARSHALL: To the point of privilege.

MR. SPEAKER (Simms): To the point of privilege.

The hon. President of the Council.

MR. MARSHALL: I shall not be long, but in order to raise a point of privilege one has to ground the point of privilege in the rules that have been set down to guide the running not only of this parliament but of all parliaments. The hon. gentleman just gets off - because the hon. gentleman says it is a point of privilege obviously does not make it a point of privilege. The nature of privilege, Mr. Speaker, is set out in Beauchesne in the fifth edition on page 11. There is paragraph 16 which sets forth the basis of it - Paragraph 17. I will quote briefly from it, "A question of privilege ought rarely to come up in Parliament. It should be dealt with by a motion giving the House the power to impose a reparation or apply a remedy. A genuine question of privilege is a most serious matter and should be taken seriously by the House." But I emphasize, a question of privilege ought rarely come up in parliament. Now I also refer Your Honour to page 12, here again saying , you know, we cannot create new privileges

MR. MARSHALL: at all in the House, they have to be grounded. On page 12, paragraph 19 of the same edition, "A dispute arising between two members, as to allegations of facts does not fulfill the conditions of a parliamentary privilege." Mr. Speaker, I would suggest to Your Honour that it is abundantly clear from the representations that have been made in the House since we commenced sitting this afternoon, that this is merely just a matter of a dispute relating to facts and is not really a question of privilege. The hon. gentlemen can say all they want and do all they want but insofar as, just to put it in context, the Labour Relations Board is an administrative board, the hon. minister is a minister, the Labour Relations Board is not a court, is not a court of law, and I think the hon. member's explanation, Mr. Speaker -

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER: Order, please!

MR. MARSHALL: - is quite adequate. The reactions given by the hon. gentlemen on the other side, Mr. Speaker, quite evidently indicate that this is a matter of dispute on facts and not a question of privilege.

MR. ROBERTS: Mr. Speaker.

MR. SPEAKER: To the same point of privilege. The hon. member for the Strait of Bell Isle.

MR. ROBERTS: If I might, Your Honour, let me first of all dispose of the spurious and irrelevant point raised by the gentleman from St. John's East (Mr. Marshall). When he says that the Labour Relations Board is an administrative body, is it not, but whether it is or is not is

MR. ROBERTS:

irrelevant. As a matter of fact, I would suggest to the hon. gentleman, learned as he is, it is a quasi-judicial body and it has powers given it by statute. The powers given it by statute do not include the right of the minister to interfere and that is why the Board so righteously rejected it. And I would say the Vice-Chairman of the Board is a better lawyer than either the gentleman from St. John's East (Mr. Marshall) or the Minister of Justice (Mr. Ottenheimer) in this instance, and they are very fortunate if they know him in any other sense.

The point of privilege raised by my friend, the Leader of the Opposition, Mr. Speaker, is well-founded, I submit. The basic privileges of this House include an assurance or a right that a member making a statement shall make it correctly. We are not allowed to call a member a liar and that is the other side of the coin; if a member makes a statement we accept it as correct, at least to the best of that member's knowledge, and if a statement is not correct, Sir, that is not a dispute as to facts. If Your Honour goes out and runs somebody down on the street with Your Honour's car, that is not a dispute, it is a statement of fact. The question comes, is Your Honour guilty of motor homicide or negligence of some sort or something along those lines.

The Minister of Labour and Manpower (Mr. Dinn) yesterday in the House made statements which are not factually correct and which, I submit, he knew or ought to have known are not factually correct.

DR. COLLINS: What (inaudible).

MR. ROBERTS: The statement is found - I say for the benefit of the Minister of Finance - "Mr. Dinn: I do not think" - now, that may be correct - "I do not think I have ever interfered in any way -

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: - shape or form with rulings of the Board. Indeed, I think it would be appropriate -

SOME HON. MEMBERS: Inappropriate.

MR. ROBERTS: - inappropriate,"I am sorry.

And the minister made that statement. It is found in Tape 1776 - 25 May 1981. The pagination is not on this sheet from Hansard but, you know, it is there in the Hansard.

DR. COLLINS: Did he interfere?

SOME HON. MEMBERS: Yes. Yes.

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

MR. ROBERTS: Now the Minister of Finance asks, "Did he interfere?". That is the point, Mr. Speaker, on which the House must decide. Because Your Honour, as you have told us on many occasions, does not decide points of privilege, only the House does. What Your Honour decides is whether there is a prima facie point. All I am saying is, yes, there is a prima facie point. One, the minister made a statement; number two, he did not mention the letter which my friend from LaPoile (Mr. Neary) with his marvellous ways to perform, has found and has done a public service by making public.

Now, the appropriate course, I would suggest, I think there is a prima facie case, Your Honour; I am prepared, or my friend from Bonavista North, the Leader of the Opposition, is prepared to move the appropriate motion. The matter can then be debated and disposed of by the House. The House will decide. But surely, there is a prima facie case and if that is so the motion ought to be allowed.

MR. ROBERTS: The Minister of Labour and Manpower (Mr. Dinn) made statements which are not correct- whether he knew or ought to have known is a matter that one can judge - but he made a statement, the statement was not correct. The basic privilege of this House, Mr. Speaker, is that every member has a right to rely upon every other member in making statements that he believes to be correct, whether they are correct or not is another story, but he believes to be correct. There is no way the Minister of Labour and Manpower could have believed that statement to be correct, the statement that I just read.

MR. SPEAKER (Simms): I thank hon. members for their submissions. I will consider the matter and reserve my ruling on it and give a ruling at a later time.

MR. ROBERTS: Does Your Honour wish a motion to be submitted now?

MR. SPEAKER: I beg your pardon?

MR. ROBERTS: Does Your Honour wish a motion to be submitted now?

MR. SPEAKER: No. I will reserve ruling on whether or not there is a prima facie case.

MR. ROBERTS: You do not need a motion before that.

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

MR. SPEAKER: A point of order, the hon. Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, in replying to the point of privilege raised by me today, the hon. member for LaPoile (Mr. Neary) said that I misled the House. Mr. Speaker, that is clearly unparliamentary and I ask the hon. member to withdraw.

MR. SPEAKER (Simms): I have asked on occasions, depending on the way in which the comments were made, whether or not it was the words "deliberately misled" or just "misled" were used, have been considered unparliamentary and I would ask the hon. member for LaPoile to withdraw those remarks and that will dispose of the matter.

MR. NEARY: Of course.

MR. SPEAKER: The hon. member withdraws.

STATEMENTS BY MINISTERS:

MR. SPEAKER: The hon. Minister of Finance.

DR. COLLINS: Mr. Speaker, I am pleased to advise the hon. members of the tentative agreement which has been reached with the Air Services Division, encompassing our permanent and seasonal pilots and technical and administrative support staff. This tentative agreement was obtained by our negotiators late on Friday evening, May 22nd., and I understand will be recommended to the employees involved at a ratification meeting to be held tomorrow, Wednesday, May 27nd.

Government is very pleased with this tentative agreement. However, no details will be released until members of the bargaining unit have been fully informed.

MR. SPEAKER: Further statements?

The hon. Minister of Justice.

MR. OTTENHEIMER: Mr. Speaker, I would like to inform hon. members of a couple of appointments, one to the office of the Chief Electoral Officer, and also the Chairmanship of the St. John's and Eastern Region Tenancies Board.

Mr. Dermot F. Whalen has been appointed Chief Electoral Officer effective July 1st., 1981. Mr. Whalen is a graduate of St. Bonaventure's College, and St. Augustine's College in Toronto. He received his B.A., and B.S.W. from Memorial in '72. He is a former school teacher and

MR. OTTENHEIMER: social worker. He has worked as Assistant Deputy Minister of the Department of Provincial Affairs and is presently Chairman of the St. John's and Eastern Regional Tenancies Board. With the anticipated bringing into force of a new Elections Act, including election financing controls, the role of the Chief Electoral Officer will become an increasingly important one in the future.

I also wish to announce the appointment of Mr. Jamie Puddester as Chairman of the St. John's and Eastern Region Tenancies Board, effective July 1st., of this year. Mr. Puddester is a graduate of Prince of Wales College. He received his B.A. from Memorial in 1968, was awarded the gold medal for economics in the same year. Mr. Puddester graduated from Dalhousie Law School in 1971 where he was a Dunne Scholar and a recipient of a gold medal in law. He was admitted to the Bar of

MR. OTTENHEIMER: Newfoundland in 1971. He is married to the former Margaret Hudson, they have two children.

Mr. Puddester brings considerable experience in landlord/tenant matters to the chairmanship of the two boards as he has been solicitor for both boards for the past few years.

The government views the operation of the Regional Tenancies Boards in Newfoundland as an extremely important one in the coming years.

MR. SPEAKER (Simms): The hon. member for Grand Bank has about a minute.

MR. THOMS: Just wondering if the hon. minister has finished his statement or not, Mr. Speaker.

Mr. Speaker, having practised before the Tenancies Board, I know Mr. Whelan very well and I wish him luck in his new job as the Chief Electoral Officer. I also, of course, know Mr. Puddester very well. He is a very capable, extremely capable as a matter of fact, lawyer who is practising in the city of St. John's and I wish him well as the new Chairman of the Eastern Tenancies Board.

MR. ROBERTS: Presumably a full-time job has now become part-time.

MR. THOMS: This is the point that I was going to come to. I would have thought, Mr. Speaker, that the chairmanship of the Tenancies Board here at St. John's would be a full-time position. I assume that Mr. Puddester is not giving up his law practice so he will be practising law as well as being Chairman of the St. John's board.

MR. ROBERTS: How is he to be paid?

MR. THOMS: As I understood, I could be wrong but as I understood, Mr. Whelan was, in fact, the full-time Chairman of the Board. From my experience, Mr. Speaker, I believe that there is a lot of work before this board so that there should be a full-time Chairman and

MR. THOMS: going back to a part-time Chairman that neither landlords nor tenants will get the full benefit from this board that they should be getting.

I would like for the minister sometime to explain to me why we first had a part-time Chairman under David Riche, then we went to a full-time chairmanship under Mr. Whelan and now we are going back to a part-time chairmanship under the chairmanship of an extremely busy lawyer in this city? And I am just wondering about not the quality of service but the time and efficiency and so on. I would not question the quality of the service at all.

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

MR. OTTENHEIMER: It is permissible to sort of respond to respond to questions and I will do it briefly.

MR. THOMS: By leave.

MR. SPEAKER: By leave.

MR. OTTENHEIMER: Yes, the former Chairman was full-time. Mr. Puddester will be acting in a part-time capacity. We are of the opinion that the job can be adequately done by him on a part-time capacity. He also is of that opinion, and he has had quite a bit of experience there having been solicitor for the Board for some time. There is a permanent manager who is always there, the manager of the Board and a secretary, so there is that back-up staff.

MR. ROBERTS: How is Mr. Puddester to be paid? By the hour or per diem or annually?

MR. OTTENHEIMER: I would have to check on the exact amount but -

MR. ROBERTS: I am not concerned about the amount but the method.

MR. OTTENHEIMER: An annual amount plus so much per meeting.

MR. ROBERTS: Would the minister table that in due course?

MR. OTTENHEIMER: Yes.

MR. THOMS: Who are the new solicitors to the Board?

ORAL QUESTIONS

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

MR. STIRLING: Mr. Speaker, I have a question for the Minister of Labour and Manpower. In view of the information that has come out yesterday and today, and dealing with the specific point, and in view of the very delicate position that the Minister of Labour and Manpower (J. Dinn) has, and obviously when this information comes out it will be further evidence - for example, it started with the fishermen, then

MR. STIRLING: with NAPE, then the NTA - now all of the labour movement in Newfoundland will have no confidence, could not possibly have any confidence in a person who tried to intercede on behalf of management with the Labour Relations Board on a matter that was dealt with by the Board and now before the courts. Has the minister, in view of all of this, given consideration to resigning in the best interests of the people of Newfoundland and Labrador?

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

MR. DINN: Mr. Speaker, I think the Leader of the Opposition put his finger on the crux, he just got right to the nub of the problem right there. The fact of the matter is, the Labour Relations Board had ruled on something, had ruled and -

MR. THOMS: And you are still trying to (inaudible).

MR. SPEAKER: Order, please!

MR. DINN: - had ruled on something, had ruled on -

MR. THOMS: You are still trying to (inaudible).

MR. DINN: - had ruled on a certification -

MR. THOMS: Still trying (inaudible).

MR. SPEAKER: Order, please!

MR. DINN: - had made a ruling on a certification. Mr. Speaker, that is the nub of the whole problem. The Labour Relations Board had ruled on certification and I got a letter from an interested party. I also got quite curious, by the way, during this whole process where I did not even talk to the Labour Relations Board about the problem, from hon. members in this House made querries about different - about certification of bargaining units as representations were made to them.

SOME HON. MEMBERS: Name them! Name them!

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MR. DINN: And, Mr. Speaker, the nub of the whole thing is that after the Board had made a ruling, ruling finished, all over with, then I get a letter from somebody

MR. J. DINN: that I needed to reply to. I have not even gotten around to replying to it yet, but that I felt I should reply to it and I needed an explanation from the Labour Relations Board. I have since gotten that explanation and it was perfectly aboveboard. I have every confidence in the world in the Labour Relations Board.

MR. ROBERTS: Why did they write the letter?

MR. J. DINN: Well, they wrote the letter because -

MR. ROBERTS: You were interfering.

MR. J. DINN: No, they wrote the letter because I wrote a letter to them. They did not think it was appropriate. I did. I thought it was appropriate. The people out in Port aux Basques, Rose Blanche during the last election thought it was appropriate that I do something at the time when there was a strike. I got a letter also from the mayor of Port aux Basques -

MR. S. NEARY: Hear, hear!

MR. J. DINN: 'Residents of this area, Port aux Basques to Rose Blanche' - and if the hon. member for LaPoile is interested in it, then he should bring it up - 'deeply disturbed over power outages from 11:00 a.m. December 10th. to 9:00 a.m. December 11th!' Mr. Speaker, when it is the public interest I will write a letter to anybody to get things clarified and get things cleared up. I will write a letter to anybody when it is in the public interest.

SOME HON. MEMBERS: Hear, hear!

MR. J. DINN: I will not take a back seat, not to the Leader of the Opposition (Mr. Stirling). And I will give the Leader of the Opposition a little bit of a warning.

SOME HON. MEMBERS: Oh, oh!

MR. SPEAKER (Simms): Order, please!

MR. J. DINN: That last time a Leader of the Opposition in this Province took the tack that he is taking today, that Leader of the Opposition did not last very long. Okay? The last time a Leader of an Opposition took the tack that he is taking today he did not last for very long thereafter.

Now, Mr. Speaker, whenever it is in the public interest, I state again, I will write letters.

MR. L. STIRLING: A supplementary, Mr. Speaker.

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

MR. ROBERTS: Whom the gods would destroy they first make mad, do they not, 'Jerry'?

MR. L. STIRLING: I have no idea, Mr. Speaker -

MR. DINN: You did not last long either, 'Eddie'.

MR. STIRLING: There is no doubt about the opinion that the Minister of Labour and Manpower (Mr. Dinn) has about himself. I mean, there is no question about that. As a matter of fact, if the government wanted to solve the problems financially of this Province, all they would have to do is buy the Minister of Labour and Manpower for what the labour people think he is worth and sell him for what the minister thinks he is worth and we would never have a financial problem ever again in this Province.

SOME HON. MEMBERS: Hear, hear!

MR. L. STIRLING: What the minister thinks he is worth is not really the question. The question, Mr. Speaker, is how does the Minister of Labour and Manpower feel that having interceded in this case, interfered in this case and gotten the answer back from the Labour Relations Board, which he would not table - and I would ask the minister, would he table all the correspondence including the letter that started this from

MR. STIRLING: the management side, why was it that management thought that you would intercede in something that was already decided? Then why did you decide to intercede? And then, when you received the reply from the Board that they consider unanimously a matter of great alarm, what action did you take then with the Board when they wrote you back that letter? What action did you take on their letter? Because obviously, they had rejected your letter completely, rejected what you had done. What action did you take when the Board reprimanded you?

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

MR. DINN: Mr. Speaker, the hon. the Leader of the Opposition will be delighted to find out that we did not take any action. We did not throw them in the stocks, we did not ban them from their Province as would have happened fifteen or twenty years ago. We did not fire them off the Board. As I said, I have every confidence in the world in the decisions of the Labour Relations Board. Since they had already made the decision on what Mr. Templeton was enquiring about, I thought they would give me the answer so that I could write Mr. Templeton back. And I will at the appropriate time when I get around to it.

SOME HON. MEMBERS: Oh, oh!

MR. STIRLING: A supplementary, Mr. Speaker.

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

MR. STIRLING: The minister has indicated that 'we' did not do anything, that 'we' after we got the letter back from the Labour Relations Board, 'we' did not do anything. Did the minister in fact bring the response that he received from the Labour Relations Board, made up of representatives of employers and employees, that response that came back reprimanding him, when the reprimand came

MR. STIRLING: and he said 'we' did not decide to do anything with it, did he discuss it with the Premier or other members of his Cabinet?

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

MR. DINN: No, Mr. Speaker, I did not see any reason.

MR. STIRLING: A supplementary, Mr. Speaker.

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

MR. STIRLING: Now, if we take this in sequence, when the minister first realized yesterday that he was giving the House information which was not correct, when he realized that in fact, 'Oh, yes, it was that case they were talking about, the one where I interceded with the Board and the Board reprimanded me,' did you then discuss the details of that case with the Premier?

MR. SPEAKER: The hon. the Minister of Labour and Manpower.

MR. DINN: No, Mr. Speaker.

MR. STIRLING: Mr. Speaker, a supplementary.

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

MR. STIRLING: Mr. Speaker, did the minister yesterday discuss with any of his colleagues in Cabinet that in fact he may have given the wrong information to the House and that he now had a piece of information from the Labour Relations Board in which he had been severely reprimanded for attempting to intercede? Did he discuss that with any member of the Cabinet?

MR. SPEAKER: The hon. the Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, I have never, ever discussed with any colleague of mine the fact that I misled this House,

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MR. DINN:

because I did not mislead this House. And the hon. the Leader of the Opposition is again flogging a dead horse.

MR. ROBERTS: Yes, we agree the minister is a dead horse.

MR. STIRLING: Supplementary, Mr. Speaker.

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

MR. DINN: He is not flogging me, it is the public of the Province.

MR. STIRLING: I am trying to find out who 'we' are. When you made the reference that 'we' did not dismiss the board, when you said that 'we' did not dismiss the board, I would like to find out who 'we' is and I would like to find out whether at this stage this predicament that the minister now has himself in, has he discussed it with any other colleagues in Cabinet and has he discussed the statement that he was about to make today with his colleagues in Cabinet?

MR. SPEAKER: The hon. Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, who 'we' are, see, Mr. Speaker, when I refer to 'we', I indicated to the hon. Leader of the Opposition no we do not, as a rule throw people in the stocks, ban them from the Province or take any action of that sort, That is gone, that is past, that is what happened years ago, that is what the old administrations used to do. You know, ban them from the boards, fire them off the boards, you know, send out the police. We do not do that. Generally as a rule we do not take these sorts of actions. What we do is let the Labour Relations Board make decisions, which I said we have all kinds of confidence in, every decision they make and in this case again every decision made, all kinds of confidence. We, when I say 'we' we do not take actions that used to be taken, that were taken in the past by previous administrations, by firing people out, by firing them off the boards and putting in their old cronies. We

MR. DINN: do not do that, We select component people and these component people made adjudications and make decisions and the decisions are generally very well taken and all I have is praise for the Labour Relations Board.

SOME HON. MEMBERS: Oh, oh.

MR. SPEAKER (Simms): The hon. member for Grand Bank.

MR. THOMS: Mr. Speaker, I would like to ask the Minister of Labour and Manpower (Mr. Dinn) a question.

As the Minister of Labour may know, ought to know anyway, that the Department of Justice, one of the responsibilities for the Department of Justice is to give advice to Her Majesty's Ministers and to the government of this Province. And the question that I have is I would like to know whether or not the Minister of Labour, before he sent this infamous interference letter of April 20th, did in fact see legal advice before he wrote the letter?

MR. SPEAKER: The hon. Minister of Labour and Manpower.

MR. DINN: No, Mr. Speaker, I write hundreds of letters all the time, never have to go to the - rarely have to go to the Department of Justice to see whether I am on solid ground because generally, generally I say, I am always on solid ground when I write letters.

SOME HON. MEMBERS: Oh, oh.

MR. THOMS: Supplementary, Mr. Speaker.

MR. SPEAKER: Supplementary, the hon. member for Grand Bank.

MR. THOMS: Mr. Speaker, the hon. minister, I think, will realize before this is over, should realize now, that he should have sought the advice of the Minister of Justice -

MR. ROBERTS: Of course he should have. He would never have written the letter then.

MR. THOMS: - he would never have written the letter in the first place. Mr. Speaker, could the minister

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MR. THOMS: indicate whether or not he has gone to the Department of Justice and sought legal advice-or the minister has gone to the Minister of Justice (Mr. Ottenheimer) to seek legal advice since the matter was first raised in the House of Assembly yesterday afternoon?

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

MR. DINN: No, Mr. Speaker, I have not received or sought legal advice from the Department of Justice. I do not require legal advice in this instance.

MR. THOMS: A supplementary.

MR. SPEAKER: A supplementary. The hon. member for Grand Bank.

MR. THOMS: Mr. Speaker, would the minister indicate to this House whether or not he still believes that he has a right to - I mean, there is no question about it, but if you look at this particular letter where the minister states, 'it seems to me to be tantamount to a denial of natural justice to deny a hearing in a case such as this,' if that is not interference in a judicial body then I never heard of interference in this Province or anywhere where our system of justice is carried out. But does the minister still believe that he has a right to interfere - and he made the statement; he said, 'I would write anybody.' Would the hon. minister indicate whether or not he would be prepared to write a letter such as this to the Supreme Court of this Province?

MR. ROBERTS: Where the matter is now lodged, by the way.

MR. THOMS: He said he would write anybody.

MR. SPEAKER: The hon. Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, what we are talking about here is something that is past, like a ruling is made.

SOME HON. MEMBERS: Oh, oh!

MR. DINN: A ruling is made by the Labour Relations Board and I get a query and I write the board and ask the board, you know, what was the basis of this decision because I would like to write a letter back to this gentleman who wrote me? What was the basis? So I wrote the letter to the board. No problem at all. I do not know what all the hon. members opposite are getting so excited about. They are getting right excited about something, because a decision was made and I wrote and asked would the board please send me a reply and tell me what the basis was so that I could write the gentleman back. I did not know what the decision was at that particular time. I knew it was made. Mr. Templeton had indicated a decision was made so I wanted to find out on what basis the decision was made. I have already found out. I know on what basis, and they are perfectly within their power, they did exactly the right thing.

MR. SPEAKER (Simms):

The hon. member for the Strait of Belle Isle.

MR. ROBERTS: I just have one question, Mr. Speaker. Is he aware that the matter under discussion, the certification is still before the courts of this Province?

MR. SPEAKER: The hon. Minister of Labour and Manpower.

MR. DINN: Yes, Mr. Speaker, it is before the courts now.

MR. THOMS: Well, how could you say it was over and done with?

MR. SPEAKER: A supplementary. The hon. member for the Strait of Belle Isle.

MR. ROBERTS: Could the minister tell us, Mr. Speaker, whether he was aware of that fact at the time he wrote the letter to the Chairman of the Labour Relations Board?

MR. SPEAKER (Simms):
Labour and Manpower.

The hon. Minister of

MR. DINN:

Mr. Speaker, I do not know if I was at that particular time. I think it said in the letter the hearing was due on June 3rd. Is it?

MR. ROBERTS:

I do not know.

MR. DINN:

I think it was . It was in one of the letters.

AN HON.MEMBER:

I think he was aware of it.

MR. ROBERTS:

Mr. Speaker.

MR. SPEAKER:

A supplementary. The hon. member for the Strait of Belle Isle.

MR. ROBERTS: I take it the minister said that at the time he wrote the letter to the Chairman of the Labour Relations Board he was aware of the fact that the matter had been taken by one of the parties to the dispute before the courts of this Province, which is obviously their legal right.

MR. NEARY: It is a question of law.

MR. CARTER: You are backing off.

MR. ROBERTS: I am sorry?

MR. CARTER: I said you are backing off.

MR. ROBERTS: Who is backing off?

SOME HON. MEMBERS: Oh, oh!

MR. ROBERTS: I know that my friend from St. John's North (Mr. Carter) is basackward most of the time but he has to be bas-basackward to think this one is backing off.

Mr. Speaker, I simply want to ask the minister, now that he has confirmed that he was aware of the fact the matter is still before the courts of this Province - he said June 3rd and this is not June 3rd - and that he was aware of that fact before he wrote the letter, whether he considers he acted in any way improperly in writing a letter to the Chairman of the Labour Relations Board, bearing in mind that the request to the courts of the Province - I should ask the minister, is he aware of what the request to the courts of this Province is for?

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

MR. DINN: Am I aware of what the -

MR. ROBERTS: What a Certiorari is.

MR. DINN: No, I am not - well -

SOME HON. MEMBERS: Oh, oh!

MR. LUSH: The minister that resigned some time ago had the same problems.

MR. DINN: Oh, I see, yes.

MR. ROBERTS: Well, is the minister aware of what the Certiorari application is?

MR. DINN: Well, it is an application before -

AN HON. MEMBER: (Inaudible).

MR. ROBERTS: I am.

MR. DINN: It is an application, I believe, before the courts to question the decision of the Board, I guess.

MR. NEARY: No, it is not. No, that is incorrect.

MR. ROBERTS: It is an application to send it back to the Board for a hearing, the board that you have told has denied natural justice.

MR. DINN: So that they can get a hearing, yes.

SOME HON. MEMBERS: Oh, oh!

MR. FLIGHT: Why did you (inaudible)?

MR. DINN: Because the letter requests a hearing before the Board and I asked why. I have been completely satisfied as to why.

MR. ROBERTS: Mr. Speaker.

MR. SPEAKER (Simms): The hon. the member for the Strait of Belle Isle.

MR. ROBERTS: The minister has told us that he understands the application for the Certiorari is to refer the matter back to the Board for a hearing. In the light of that knowledge, does the minister consider it in any way interfering with the Board's hearing to tell the Board that it acted improperly, in his opinion? His exact words are 'tantamount to a denial of natural justice,' and that, as Your Honour is aware, is a charge of impropriety against the courts - the Board that may well be told by the court of this Province to hear the matter again.

MR. DINN: Well, Mr. Speaker, the hon. gentleman is not reading both letters, the one from

MR. DINN: Mr. Templeton and the letter that I wrote. What I put in the letter was Mr. Templeton alleges certain things.

SOME HON. MEMBERS: Oh, oh!

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

MR. DINN: And if that is correct it would be a certain thing. If the hon. member would read the last paragraph, it said, 'Would the Board please give me an explanation as to what this is all about?' That is what it says.

MR. ROBERTS: Mr. Speaker.

MR. SPEAKER: A supplementary, the hon. the member for the Strait of Belle Isle.

MR. ROBERTS: I say to the minister that if he was referring to his letter of 20 April 1981 to the Chairman of the Labour Relations Board, there is nothing in that to indicate any validity in his answer.

I will ask him if he said these words, to make it a question, Mr. Speaker: 'While I recognize that the Board may not be legally required to hold a hearing in every case -

MR. NEARY:

That is right.

MR. ROBERTS:

'I am' - that is 'I';

that is 'we' now, the minister of Labour and Manpower (Mr. Dinn), the royal 'we'. 'I am, to say the least, surprised to hear the board would not hear the company in this case, bearing in mind that you are dealing with a public utility and the board's decision could have an impact on the whole of the Province. It seems to me' - not Mr. Templeton or anybody else - 'it seems to me' - that is the minister speaking - 'to be tantamount to a denial of natural justice to deny a hearing in a case such as that'. Would the minister tell the House, assuming he made that statement - it is his letter, unless somebody has forged his signature - would the minister tell us whether he considers that statement a proper one to make to the Chairman of a Board which may be asked by a court, or directed by a court to further consider the matter of this certification order?

MR. SPEAKER (Simms):

The hon. the Minister of Labour and Manpower.

MR. DINN:

Mr. Speaker, you have to read that complete letter. You cannot take one sentence out of a letter and say, 'Ah, ha, this is what -

SOME HON. MEMBERS:

Oh, oh!

MR. DINN:

The first paragraph of that letter says Mr. Templeton wrote me a letter and he alleges this and he alleges that and he alleges something else.

MR. NEARY:

That is not what you said.

SOME HON. MEMBERS:

That is not what you said.

MR. DINN: That is what Mr. Templeton did, he alleged this and he alleged that and he alleged something else.

MR. NEARY: That is not what you said in your letter.

MR. DINN: It seems to me, based on these allegations that there is something wrong here - and I am sure there was not - but, I mean, could you give me an explanation of this? That is what the whole letter says. The letter says, you know, 'It is alleged and', you know, 'if this is so then' - you know, this would appear to be the case - 'could you give me an explanation?' That is what the letter says.

The hon. the Leader of the Opposition takes a sentence in a letter and says, 'Oh my God, I have him here'. You know, read the whole letter. The letter says, 'I received a letter from such and such, it alleges this and it alleges that and it alleges the other thing and it seems to me' -

MR. THOMS: And that is improper. Your whole letter is improper.

MR. DINN: No, no. No, it is not improper. 'It alleges this and alleges that and it seems to me as a result of these allegations, therefore', you know, 'it seems to me that something should have happened. Would you please give me an explanation?' I got the explanation and I am satisfied that nothing should have happened.

MR. ROBERTS: Mr. Speaker.

MR. SPEAKER(Simms): A supplementary?

MR. ROBERTS: Or a new question, whichever Your Honour wishes.

MR. SPEAKER: A new question, the hon. the member for the Strait of Belle Isle.

MR. ROBERTS:

Mr. Speaker, the minister will agree this matter is of great importance, the matter being the integrity and the impartiality of the Labour Relations Board; the minister will agree further with the well-known statement that justice must not only be done, it must be seen to be done. He has nodded acquiescence. Now, I say to the minister, in view of the fact he wrote the letter, and in view of the fact the board replied as they have, and in view of the fact there obviously is some question about the propriety of the minister's actions - he feels it was

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MR. ROBERTS:
feel it is not

proper, there are those who

MR. CARTER:

(Inaudible) time.

MR. ROBERTS:

I am sorry?

MR. NEARY:

Including the board.

MR. ROBERTS:

The gentleman from St. John's North
(Mr. Carter) wants to say something. He is now allowed to but -

MR. CARTER: (Inaudible) the expert, what the expert
on supply (inaudible).

MR. ROBERTS:

Mr. Speaker, you know - well,
that is not parliamentary to say what I think of him; it is
not so I will not.

Mr. Speaker, let me come back.

I was going to ask the Minister of Labour and Manpower (Mr. Dinn)
if he would be prepared to recommend to his colleagues that a
royal commission, a one man royal commission be appointed with
one question only, to hear evidence relating to the question of
propriety of the action of the Minister of Labour and Manpower
and to make a ruling with respect thereto, would the minister
be prepared to do that? Would he be prepared to put it to the
test, and I ask him now if he would? We cannot appoint. Public
opinion is the only judge to which we can appeal. But would the
minister be prepared to let an impartial, knowledgeable third
party rule on the propriety of his action in writing this
letter to the Chairman of the Labour Relations Board?

SOME HON. MEMBERS:

Hear, hear!

MR. SPEAKER:

The hon. Minister of Labour and
Manpower.

MR. DINN:

That hardly rates a reply. I mean,
I expect a little better from the hon. member for the Straits

MR. DINN: of Belle Isle (Mr. Roberts).

I really do.

MR. ROBERTS: I expect better of the minister, but I do not get it.

MR. DINN: I mean, I can understand the hon. member for LaPoile (Mr. Neary); you know, he lays the affidavits on the table from Davidson and all the rest of the crowd, you know. I expect that from the hon. member for LaPoile. But the hon. member for the Straits of Belle Isle, I really do not expect that foolishness. You know, maybe we should set up another royal commission and spend another \$500,000 or \$1 million doing nothing. That is what the hon. member wants. Set up another royal commission, another royal commission, another big commission, spend \$500,000 and do nothing.

MR. NEARY: He is afraid. He is afraid.

SOME HON. MEMBERS: Oh, oh!

MR. DINN: The hon. member for the Straits of Belle Isle, I expect a little more of, I would expect a little more of. The member for LaPoile, no, I do not expect anything. I have seen the affidavits from the Davidsons and the - you know, all the rest of the crowd. But the hon. member for the Straits, I really do, would and should expect, because he is a parliamentarian, I would expect a little more from that hon. gentleman.

MR. ROBERTS: Mr. Speaker, a supplementary.

MR. SPEAKER: A supplementary, the hon. member for the Straits of Belle Isle.

MR. ROBERTS: Mr. Speaker, I yield to my friend from Terra Nova. I will simply say, by way of a question, that I am disappointed in the hon. member and of course his refusal to allow an impartial body to judge himself, his refusal to allow to make that possible to happen speaks for itself and I do not know

MR. ROBERTS: what he expects. I do not really care what he expects. I will simply say there are those of us in this Province, a great number of us who expect a Minister of the Crown to refrain from abuse of ministerial office, and that of course is what the minister has indulged in.

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

MR. DINN: Mr. Speaker, abuse of office.

First of all I would like to say to the hon. gentleman that before I got into government I read a book about abuse -

AN HON. MEMBER: Did you understand it?

MR. DINN: - ministerial abuse. It was called the Mifflin Report, and that is why I said to the hon. gentleman I would expect that from the hon. member for LaPoile (Mr. Neary). I would not expect it from the member for the Straits of Belle Isle (Mr. Roberts). You know, that is a kind of a low tactic that this House does not deserve. I read the Mifflin Report, so that is on

MR. DINN: how not to act; the Mifflin Report is a whole book on how not to act and I have read report and therefore I feel totally - you know, I have read the Bible as to how not to act. And I feel very confident in what I am doing.

MR. NEARY: (Inaudible) Public Accounts Committee (Inaudible).

MR. DINN: There is the hon. gentleman coming back in. I expect it from him, but the hon. member for the Strait of Belle Isle (Roberts), really he should grow up a little bit.

MR. STIRLING: Mr. Speaker.

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

MR. STIRLING: I yield, Mr. Speaker.

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

MR. LUSH: Mr. Speaker, yesterday in answering a question put to him by the member for LaPoile (S. Neary), the Minister of Labour and Manpower (J. Dinn) indicated that he had had frequent relations with the Labour Relations Board. In view of that, the fact that he did have several frequent relations with the Labour Relations Board, which could have been written, of course, or in a verbal sense, could the minister verify whether or not this was the first time that he received such a letter from the Chairman of the Labour Relations Board which in effect is a castigation for having interfered with a certain decision? Is this the first time that he received such a castigation for having interfered with the board?

MR. SPEAKER: The hon. the Minister of Labour and Manpower.

MR. DINN: Mr. Speaker, speaking in public interest, something comes to my attention with respect to the Labour Relations Board or the Labour Standards Tribunal or anyone else, I will write a letter or I will talk to or I will do whatever is in my power that I think is in the public interest. I thought it was in the public interest to get a

MR. DINN: reply back to a gentleman and I wrote a letter and that letter stands. I stand by the letter.

MR. LUSH: I asked the minister.

MR. FLIGHT: And you may fall by it, too.

MR. DINN: And yes, I have made representations before. I made representation last year, quite happy; I have made four or five representations, I suppose. I am quite proud of all of them and in the public interest.

And, Mr. Speaker, I will always do that.

MR. LUSH: A supplementary, Mr. Speaker.

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

MR. LUSH: Mr. Speaker, the question was not whether or not the minister had written letters or how many letters. The question was whether or not this was the first time that he had received a castigation from the board for what, in effect, was interference with the board's decision. So, he wrote several letters. Was this the first time that he received a letter of castigation, a letter reprimanding him for interfering with the board's decision? Was this the first letter that he received?

MR. SPEAKER: The hon. the Minister of Labour and Manpower.

MR. DINN: Castigation. What do you mean a letter of castigation? That is not a letter of castigation.

SOME HON. MEMBERS: Oh, oh!

MR. DINN: It is a letter from the Labour Relations Board saying that, look here, we made a ruling, they told me basically what happened here is that I found

MR. DINN: on what basis they made the ruling which was a good ruling.

MR. FLIGHT: How did you find that out?

MR. DINN: I talked to the board members, no problem.

MR. FLIGHT: You did not put it on paper.

MR. DINN: So what?

MR. FLIGHT: Oh, I see.

MR. DINN: I do not put everything on paper, so what?

MR. FLIGHT: You found it out verbally?

MR. DINN: Is that the only way you communicate? The hon. gentleman does not communicate any other way only writing?

MR. FLIGHT: You obviously found a better way to communicate.

MR. DINN: I write letters, I talk on the phone, I talk to people and I communicate in generally every sense there can be communication.

So, Mr. Speaker, this is the first time I have received a letter signed by all members of the board, I think. I am not sure. But I do not consider it a letter of castigation.

SOME HON. MEMBERS: Oh, oh!

MR. J. DINN: I considered that the board interpreted my letter a little differently than I wrote it, that is all.

SOME HON. MEMBERS: Oh, oh!

MR. J. DINN: I am not knocking the board. I think the board has done and will do an excellent job in this Province. It is a great Labour Relations Board.

MR. T. LUSH: A supplementary, Mr. Speaker.

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

MR. T. LUSH: Mr. Speaker, referring to the letter again, in the last paragraph, and understanding that the minister has some great difficulty in understanding the obvious, I wonder if he could clearly indicate to the House in that last paragraph in his letter to Mr. Easton, the Chairman of the Labour Relations Board, can he indicate what the purpose of that last paragraph was? Was he suggesting to Mr. Easton that IBEW as a union should not be certified -

MR. DINN: Sure!

MR. T. LUSH: I am not finished yet.

MR. SPEAKER: Order, please!

MR. T. LUSH: Was the minister suggesting in that last paragraph that IBEW should not be the union that should be certified to represent these particular workers?

MR. SPEAKER: The hon. Minister of Labour and Manpower.

MR. J. DINN: No, Mr. Speaker, I think the IBEW is an excellent union.

MR. TULK: Then why write the letter?

MR. J. DINN: Mr. Speaker, I wanted to write back to Mr. Templeton to explain how the decision was made and why the decision was made and so on.

SOME HON. MEMBERS: Oh, oh!

MR. J. DINN: As a matter of fact, I received a letter from, as I indicated before, on the same thing from the mayor of Port aux Basques who indicated that in the last situation or strike that we had residents in the area of Port aux Basques to Rose Blanche were without power. Mr. Templeton was concerned about 85 or 95 per cent. And I said, 'Well, obviously the gentleman has some concerns, so I must write the board and find out what it is all about so that I can write him back. I am perfectly happy, perfectly -

SOME HON. MEMBERS: Oh, oh!

MR. J. DINN: - 100 per cent delighted with the decisions of the Labour Relations Board as it pertains to this case.

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

PRESENTING PETITIONS

MR. SPEAKER: The hon. member for the Strait of Belle Isle.

MR. E. ROBERTS: Mr. Speaker, I would like to present a petition which has been signed by 144 residents of my district, most of them from the communities of Flowers Cove and Nameless Cove which, of course, as hon. members are well aware, is the community immediately contiguous to Flowers Cove to the North. The prayer of the petition - and the Minister of Environment (Mr. Andrews) is not with us this day. I regret that because he is most directly concerned but I have all ready written to him on the subject matter. And I have no doubt he will get the petition from the Clarkes - but the prayer of the petition,

MR. ROBERTS:

I think, sums up the problem that the petitioners wish to present to the House, and I will read it in its fullness: "We the undersigned residents of Flowers Cove and Nameless Cove are opposed to the present site of the incinerator and open dump located near our residences and next door to the community health centre and community park. We want immediate steps taken to have the incinerator moved a mile from the nearest residence, which was and is the required distance by law. The present site is within 600 feet of the community park and has made it unfit for picnic purposes.

"Residents have to keep doors and windows closed due to smoke and odor. It is also causing a rat problem to nearby residents. If the incinerator is not moved by the end of May, we, the concerned citizens, will have the road closed to the dumping site."

Now, Mr. Speaker, I should add that, of course, the ladies and gentlemen who have signed the petition by that last sentence do not mean anything improper, they obviously mean they will take the lawful means open to them to try to have the road closed.

The problem is sufficiently important that it ought to be looked into by the Environment Department, I would suggest to Your Honour and to the minister. I do not pretend to know the rights and wrongs of it, but I do know that these men and women, 144 in all, are very deeply concerned, I have had a number of phone calls. I also know there is a very excellent committee responsible for operating the incinerator, it is headed up by Mr. Robert Genge, a prominent resident of the area, and by a number of other citizens of the area who are members of it and-I wonder if all concerned could keep it down to a duller roar? - I know

MR. ROBERTS: that they too share the concern. I know the committee are doing what they can with the resources, particularly the financial resources which they have available to them. But the matter is of importance and accordingly, in presenting the petition, I would ask that the matter be referred to the minister, as it will be in the usual way by Your Honour's officials, but I ask further that the minister look into it, ask his officials in the area to get there quickly to look into it with a view to taking whatever steps are necessary.

We have a committee that is working hard, we have a number of residents who are concerned about what appears to be a problem worthy of attention, I think it is only fit and proper that the government respond in the appropriate way. I do not know what the appropriate way is, but I am sure the minister can take advice from his officials and then we will get to the answer, we will do whatever is proper and that is what should be done, in my view, Sir. Thank you.

MR. SPEAKER (Simms): The hon. the member for St. Barbe.

MR. BENNETT: Thank you, Mr. Speaker. I would certainly like to support my colleague's interest in presenting this petition. And while the minister is having his officials take a look at the incinerator problem that apparently has come about, the minister should take a look at the garbage that is strewn all over the side roads in the general area, not necessarily over in my colleague's district but over in my own district which is bordering, namely, around the Ferolle - shoal Cove - Race Harbour - Bartletts Harbour - Castors River - Castor River North and Castor River South. These people have, from what I understand, in the past had most difficulty in disposing of garbage and

MR. BENNETT: I would certainly like for the minister to take a look at the garbage that is strewn all along by the sides of the roads there. Thank you, Mr. Speaker.

MR. SPEAKER (Simms): Further petitions?

ORDERS OF THE DAY

MR. MARSHALL: Order 2, Committee of Supply.

On motion, that the House resolve itself into Committee of Supply, Mr. Speaker left the Chair.

COMMITTEE OF SUPPLY

MR. CHAIRMAN (Butt): Order, please!
When the Committee last sat we were considering Head II, Legislative. We are on Subhead 202 - 01. I would also like to point out to the Committee that we have one hour and thirty-eight minutes remaining in Committee. I would ask the Clerk to call the Heads.

On motion, 202-01 through 06-01, carried.

MR. STIRLING: What did you say?
Are we on 20-02?

MR. CHAIRMAN: 202-06-01.

MR. STIRLING: Okay.
On motion, 07-01 carried.

MR. CHAIRMAN: Shall 203-01 carry?

MR. STIRLING: Mr. Chairman.

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

MR. STIRLING: A question -

MR. STIRLING: in the conflict of interest guidelines, the office of the Parliamentary Commissioner is one of the offices listed. Does that now mean that the office of the parliamentary commissioner has lost its autonomy, that it used to respond to this House of Assembly and that it has now come under the Premier's office, it has now come under the guidelines? Maybe the President of the Council could answer that and if the answer is simple, that it was a mistake and it will be taken out, then we do not need to debate it much further.

MR. SPEAKER (Butt): The hon. the President of the Council.

MR. MARSHALL: The office of the Parliamentary Commissioner, the Ombudsman is statutory. There is an act of this House that has been passed creating it. It is responsible to this House just as the Auditor General is and the Comptroller of the Treasury and consequently obviously there is no thought either to bring in any legislation to amend it. All the conflict of interest guidelines are just rules set down by the government which I think are rules that everyone can agree with. Obviously the Ombudsman is governed by this legislature, but at the same time I do not believe that these guidelines - I think that certainly the present incumbent or for that part any other member would be only too happy and willing to comply with these rules which are really just elementary, basic rules by which public servants should conduct themselves.

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

MR. STIRLING: No; Mr. Speaker, they are not very simple and ordinary rules. It requires, for example, a public servant, as defined by the government, a public servant to have to report to the government on any voluntary association they are involved in, on any job offers that they get and

MR. STIRLING: that the authority is in that section to dismiss. So it is not a very simple little set of guidelines, Mr. Speaker. It is a very police state type of set of regulations. I was checking through it earlier today as we were looking for a guideline for the minister: Was there a question in the guidelines, these all-inclusive guidelines, that said that a minister cannot interfere with the board. And sure enough there is no guideline. There is nothing in this great elaborate set of guidelines that prevents a minister from interfering with a board or a judge, and one of the reasons, Mr. Speaker, that normally this kind of thing would not be put in is because on the basis of the normal performance of a Cabinet if a minister did do what he did today and was rejected completely by the board, it would not last for five minutes. The man would be thrown out.

MR. NEARY: A phone call in Ottawa and you are fired out of the Cabinet.

MR. STIRLING: But there is no standard, there is no real standard, Mr. Speaker. Now what you have in this situation, Mr. Speaker, is an attempt to bring in under the power of the threat, under the power of this government, of the Cabinet - now what is the next thing they are going to say? Are they going to tell a backbencher that he has to report regularly if he has had any conversations with anybody, if he has had any conversations with a member of a board or a volunteer organization or if he is trying to make his submission on behalf of his constituents? Is that going to be the next thing? Mr. Speaker, it is one thing to do it for the government but when they go beyond the government to the office of the Parliamentary Commissioner, they are exceeding their authority, they are exceeding the authority that the government has. So, Mr. Speaker, I think the point simply has to be made and we will deal with it again when it comes up under conflict of interest legislation that the

MR. STIRLING: Ombudsman has to be absolutely free and clear of any kind of threat or coercion or anything of that nature. But to try to bring the office of the Parliamentary Commissioner, the Ombudsman, the person who is set up to hear and investigate, as it says, to provide an independent agency for the hearing of public complaints arising from the operation of government, now, Mr. Speaker, to bring the Ombudsman in under the control of the government, in under the control of the conflict of interest guidelines, where a public employee cannot even be a member of a voluntary organization without reporting it to his head and the department head has the

MR. STIRLING:

right to dismiss, suspend or otherwise discipline a public employee, Mr. Chairman, I think the government made a mistake, I do not think they intended to include the Ombudsman's office in that and therefore I give them the opportunity now to correct that mistake and take that out before the conflict of interest comes before the House.

I would like to have a question answered. Have there been any requests from the Ombudsman that have been refused by the government in considering this budget?

MR. CHAIRMAN (Butt): The hon. the President of the Council.

MR. MARSHALL: Mr. Chairman, I can say, to my knowledge, as far as I am aware there are no requests that have been made by the Ombudsman that have been denied by the government. That is not to say, of course, that the Ombudsman may have requested - I do not know every department where more staff is requested. It is obviously a matter of some concern to the government the provision of staff, because the Public Service is growing, the responsibilities are growing and in so many areas of government because of financial constraints and, well, because of financial constraints one cannot supply the full services that one would like to. So I have to qualify my question by saying I have every anticipation that the Ombudsman would have liked more staff, just as every other division of every department in government would have liked more staff, but I am not aware of any great serious objections, if that responds to the question, that the Ombudsman made to any rejection of any requests for extra routine help or of a routine nature.

In connection with the whole observations made by the hon. Leader of the Opposition (Mr. Stirling),

MR. MARSHALL: I would suggest to him that he has really been rather small in connection with it. I do not really think he is making a mountain out of a mole hill with respect to this. In the first place, I would agree with him, I think, if it were any way possible for the executive arm of government, as a result of the conflict of interest regulations which were brought in, to dismiss the Parliamentary Ombudsman, but, of course, this is absolutely impossible. The Ombudsman, Parliamentary Commissioner, is appointed under a specific act that has been passed by this Legislature and has been in force for some period of time. And that person being a servant of this House can only be dismissed by this House in the same way as two other offices that I know of, the Auditor General, the Comptroller of the Treasury— I do not know whether the Chief Electoral Officer does or does not come within that thing, but certainly the other three. So there is no regulation, Mr. Chairman, that can be made by the executive arm of government which would allow the executive arm of government to usurp or take over the tenure and the continued tenure of the Parliamentary Ombudsman.

AN HON. MEMBER: Would you remove it?

MR. MARSHALL: There is not need to remove it, Mr. Chairman, because it has not been done, it cannot be done I mean; it is there. I mean, every now and then this is where the hon. gentleman cannot see the woods for the trees. It is not unusual from time to time for regulations of this nature to be made because when you are making regulations you make them all-embracing and all-encompassing and obviously this was done but there is obviously no way -

MR. STIRLING: (Inaudible) the Auditor General.

MR. MARSHALL: - wait now - there is obviously no way -

MR. STIRLING: (Inaudible) that does not include the Auditor General.

MR. MARSHALL: - no, there is obviously no way, Mr. Chairman, the Ombudsman could be dismissed by the executive arm of government.

With respect to the other items, you know, I cannot see why - I do not think that the hon. the parliamentary Ombudsman, the hon. member would object - surely how can he object to the conflict of interest guidelines applying to the Ombudsman, or for that matter applying to the Auditor General, or for that matter applying to the Comptroller of the Treasury? It is this government who has brought in in the first place - or this party who brought in in the first place conflict of interest legislation and this attempt by the government, not only an attempt, it is an act by the government to bring in these regulations, in effect strengthens the operation of that act. This is the first time, the hon. Leader of the Opposition might know, since Confederation that regulations of this type were brought in. There had been regulations -

MR. STIRLING: they will not do any good unless (inaudible).

MR. MARSHALL: There had been regulations before, Mr. Chairman, guarding the conduct of public servants in 1933 and 1934, But these were dropped and came into disuse. Now what these conflict of interest guidelines do, they set down the rules, basic rules for civil servants in which to act. For instance, they are not allowed - it is not to say that they do, but is there in regulation - they are not allowed to

MR. MARSHALL: take advantage of their own position to enrich themselves personally.

MR. STIRLING: By whose definition?

MR. MARSHALL: Well, I mean the hon. member is getting on with this business about, you know, he would almost like to see - the hon. gentleman is getting to the position now again about the ministers being responsible to the first minister, that is the Premier. The hon. gentleman sees the Premier every day, almost sees the Premier, I am sure, when he closes his eyes at night. He sees him around as all the people in the Province do. And the hon. gentleman, I understand, was at a meeting, by the way, if I can say, Mr. Chairman, on the weekend, at least I am told. And he was talking to an individual, a couple of individuals who indicated to him what a great fellow the Premier was and they could not see how anyone in Newfoundland could vote against the Premier because it was the first time we had a premier in this Province who is prepared to stand up for Newfoundland and to push its rights. So, you can understand why the hon. gentleman feels a little bit paranoid about the Premier because while the Premier is there the hon. gentleman will never get in his place.

But, the fact of the matter is, getting back to the subject, Mr. Chairman, the fact of the matter is how can the hon. gentleman really object to these conflict of interest guidelines applying to the Ombudsman? He could not object to them applying to the Auditor General or the Comptroller of the Treasury. All these guidelines, Mr. Chairman, all these guidelines are are normal, reasonable rules of conduct to bolster the confidence of the public in the civil service, in the public service and in the institutions

MR. MARSHALL: of government, and if the hon. gentleman feels that they should not apply to individuals, well, I really cannot follow his reasoning, particularly in view of the fact, as I say, he is trying to make a mountain out of a molehill by trying to indicate that the parliamentary Ombudsman, as a result of these regulations, can be dismissed by the executive arm or by the Premier, which is totally not so, and if the hon. gentleman had referred to the legislation governing the appointment of the Ombudsman, he would see that the Ombudsman can only be dismissed by a resolution of the House.

MR. STIRLING: Mr. Chairman.

MR. CHAIRMAN (Butt): The hon. the Leader of the Opposition.

MR. STIRLING: Yes, Mr. Chairman, it is obvious this government now, even when they make the most simple error - obviously it was an error when they typed up the list - rather than admit it they try to insist that it is quite proper to put it in there. Now, maybe in the convoluted wisdom of the President of the Council (W. Marshall) he can tell me why he included the Ombudsman but did not include the Auditor General. I wonder if the President of the Council in the final comment on this particular subhead would tell us why the Ombudsman was included but the Auditor General was left out? Maybe he can explain why.

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

MR. MARSHALL: Mr. Chairman, the hon. gentleman, as I say to make mountains out of molehills, you know, I would assume that when the drafting of these regulations was done the people who were drafting the regulations operated under the same misapprehension as the hon. the Leader of the Opposition was operating under when he first introduced the

MR. MARSHALL: subject, i.e., that the parliamentary Ombudsman came under the jurisdiction of the Executive Council. The parliamentary Ombudsman clearly does not come under the jurisdiction of the Executive Council. The Ombudsman is not subject to dismissal by the Executive Council, only by this House. I mean, he makes the point - what I am trying to do is to urge the hon. gentleman, if he is going to make points, to make points of substance. I mean, we are quite prepared to look at this but, I mean, it is not an earth shattering thing. I can guarantee, Mr. Chairman, the Committee that if it were decided to remove the Ombudsman from the regulations it would not be the key note of the next Throne Speech of this government. It is a matter - what I am trying to do in answer to the hon. gentleman is to allay any unfounded doubts which he has and to point out that these doubts are completely and absolutely unfounded. And beyond that, I cannot go any further.

On motion, subheads 302-01 through 302-06-01, carried.

MR. CHAIRMAN(Butt): In the process, we have missed a couple of subheads which I will go back to. It is under 201, before we dispense with Head II, Legislative and it is 201-04-07,

On motion 201-04-07 through 201-08-02, carried.

Motion, that the Committee report Head II, Legislative, without amendment, carried.

MR. CHAIRMAN (Butt): We now proceed to Head III,
the Legislative Council.

Shall 301-01 carry?

MR. MARSHALL: Mr. Chairman, if I may
for just a moment.

MR. CHAIRMAN: The hon. President of the
Council has about fifteen minutes to introduce the Head.

MR. MARSHALL: It is a matter of tradition and
custom, and of course, it is there obviously for the Committee
to enquire into if it wishes, but it is a matter of custom and
tradition that the vote for Government House, and the Lieutenant-
Governor's Establishment pass without any large amount of debate.
If the hon. members wish to they most certainly - I most certainly,
I would urge on them, but if they have any questions we can
certainly answer them. But before doing so, Mr. Chairman, I think
I would be remiss in introducing these estimates to note once
again a matter that has already been noted, that the present
incumbent, the hon. Mr. Winter, will be retiring in July of this
year and his place will be taken by the hon. Dr. Paddon from
Labrador, and on the one hand to note the service once again which
the present Lieutenant-Governor has so ably afforded to the people
of this Province in carrying out his functions. He has been available
for everybody. He has travelled the Province extensively and
he has brought to the position a real dignity and indeed a
relevance to the people of this Province.

At the same time I would also -
I know other members would agree - like to welcome his successor
who will be coming to office during the currency of this financial
year and which this vote will cover in the main, the first part
of his tenure of office, Dr. Paddon. Certainly a singular appointment
of a most distinguished gentleman that we are very glad of course
that we have a Lieutenant-Governor appointed from Labrador and we

MR. MARSHALL: look forward with a great deal of confidence to his tenure and know that he will carry on in the same manner and fine tradition as his predecessors have done in the past.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN (MR. BUTT): The hon. Leader of the Opposition.

MR. STIRLING: Yes, Mr. Chairman, as part of the ceremonial, if you like, for the few pleasant moments when we can be unanimous in this House, I certainly on behalf of the members on this side of the House would like to extend to the Lieutenant-Governor, the present Lieutenant-Government, whose term is expiring, the best wishes of the people on this side of the House, unanimously of course in the House of Assembly. He served us well, with dignity; he was available. I would also like to include in that our kind thoughts for his wife, who has served with him at his side, had some painful moments during the term, always carried on like the gracious lady that she is. And Newfoundland has been served, Newfoundland and Labrador. The Lieutenant-Governor has gone out of his way to make comments on the of life in Newfoundland and Labrador. He has enjoyed his visits, he has become part of the community. He has done everything that we would want done in that role as the Queen's representative in the Province. We certainly want to send him out of office with the very best of our good wishes.

And as for the incoming new Lieutenant-Governor, Dr. Paddon, we certainly wish him well and share the joy that he does represent Labrador. I am sure that he, as all Lieutenant-Governors in the past, he will put his own personal stamp on that office, and he too will represent the Queen well and truly, and that we are served very well by the people who have been in that office. And I certainly want to make sure that on this side of the House we join with the other side in this unanimous spirit of good wishes for the incoming Lieutenant-Governor. We will be passing the Head.

May 26, 1981

Tape No. 1834

NM - 3

MR. CHAIRMAN (MR. BUTT):

I will ask the Clerk to

call the Head on the Lieutenant Governor.

Shall 301-01 carry?

On motion 301-01 through

301-06 carried.

MR. CHAIRMAN:

Shall 302-01 carry?

MR. NEARY:

No, Mr. Chairman, not quite.

MR. CHAIRMAN (Butt): The hon. the member for LaPoile.

MR. NEARY: My first comment on the office of the Executive Council is the Premier's Office. And I have to say right off the bat, Mr. Chairman, that we have the most expensive Premier in the whole of Canada.

In order to ascertain the amount of money that it is costing the taxpayers to run the Premier's Office, we have to add the \$855,000 on the first sheet, then go over to Cabinet Secretariat, \$1,287,000; Treasury Board Secretariat, \$1,839,000; Office of the Executive Council - no, forget that one - the Provincial Advisory Council on the Status of Women, \$144,000. So we are talking, Mr. Chairman, about somewhere in the vicinity of between \$4 million and \$5 million to run the Premier's Office. The salaries of the staff in the Premier's Office and the back-up staff is somewhere between \$3 million and \$4 million.

MR. WHITE: \$300,000 or \$400,000 a few years ago.

MR. NEARY: And it used to be in the old days, in fact before 1972, around \$200,000 or \$300,000. Now it is close to \$4 million to run the Premier's Office. And they cannot just get up and say, 'Well, the back-up staff does not count.' The back-up staff does count.

Mr. Chairman, the Treasury Board Secretariat, the Advisory Councils, the Intergovernmental Affairs Secretariat are all a part of the Premier's Office, all a part of the Premier's staff. As a matter of fact, the Premier himself is also Minister of Intergovernmental Affairs, a department that is unnecessary, is a burden to the taxpayers of this Province, and should be dismantled and abolished. If we wiped out Intergovernmental Affairs Secretariat, Mr. Chairman, it would not be missed, and it should be dismantled.

MR. NEARY: The Advisory Council to the Status of Women, which is another political window dressing on the part of the administration, is costing \$144,000. So the whole thing is over \$4 million to run the Premier's Office.

Now, what does it cost to operate the Premier's Office in other provinces of Canada? In British Columbia the cost of running the Premier's Office is \$752,000 - the wealthy Province of British Columbia. In Nova Scotia, what does it cost to operate the Premier's Office? \$298,000. In Prince Edward Island the total cost of operating the Premier's Office is \$198,500.

So you can see, Mr. Chairman, from the figures that I have just given - and I do not have replies yet from all the provinces of Canada; I have three or four replies which indicate that our Premier is the most expensive Premier in the whole of Canada - a Province that can least afford the luxuries that we have in the Premier's Office: advisory councils on this, a back-up group on this, Treasury Board Secretariat, Intergovernmental Affairs, all so-called experts, Mr. Chairman, that are feeding at the public trough, that are parasites on the backs of the taxpayers of this Province. There is no need of half the bureaucratic empire that you see in the Premier's Office.

Now, in addition to that, in addition to spending \$4 million or \$5 million to prop the Premier up, for public relations people, for press agents and press secretaries and the like, \$4 million or \$5 million for the likes of that,

MR. NEARY: and in addition to that we are the only Province in Canada which gives the Premier a house, Mount Scio House, rent free. Free telephones, free lights and a house, rent free - the only Province in Canada to do it. And, you know, Mr. Speaker, the argument we get from the other side, 'Well, why should we not give our Premier a house? He is worth it'. The Premier of British Columbia lives in an apartment, most of the premiers of Canada, except Newfoundland, live in apartments or in their own homes. The Prime Minister of Canada is given a house and the Leader of the Opposition in the Parliament of Canada is given a house. I am not sure if it is rent free or not. But here, we have so much money in this Province, we are so wealthy down here, we, who go up to Ottawa looking for a ninety-ten deal on this, a fifty-fifty deal on this, mostly ninety/ten, go up to Ottawa looking for hand-outs, what must they think of us, Mr. Chairman? What must they think of us when we say we need money down here to develop Newfoundland? We need money for housing, we need money for this, we need money for roads, we need money for water and sewerage, what must they think of us when they look at the Estimates and suddenly realize that it is costing \$4 million or \$5 million to run the Premier's Office in Newfoundland? And then in addition to that they give him a free house, a free car, an executive plane -

MR. CALLAN: Two free cars, is it not?

MR. NEARY: Well, he certainly has one.

I have only seen one. He may have two. He has access to the motor pool. But in addition to that he has the government aircraft and he can send his in-laws around the Province, send them on trips at Christmastime aboard the government aircraft and refuse to give us the logs

MR. S. NEARY: and refuse to tell us how many times he has requisitioned that aircraft and who travelled in it, when he did use it for the Premier's office.

It is astounding, Mr. Chairman!

It is a wonder when people here this kind of information, if it ever gets out to them—and I doubt very much if it ever gets out—but in the event that it happens to filter out, it is a wonder that we do not have riots in the streets, in the streets of this Province. It is a wonder, Mr. Chairman, when they think how hard it is for the ordinary person to make ends meet in this Province, how hard it is for ordinary people to pay their electricity bills, how hard it is to put food on the tables of the homes in this Province, how difficult it is to provide transportation back and forth to work with the price of gasoline in this Province, how hard it is to find a job. Today in Newfoundland, Mr. Chairman, it is worse than the dirty thirties as far as employment is concerned or unemployment is concerned. The other day I was talking to a doctor who told me that he needed a part-time receptionist, a receptionist to relieve in his office during the Summer holidays. And do you know how many applications he had, Mr. Chairman, and he did not even advertise the job, all he did was put the word out.—do you know how many applications he had for Summer employment in his office? 120 applications!

So, Mr. Chairman, it must set the devil in the ordinary Newfoundlanders when they look at what we are doing for the Premier of this Province, when they themselves are paying the highest taxes in the whole of Canada, the highest retail sales tax in the whole of Canada, the highest income tax in the whole of Canada, where we have the highest cost of living in the whole of Canada, where we have the second highest unemployment record in the Province, the second highest in the Canadian nation, when we turn around and set out Premier up

MR. NEARY: in grandeur, up in Mount Scio house rent free. The taxpayers pay all the bills, give him a motor car, helicopters, and an airplane that he can place at the disposal of his in-laws and besides that, it cost \$4 million or \$5 million to operate the Premiers' office directly and with back-up staff. I think, Mr. Chairman, this is outrageous.

MR. Chairman (Butt): The hon. the President of the Council.

MR. MARSHALL: I will not respond to any great degree because I know there are other members of the House who would like to get in to the debate on the estimates, I am responding for the Premier. The Premier today is in Bellevue district by the way.

MR. CALLAN: (Inaudible)

MR. MARSHALL: He is in the district of Bellevue, yes. I will not say he is putting the lie, but he is putting to flight, he is putting to flight the impression that was sown by the hon. members

MR. MARSHALL: that in this Province if you did not vote for a Tory that you would get nothing. And I know the hon. member will be quite happy after he hears what has been provided for the people of Bellevue to retract his remarks -

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN (Butt): Order, please!

MR. MARSHALL: - just as I know the hon. the member for LaPoile (Mr. Neary) will be happy, Mr. Chairman, when the Budget Speech returns, to withdraw that motion of non-confidence, you know, lest the government get the impression that the people for LaPoile do not want the hospital that is provided for in the budget.

So, Mr. Chairman, I am responding for the Premier. I am not going to respond to all of the things said by the hon. member, because what we could really do, we could take the Hansards for the last year, practically, you know, for the last ten years and the answers and table them, and they would be all the same, because it is exactly the same thing that the hon. gentleman comes up with.

Now, there are a couple of comments I would like to make though, Mr. Chairman, with respect to the Premier's Office. The actual vote in the actual Premier's Office, itself, it should be noted, is less this year than it has been in previous years in the Premier's Office. For the hon. gentleman to compare and to try to compare - I do not know whether he knows the difference or not - the Premier's Office in British Columbia, the Premier's Office in other places, with this one is not like comparing apples with apples at all, it is entirely different. For the hon. gentleman's information, in the British Columbia Government there is a separate department itself of Intergovernmental Affairs over - not overloaded, but loaded with a whole lot of staff, expensive lawyers

MR. MARSHALL: that the hon. the member for LaPoile (Mr. Neary) loves. And I think if he added up all of the services provided for the various Premiers of the other provinces and put them in with the services that appear here under Head 3, he will see that we are not doing too badly at all.

On the matter of aircraft, that matter has already been debated ad nauseam when we were doing Interim Supply, Mr. Chairman, sufficient for it to re-emphasize again the statement that has been made that the government aircraft has been used; and where it has been used has been on governmental business. It is significant, because one should reply. I think the unfortunate part when the hon. the member for LaPoile makes all sorts of statements about the expensive Premier and all the rest of it and the use of the aircraft, I think it worthwhile to answer a few things just to show - because when you answer a few and you show how wrong he is then maybe the general public will realize that he is totally wrong again.

In 1979 - 1980, the first year the Premier was in office, there was budgeted for the use of the aircraft \$126,400. The actual amount spent was \$83,000. In 1980 - 1981, last year, there was \$106,000 that was budgeted. The actual amount attributed to the Premier's Office was \$80,000. And then, Mr. Chairman, if he looks at the estimates, he will find that that amount is even cut further this year. I am not going to compare it to other years, but the comparison would be interesting. All I will say with respect to other years, the other years going way back right to the time when the airplane was used, the amount expended by the Premiers then was considerably higher than that. So the hon. gentleman likes to get up -

MR. NEARY: (Inaudible) much less.

MR. MARSHALL: No. The hon. gentleman likes to get up and make these accusations, but they are not true, Mr. Chairman. He loves to get up, as I say, and make these statements, and I have replied to the hon. gentleman over and over again, and I realize, Mr. Chairman, replying to the hon. gentleman is not going to cause him to change his tactics or to change his way and he is going to continue on. But, Mr. Chairman, all I can say is the items that he brought up in the ten minutes, aside from the matters that I have already answered, I think, as I say, that it is the same old regurgitation of his position over again.

I will sit down now and give some other member the floor in case there are other questions they may wish to pose.

MR. THOMS: Mr. Chairman.

MR. CHAIRMAN (Butt): The hon. the member for Grand Bank.

MR. THOMS: Thank you very much, Mr. Chairman.

I do not know if I have the same intense objection to the Premier of this Province having the use of the house up on Nagle's Hill. I am not quite sure that a \$1 million house is necessary. And I would like some day - and maybe I can get it under the new Freedom of Information Act -

MR. THOMS:

I would like to know what the total cost of that house has been over the last - It was Dr. Kavanagh, was it, who owned it first Then it was purchased for the university and then? rebuilt. Then it was practically rebuilt again when Mr. Moores took office and now it cost over \$120,000 or \$130,000 to have it redone, repainted or whatever, when the present Premier took over on March 17 or 18, a couple of years ago.

The Premier himself has stated that it costs him something between \$4,000 and \$7,000 a year to have that house given to him. Well, I can assure the Premier of this Province that I have a house that is certainly not valued at anywhere near one-tenth of what that house up on Nagle's Hill must be valued at, and it costs me more than \$4,000 a year to run that house and it costs me more than \$7,000 a year to run that house. So the Premier by saying oh, it cost me \$4,000 to \$7,000 a year to live in that house, as if this was a great amount of money -

MR. MORGAN:

Do not begrudge him that.

MR. THOMS:

I am not begrudging the Premier of this Province anything, but what I am saying is he should not come out and make statements to try to create the impression that it is costing him a lot of money.

Mr. Chairman, I have been trying now, since becoming a member of this House, to get some half decent accommodations for the members of this House. Now, the Premier, and like I say, I am not really offended by the Premier of this Province getting the benefit of the house on Nagle's Hill, but should there be such a great discrepancy, Mr. Chairman, between the Premier of this Province, who is a member of this House, and the

MR. THOMS: member for Fortune -
Hermitage (Mr. D. Stewart) who is forced to share an office with somebody else, to share a secretary with two or three different people? And then we come in here and we find that there are \$4 million or \$5 million a year being spent on the Premier's office. If they can spend \$4 million or \$5 million on the Premier's Office, surely goodness this administration can provide the members of this House with a private cubicle so that they could talk to their constituents in private in this House. Surely goodness the President of the Council (Mr. Marshall) in his wisdom, or in his heart can find the necessary funds to provide every member -

MR. NEARY: He has no heart.

MR. THOMS: I am not talking about the Cabinet ministers, they have their entourages, they have their executive assistants, they have their two or three or four or five secretaries, however many is necessary, but I am talking about the Opposition and I am talking about the backbenchers in the government. They should be given some consideration. I cannot, because I lack half decent accommodations, because I lack a secretary, I cannot service my district as well as somebody who does have the accommodations, does have the secretarial help. Maybe the Chairman is lucky. As Deputy Speaker of the House, probably he has a private office and a private secretary

MR. THOMS: and he does not have to - a constituent does not have to call knowing that everything he or she might say is being heard by somebody else. At least the people in the district of Grand Bank should get the opportunity to sit down or to call their member and know that they are going to have some privacy. But at the present time, that does not exist.

DR. MCNICHOLAS: (Inaudible) with a new office.

MR. THOMS: I am sorry. What was that?

DR. MCNICHOLAS: (Inaudible) use your new office.

MR. THOMS: What was that again?

DR. MCNICHOLAS: I saw advertised a few days ago your new office -

MR. THOMS: Oh, oh! How many of the hon. member's constituents does he see on Church Hill?

MR. NEARY: If he does, they bring their MCP cards.

DR. MCNICHOLAS: I see more than (inaudible)

SOME HON. MEMBERS: Hear, hear!

MR. THOMS: So, Mr. Chairman, there is not a Deputy Minister or Assistant Deputy Minister or a director of any kind in the civil service in this Province who does not have more of the necessary facilities than members of the House concerned. That is one of the problems, you know, there is no class to politics in Newfoundland. There is no class. Politicians, contrary to popular opinion, contrary to what people believe out there, contrary to what people believe out there, there is no class. There is nothing to keep a person in politics. In private life you can have more and better facilities than the people in government are prepared to give you.

There are three members sharing a secretary. Now, tell me how a constituent in a district can be serviced -

MR. HANCOCK: I know we have good secretaries, but they are not that good.

MR. THOMS: - the way they deserve to be serviced? It cannot happen. My friend from St. Barbe (T. Bennett) can use two or three secretaries himself. My friend from St. Mary's-the Capes (D. Hancock) could use two or three secretaries.

But the lack of these people means that these districts are not being - the people are not getting the type of service which they should be getting, which they deserve to be getting. And the district of St. Mary's - the Capes, even though they voted in a Liberal member of this House of Assembly, they deserve to be able to be represented by a person who can do the necessary research into the problems that come up on a daily basis, an hourly basis. But one of our problems is that we have a very niggardly President of the Council (W. Marshall). Getting a dollar out of the President of the Council is just like getting blood out of a turnip unless, of course, it comes to spending money in the Premier's Office. There seems to be plenty of money then.

There was plenty of money for St. Pat's Ballpark. I cannot get a couple of culverts. I cannot get a couple of culverts on the road from Lawn to Lord's Cove and that is all it needs, a couple of culverts. My God, Mr. Minister of Transportation (Mr. Dawe), give me the culverts, I will put them in, and when that is done that could save lives.

MR. HANCOCK: Send them the bill.

MR. THOMS: That could save lives.

SOME HON. MEMBERS: Oh, oh!

MR. THOMS: No, but St. Pat's Ballpark can get \$60,000 for lights so that baseball players in this city can play after the sun goes down, after the sun goes down. We have people working at the Trades School, we have people

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MR. THOMS: working at the Trades School
on starvation wages but, no, St. Pat's Ballpark can get
\$60,000 without any problems at all.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN (Butt): Order, please!

MR. THOMS: Think of what \$60,000 would do
to preserve -

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please!

MR. THOMS: - probably, lives in my district

MR. THOMS: by fixing the road between
Lord's Cove and Lawn.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN (BUTT): Order, please!

MR. THOMS: Think about what that
would do.

MR. HANCOCK: We want equal treatment
for equal Newfoundlanders.

MR. CHAIRMAN: Order, please!
The hon. gentleman's time
has expired.

MR. THOMS: I am just getting warmed
up, Mr. Chairman.

MR. NEARY: I will give you a chance to
get in again. Now, Mr. Chairman -

MR. CHAIRMAN: The hon. member for
LaPoile.

MR. NEARY: - my colleague was making a
very good speech there, the member for Grand Bank (Mr. Thoms),
and as hon. members know under the rules of the House he
can only speak for ten minutes. Then somebody has to
intervene, like myself, like I am doing now and then the
hon. gentleman can come back at it again. But he is on a
good theme there. And I hope that the hon. member for Grand
Bank will continue on that theme.

I also want to elaborate on
some of the extravagance and waste in the Premier's Office,
some of the flunkies, some of the gawks that he has in that
office, Mr. Chairman, press secretaries and flunkies and
legmen and people who have nothing to do but sit up in
the gallery all day long and gawk down at the members of
the House and then run down with little messages, little
notes to the Premier. How much do they get paid for this,
Mr. Chairman? How much do these gawks get paid?

MR. BARRY: What an insult!

MR. NEARY: No, it is not an insult. It is taxpayers' money that is being spent. We have hundreds and thousands of men and women, young men and women, unemployed and we have a right to know how much -

MR. HANCOCK: And we want to know where.

MR. NEARY: Where? All over the Province. And we have a right to know how much these gawks are being paid, these spies, these -

AN HON. MEMBER: Forty thousand.

MR. NEARY: Well, I am going to ask the hon. President of the Council, who is piloting the estimates through in the absence of the Premier, who is out playing politics in Bellevue, to write down the names of a few people who I want to find out the salaries of. Mr. Cabot Martin, how much does he receive either in salary or under a contract and what fringe benefits does he receive? The hon. gentleman should make a note of that. And what about the press secretary down in the Premier's Office? What is his salary and what fringe benefits does he receive? What about the special assistant, the member for Harbour Main-Bell Island (Mr. Doyle) who has two jobs, the member for Harbour Main-Bell Island and executive assistant or special assistant to the Premier, what is his salary and what fringe benefits do he receive?

And what about the other executive assistants who are not elected? What about Mr. Sullivan, the individual who betrayed the Youth Council in this Province, sucked his way in with the Youth Council and then got himself on the payroll in the Premier's Office and has been there ever since? And now they are going to revamp the Youth Council and set up a new one, disassociate it with Frank Moores and set up a new one. How much is he getting and what fringe benefits does he receive? And what about the other executive assistant, the gawk that sits in the gallery, the chief of staff, the electronic

MR. NEARY: eye, the Canada ear, not the Canada arm, the Canada ear that sits in the gallery so he can run with little stories to the Premier? Mr. Chairman, I would not mind if he sat on the other side and idolized his little tin God, little Alfie but he has to sit opposite the Opposition so he can report the expressions on our faces, how many times his eye lashes flicked while he was speaking, how often he spoke, did he wave his arms like little Alfie does, was his fly open and his necktie sticking out through when he was speaking, did he have any soup stains on his necktie, did he have a clean shirt on. All these little minute details have to be reported almost second by second, minute by minute to little Alfie. Was he chewing gum, was he gnawing on candy like the Minister of Manpower (Mr. Dinn) today who was so beside himself that he drank six glasses of water when he was being questioned and kept chewing on a bubble gum or some sticky substance that made him almost inaudible in the Chamber?

Mr. Chairman, there are four or five salaries that we want and fringe benefits; all the advisors to the Premier, all the people who he has in his office to insulate him from the public. Well, members will recall in this Province, Mr. Chairman, the day when you could not get in to see the Premier of this Province there was so much of a lineup on the eighth floor.

MR. NEARY:

Not any more. If you get on the 8th Floor now - and anybody can push the elevator going up and down - when the doors open they will notice there is not a soul on the 8th Floor of Confederation Building except the flunkies who are running around. So if anybody does manage to get up in the elevator as far as the 8th Floor, by the time he gets through the line-up of executive assistants, special assistants, who want to ask him every question in the book, they ask him what he wants to see the Premier about. It may be private and confidential business, personal business.

MR. HANCOCK: I had a delegation come in last year sixty miles in taxi; it cost them a fortune and he would not even see them, and he was sitting in his office.

MR. NEARY: Delegation after delegation arriving in Confederation Building, getting interfered with by these gawks and executive assistants and the small army of flunkies down in the office. So there is no way you can get to see the Premier of this Province. Now he has a new one. The latest one now is that he has himself surrounded by security guards, by bodyguards so that now he has really got himself insulated from the people of this Province. And, Mr. Chairman, I would not mind if there was any justification for this expenditure of public money. I am told that these bodyguards are the result of one 'phone call that was made not to the Premier directly but to the police, one 'phone call made to the police and one to a family in St. John's. And the other justification for hiring the bodyguards to surround the Premier is that his car was over by the Arts and Culture Centre one day and somebody came up and said, 'Is that the Premier's car?' and the chauffeur said,

MR. NEARY: 'Yes.' And he said, 'Well, where is he? I want to see him. I have something I want to discuss with him.' And so he interpreted that as meaning that somebody was going to tackle him. How paranoid can you get, Mr. Chairman? The hon. gentleman is paranoid. He has himself now sufficiently insulated from the ordinary people of this Province, so much so that the man is completely out of touch with reality. Now, Mr. Chairman, that is enough about that particular matter.

But we do want these salaries, whether they be contracts - and we do want the fringe benefits paid for these flunkies down in the Premier's Office. We want to know what fringe benefits they are getting including the member for Harbour Main - Bell Island (Mr. Doyle) who is paying more attention to passing out pamphlets.

Mr. Chairman, perhaps the President of the Council (Mr. Marshall) can also tell us about this little pamphlet. A group of school kids were brought in to the Premier's Office the other day and this little pamphlet was passed out to them by the Premier or by the member for Harbour Main - Bell Island - visitors to the Premier's Office. Is that what they are getting paid for down there? And that is why I asked the Premier the other day, Mr. Chairman, to tell us who paid for that brochure. I am sure it was not the member for Harbour Main - Bell Island, as the Premier told us.

MR. DOYLE: Yes, Sir.

MR. NEARY: No, Sir, it was not.

MR. DOYLE: Yes, Sir.

MR. NEARY: Where was it printed? Was it printed at Printing and Photography?

MR. DOYLE: I had it printed.

MR. NEARY: I know where it was printed. how does the hon. gentleman think I got a copy of it?

MR. NEARY: I can tell the hon.

gentleman it was not paid for by the hon. gentleman.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Chairman, it was not paid for by the hon. gentleman.

AN HON. MEMBER: Prove it.

MR. NEARY: ~~I can prove it. Sure I can,~~

I am making a statement now and I am accusing the hon.

~~gentleman of misusing taxpayers' money to have this brochure printed in Government Services.~~

AN HON. MEMBER: No.

MR. NEARY: The hon. gentleman had better be careful. We already know about people who lie in this House.

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

MR. CHAIRMAN (Baird): On a point of order, the hon. the President of the Council.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please!

MR. MARSHALL: Mr. Chairman, the hon. gentleman has said, 'We know about people who lie in this House.

In relation to the hon. the member for Harbour Main - Bell Island (Mr. Doyle) it can only be implied as a -

AN HON. MEMBER: (Inaudible).

MR. MARSHALL: Yes, he did, he said that. It can only be implied as saying indirectly what he cannot say directly against the hon. member and calls for a retraction. Of course, this is what he wants. He wants to retract and he goes on until he does it.

MR. NEARY: To save Your Honour the trouble, I retract.

MR. CHAIRMAN: To the point of order, the hon. the member has retracted.

MR. NEARY: Mr. Chairman, I will say this - and this is a statement of fact - that according to the

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MR. NEARY: rules of this House, a member cannot lie. Is that a statement of fact? Is that what the rules of the House state?

AN HON. MEMBER: Yes, it is.

MR. NEARY: That is what they state. The hon. the member for Harbour Main - Bell Island (Mr. Doyle) knows that these are the facts, that that is the Standing Order of

MR. NEARY: this House. I challenge the hon. gentleman now to produce a receipt for having this document printed and distributed in the Premier's Office. I challenge him to do it.

MR. DOYLE: Without any problem whatsoever.

MR. NEARY: All right, well produce it.

MR. DOYLE: Well, I do not have it on me now.

MR. NEARY: No, the hon. gentleman has not got it.

MR. DOYLE: Do you want me to bring it in?

MR. MARSHALL: Will you apologize then, publicly?

MR. NEARY: Mr. -

MR. MARSHALL: Will you apologize publicly then?

MR. NEARY: Mr. Chairman,

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: Not at all.

MR. NEARY: Mr. Chairman, what I am -

MR. MARSHALL: Why should we bother with the likes of you?

MR. NEARY: Yes, and why should I bother with the likes of you, about the lowest form of life. The hon. gentleman thinks now that they can make their own rules and regulations, that they can go down and use the printing services of the government, have this brochure printed and that is perfectly all right, just the same as the hon. gentleman thinks it is all right for him to represent the government's bank, the Bank of Montreal, to represent them -

SOME HON. MEMBERS: Hear, hear!

MR. NEARY: - and clean them off while he is a minister of the Cabinet.

MR. HANCOCK: All past expenses.

MR. NEARY: The hon. gentleman thinks that all right.

MR. HANCOCK: No conflict of interest.

MR. NEARY: He thinks all he has to do in this House is to stand in his place and say, 'Oh, I would not do anything wrong. I would not do anything wrong.' He takes his thirty pieces of silver and that is wrong, that is a conflict of interest.

Just the same as this is wrong, to have this printed in the government printing office and distributed in the Premier's Office. It is outrageous! In any other province of Canada -

MR. CHAIRMAN (MR. BAIRD): Order, please! I wish to remind the member that his time is up.

AN HON. MEMBER: Bring that Chair down to the end (inaudible).

MR. NEARY: Of course it was printed.

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

MR. MARSHALL: Mr. Chairman, I am not going to respond again to the hon. member. If the Opposition thinks it edifies them to refer to people as gawks and flunkies, and to make accusations such as the hon. member is making, and if they take great amusement with it, so be it.

Mr. Chairman, the salaries that he asked for are clearly shown in the detailed estimates which were filed by the hon. Minister of Finance (Dr. Collins) at the time when the hon. minister delivered his Budget Speech. The salary details are here, yes, they are on page 9, of the Executive Council. And I might say, Mr. Chairman, as well, that I believe that the contract of Mr. Martin was tabled in this House.

MR. NEARY: I beg your pardon?

MR. MARSHALL: I believe the contract of Mr. Martin, all details of the contract and the contract itself were tabled sometime ago by the hon. the Premier.

AN HON. MEMBER: By the Premier?

MR. MARSHALL: Yes.

Now, Mr. Chairman, you know, this is just another instance of the way the hon. member operates.

MR. MARSHALL: Now on page 9 it is clearly shown the Senior Policy Advisor to the Premier, who is on a contractual basis, \$50,000 a year, the Chief of Staff, Mr. Hewlett, \$39,000, Press Secretary to the Premier \$34,000, the Parliamentary Assistant, Mr. Doyle, the member for Harbour Main-Bell Island \$10,000. Now, they are there for the hon. member to see if the hon. member wants to.

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: As I say, if the hon. members there opposite wish to refer, or the member there opposite - not the members, but the member there opposite - wishes to get on with calling people gawks and flunkies and insulting them, the hon. member can do it, but, Mr. Chairman, I am not going to reply. I will reply to questions that are asked about these estimates that are reasonable questions as to what public monies are expended, but if the hon. gentleman there opposite, not gentlemen gentleman, and I use 'gentleman', wish to use that kind of approach and if the hon. gentlemen, some of them who laugh at him, seem to take enjoyment out of it, well, Mr. Chairman, that is their problem not mine.

AN HON. MEMBER: That is right. Hear, hear!

MR. CHAIRMAN (MR. BAIRD): The hon. Leader of the Opposition.

MR. STIRLING: Mr. Chairman, I would like to make a couple of comments. I think, first of all, when I said it was a cheap trick yesterday when the Premier made a comment about the half hour last Thursday, and he made comments about some people who were not in attendance, let us put that in the proper context with today when the Government House Leader (Mr. Marshall), in his arrogant fashion, reminded us last week, 'it is the government who sets the rules as to what order of business is coming in.'

Mr. Chairman, we only had an hour and something today. It was obvious to everybody that the Premier's

MR. STIRLING: Office was the order of business today. And the Premier arranged his schedule so that he is not here in the House to have to answer -

MR. MOORES: Right on.

MR. STIRLING: - to the members of the Opposition for the Premier's Office.

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: And why is that?

MR. HANCOCK: So we will keep out of it.

MR. STIRLING: What is it that the Premier does not want to face up to it?

MR. HODDER: He is gone to phone the Premier now.

MR. TULK: He is gone to call him, look.

MR. STIRLING: Why is it that the Premier, in setting the order of the business, arranged for the President of the Council (Mr. Marshall) to have this order on today when we are dealing, in the last hour or two of the day, with the Premier's Office? What is it that he would not be interested in debating or discussing? Was it because yesterday he had no heart for it, because the essential problem facing this

MR. L. STIRLING: Province today Mr. Chairman, the essential problem facing this Province is that collectively, as a government, the ministers have allowed themselves

to give up their collective rights as a Cabinet, as a government, give up their collective rights and on an individual basis they have to order and listen to the Premier or the President of the Council who are the only two -

MR. HOLLETT: Or the Chief of Staff.

MR. STIRLING: - only two, the only two in the Cabinet who simply have to get up and say, ' I would not do anything wrong and, therefore, the conflict of interest guidelines do not apply to me'. And the Minister of Labour and Manpower (Mr. Dinn), who in frustration, because the collective responsibility of government did not apply, in frustration signed a petition against the government's action, threatened to resign, threatened on television to resign. This Cabinet has given up any sense of honour and decency by subjecting themselves to a guideline that says, for example -

DR. COLLINS: (Inaudible)

MR. STIRLING: We are dealing with the Premier's Office. We are dealing with the Premier's Office. It is the Premier's Office, Mr. Chairman, it is the Premier's Office that we are dealing with. It was the Premier who got into the mud and the dirt talking, the other day, about who was going to be in this House and he decided not to face up to it, allowed his Cabinet to start the most dirty kinds of comments yesterday and today, retreating to a place where they feel comfortable but they will not discuss it.

MR. HODDER: In the sewer.

MR. STIRLING: They will not discuss -

SOME HON. MEMBERS: Oh, oh!

MR. STIRLING: Mr. Chairman, they will not discuss and debate the state that the Province is in, they will not debate how it is that this government which was going to cure all of the problems of Newfoundland and Labrador ten years ago, how come this government has now got us on the verge of bankruptcy, so much so that the President of the Treasury Board said that if we had to settle with the teachers the Province could not stand it. Well, then, subsequently he did settle with the teachers. And the Province, I do not know what the current state is. I do not know whether they can borrow or if they have borrowed all they can. Well, Mr. Chairman, when they first took over the office, when they first took over the reins of government, the Executive Council in 1972 - when you look at the expenditures in 1972, when they took office, the Executive Council spent something under a million dollars \$877,000 in 1972. And now the total budget this year is \$6 million. Now, I am sure that has something to do with inflation. I would ask the President of the Council when he is answering the question about the Premier's Office - the Premier half said, the last time that he got into this subject that he did not intend to get into, he indicated that he has to declare on his income tax a taxable benefit in the range of \$4,000 to \$7,000 a year for the use of the mansion that he now has.

MR. HOLLETT: And all things therein.

MR. STIRLING: Maybe in the absence of the Premier, who is intentionally absent and intentionally had arranged for this order to come in today - this is the government's decision, to bring in the debate on the estimates of the Premier's Office on a day when the Premier is not here.

MR. HODDER: CBC is on strike.

MR. STIRLING: So, Mr. Chairman, I think that we should know. When we are talking about the conflict of interest

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MR. L. STIRLING: . . . legislation, the Premier is going to reserve unto himself that if the President of the Council decides to get involved with an offshore oil company or a development company, all he has to do is report it to the Premier and the Premier will decide whether it is a conflict or not. The Premier will then decide whether or not any action is to be taken and if he says it is okay, then the people of Newfoundland are not informed and there is no action taken by the law, there is no action taken by the Minister

MR. STIRLING:

of Justice (Mr. Ottenheimer). Now, on the other hand, the Premier says he answers to the people of Newfoundland. So can we find out where, in this series of estimates is the income that the Premier pays, and I hope the President of the Council (Mr. Marshall) would pay some attention to this. If the Premier has to show a taxable benefit of \$4,000 to \$7,000 which was the information he gave in this House, where does it show the income from the Premier's residence that he pays for the rental of that property? And that is quite a range, \$4,000 to \$7,000 of taxable income. Can he explain the detail of what has been happening in the Premier's residence? What are the costs, where do they appear? Maybe we can find out in the Premier's Office why we have something like a phone bill of \$53,000.

MR. CARTER: (Inaudible).

MR. STIRLING: No, these are questions.

AN HON. MEMBER: (Inaudible).

MR. STIRLING: These are questions. If you do not want to answer them you do not have to answer them.

MR. THOMS: (Inaudible) and get a suntan.

MR. STIRLING: Air services of \$77,000.

MR. TULK: (Inaudible) logs of the government aircraft, we would like to have them.

MR. STIRLING: No, no. The \$77,200, we would like to know how that is assigned to the Premier's Office, what kind of use that is - you know, \$77,000, it is not a question of comparing it with last year. In the Executive Council we are now going to spend something like \$6 million whereas ten years ago we were spending \$800,000, so we would like to find out what is it, what is it that suddenly has cost that kind of - everything else has gone up. And I would like to know, since the Premier is the one who defended this the other day, where is the money coming from to pay the bill, the CFLCo bill? Where is that money coming from,

MR. STIRLING: the lawyers' fees, and is it in the neighbourhood of \$500,000? Does that have to be approved by the Premier's Office? What about the investigation into the Upper Churchill contract? Where do they appear and where are the amounts of money spent for lawyers' fees to investigate that? We have never been told. Does that get done by the Cabinet Secretariat, the Treasury Board Secretariat, the Intergovernmental Affairs Secretariat?

Mr. Chairman, I would hope that the President of the Council (Mr. Marshall) then, in answering these questions about the Premier's Office, can explain to us why the total increase in ten years has gone from \$800,000 to \$6 million in the Executive Council, and why it is that the business was arranged today so that the Premier would not be here to have to answer questions about his office.

MR. MARSHALL: The hon. the member for Harbour Main-Bell Island wants to make a personal (inaudible) so I will let him go first.

MR. CHAIRMAN (Baird): The hon. member for Harbour Main-Bell Island.

MR. DOYLE: Thank you, Mr. Chairman.

Mr. Chairman, I really did not intend today to speak on this particular matter but it seems the hon. member from LaPoile (Mr. Neary) has made certain allegations and it would seem that he has accused me of having this particular pamphlet, Mr. Chairman, written up at Government Printing Services. Well, Mr. Chairman,

AN HON. MEMBER: He did not.

MR. DOYLE: The hon. member did say it a few minutes ago.

MR. HOLLET: More power to him.

MR. DOYLE: Now this pamphlet, Mr. Chairman -

MR. MARSHALL: And he confirms it now, Mr. Chairman, he confirms it now.

MR. DOYLE: - but this pamphlet, Mr. Chairman, with the Premier's picture on front, 'Let's Fight For Our Rights - Equal Rights - Our Only Chance". Well, my picture is on the back of it. But as I said a moment ago the hon. member has more or less accused me of having this pamphlet made up at the government expense. Well, I can produce the invoice for the hon. gentleman if he so wishes and I can produce it tomorrow. It was done by Jesperson -

SOME HON. MEMBERS: Oh, oh!

MR. DOYLE: - Mr. Chairman, it was done by Jesperson Printing Limited and it was done at a cost of approximately

MR. DOYLE:

forty-eight dollars per thousand copies. And as I said to the hon. gentleman a few minutes ago, I can produce a receipt or an invoice tomorrow, Mr. Chairman, indicating to the hon. gentleman how many copies I did have made up, where they have gone and so forth. Mr. Chairman, as a matter of fact, the hon. members on this side of the House feel so strongly about this particular issue, in fighting for the rights of Newfoundland - and we have outlined it here, no right to shared fisheries jurisdiction; no right to transmit hydro power across Canada; no right to own and control their offshore oil and gas - and, Mr. Chairman, we found it necessary on this side of the House, as members, to have this material printed up to show the people of Newfoundland exactly what the hon. gentlemen have been thinking about and what they have been fighting for in this House, no rights for Newfoundlanders who have the highest unemployment rate in all of Canada and the highest taxes and the lowest income and the lowest living standard. So we wanted to make it perfectly clear, Mr. Chairman, to the people who are in Newfoundland what the hon. gentlemen have been saying on these particular issues. And we felt so strongly about it, as a matter of fact, that we decided, fifteen or twenty of us on this side of the House, to go to a printing company at our own expense, have this brochure made up and sent out to the people of Newfoundland.

SOME HON. MEMBERS: Hear, hear!

MR. DOYLE: And, of course, probably Mr. Chairman, we will be sending it out in the hon. member's district as well. So if the hon. member would like for me to produce the receipt tomorrow, I will do that - not a receipt an invoice because the receipts have not come back from Jespersion Printing at this point in time. But, Mr. Chairman, as long as the hon. member has made these allegations, I feel that -

MR. MORGAN: (Inaudible) because you cannot back up (inaudible).

MR. DOYLE: And he cannot back them up. He has made his silly little claims again. So I think at least the Leader of the Opposition (Mr. Stirling) should get a few of his members together and ask the hon. member if he would make an apology in this regard.

MR. THOMS: Mr. Chairman.

MR. NEARY: Mr. Chairman.

MR. CHAIRMAN (BAIRD): Does the hon. member for Grand Bank (Mr. Thoms) yield to the hon. member for LaPoile (Mr. Neary)?

MR. THOMS: Yes.

MR. CHAIRMAN: The hon. member for LaPoile.

MR. NEARY: I accept the hon. gentleman's explanation.

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Mr. Chairman, there is nothing - I have to tell the hon. gentleman that if I offended him I am sorry. I am sorry I offended the hon. gentleman and I accept his explanation.

MR. MARSHALL: Mr. Chairman.

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

MR. NEARY: Now, what is the problem?

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

MR. MARSHALL: Now, Mr. -

AN HON. MEMBER: (Inaudible) a point of order.

MR. MARSHALL: Just a second now, the hon. gentleman will get his chance. I am not going to take all the time as we have been doing -

AN HON. MEMBER: The Chairman recognized
(inaudible).

MR. MARSHALL: I will sit down very
quickly, Mr. Chairman. Having tried to guide these
Estimates through, I am still waiting for a relevant question.
And if the hon. gentleman is going to ask a few relevant
questions I will welcome them. But in the meantime, there
are a couple of comments I would like to make. I would
just like to point out again, because it would have been
reported - and this is the way things go - it would have
been reported tomorrow, particularly in a certain newspaper,
that the hon. member for Harbour Main-Bell Island
(Mr. Doyle) was using government printing for his own
purposes.

AN HON. MEMBER: That is not what he said.

MR. MARSHALL: No, that is not what the
hon. gentleman said.

MR. NEARY: That is right.

MR. MARSHALL: No, the hon. gentleman,
Mr. Chairman, did not say it. And this is what happens
in this Province and in this Legislature from time to time.
When the hon. member got up and he said he had this printed
by Jespersen's Press, what does the hon. member say? "I
will take your word for it". Mr. Chairman, that is not
enough. We are not really interested in what the hon.
member takes or what he does not take. What the hon. member
should do, Mr. Chairman, and what really he is bound to do
is to get up and give an unqualified apology for doing
something which would wrongly besmirch the honour and
reputation of my hon. friend behind me.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: Now, does the hon.
member do that? No, the hon. gentleman is not going to
do it. Are the members of the Opposition along side of
him who look so uncomfortable - I have got to give it to
them, when he does this kind of thing - who look so uncomfortable

MR. MARSHALL: are they going to do it?
No, Mr. Chairman. And by doing so, Mr. Chairman, they are getting in the same bath water and they are coming out just as dirty.

MR. NEARY: A.B. Walsh and Metro Engineering.

MR. MARSHALL: A.B. Walsh and Metro Engineering and all the rest of them. Now, Mr. Chairman, I have -

MR. NEARY: The hon. gentleman (inaudible) that for himself.

MR. CHAIRMAN (BAIRD): Order, please!

MR. MARSHALL: I have no doubt that the hon member will not -

MR. NEARY: (Inaudible) to represent (inaudible) the Bank of Montreal.

MR. CHAIRMAN: Order, please!

MR. MARSHALL: I have no doubt, Mr. Chairman, that the hon. gentleman will not retract. In any other jurisdiction the hon. gentleman, if he did not retract, would resign. It is just as simple as that. He has accused the hon. member, incorrectly, of using government funds for his own use. He has been proven categorically wrong. He has not apologized. And in the normal jurisdiction he would resign. Will he resign after what I said, Mr. Chairman? No, Sir. I know the hon. will not. If the Chief Justice of this Province could not get him to resign, I am hardly going to and I am hardly going to spend any more time commenting on the likes of the hon. member.

Mr. Chairman, on the -

MR. NEARY: Jack Walsh and A.B. Walsh. He has an obsession with Walsh's.

MR. MARSHALL: Mr. Chairman, the hon. gentleman can talk all he wants, he can say what he wants. He shows in every word he speaks just how venal the hon. member

MR. MARSHALL: is. He has got a sense of humour. He would be likeable, Mr. Chairman, if he were not venal. Now, Mr. Chairman -

SOME HON. MEMBERS: Oh, oh!

MR. NEARY: Your venom and your hate and your bile.

MR. CHAIRMAN (BAIRD): Order, please!

It is difficult for the Chair to hear with talk from both sides of the House.

MR. MARSHALL: Now, Mr. Chairman, I want to reply now to the hon. Leader of the Opposition (Mr. Stirling) who made certain comments in the House. He asked, Mr. Chairman, why the amount of the Executive Council -

MR. STIRLING: No, I asked where the Premier was.

MR. MARSHALL: Yes, the Premier is today down in Bellevue.

MR. STIRLING: And why he arranged it that way.

MR. MARSHALL: Mr. Chairman, if there was ever an example of - a person, any person in this House I am sure, could serve the public interest much better outside of this House than in it - it is the example of the way these estimates have been carried by the Opposition today and their questions.

Mr. Chairman, the hon. the Premier had long ago been scheduled to return to Bellevue. All of the questions -

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: Now, it is not characteristic of the Leader of the Opposition, he is really not a nasty fellow.

AN HON. MEMBER: He is. You are wrong.

MR. MARSHALL: No, he is not, no. He is not in the league of the other member I was speaking about a moment ago and he does not wear that mantle too well and he should not really get into it. Because those questions he

MR. MARSHALL: asked have been answered time and time again. He asked, Mr. Chairman, the difference between the price of 1972 and now. Before we are told, Mr. Chairman, it was \$300,000 or \$1 million and now it is more than that. Well, the difference, Mr. Chairman, is this, the difference is we have to pay a certain price in this Province for certain things. Everyone has to pay a price and I would put that down to the price of democracy. Because in those days, Mr. Chairman, they needed no assistance. Everything came from the one source, from the one person. It was very cheap to run the eighth floor, Mr. Chairman, at that particular time.

At this particular time let it not be said and let it not be inferred, Mr. Chairman, that it costs \$6 million. It does not take \$6 million, Mr. Chairman, to run the eighth floor and let that be understood. Included in the - to run the eighth floor the total amount here voted is \$855,600. The Cabinet Secretariat is there. The Cabinet Secretariat is not the Premier's Office, it is attached to it. Treasury Board Secretariat is not the Premier's Office, it is attached to it. Inter-governmental Affairs -

MR. MORGAN: Mr. Chairman, a point of order.

MR. CHAIRMAN (BUTT): A point of order, the hon. Minister of Fisheries.

MR. MORGAN: Mr. Chairman, I want to make that a point of privilege. The hon. members of the Opposition are referring and making derogatory comments about people sitting in the gallery and referring to them while they are sitting in the gallery of the House. I would say, Mr. Chairman, that is a very serious breach of the House of Assembly when a person sitting in the gallery who cannot rebut, who cannot comment whatsoever under the rules of the House, to

MR. MORGAN: have these kinds of derogatory comments made about them while they are sitting in the gallery. I would ask, Mr. Chairman, that these comments be withdrawn.

MR. POWER: It is not a very nice thing to do.

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

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN (BUTT): Order, please!

The Chair is having difficulty trying to hear the submissions.

MR. HODDER: The member for Bonavista South (Mr. Morgan) is totally wrong. That particular member of the Premier's staff who sits and watches us here in the House of Assembly, as part of his job, who sits here for three hours per day is a -

MR. MORGAN: (Inaudible) he cannot (inaudible).

MR. HODDER: But we are examining the estimates

MR. HODDER:

of the Premier's office and he is an employee -

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN (Butt):

Order!

MR. HODDER:

- of the Premier

and we are asking what he does beside sit in the galleries? And there is no point of order.

MR. MORGAN:

(Inaudible) attacking

a person - shame on the Opposition.

MR. CHAIRMAN:

Order, please!

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

Order, please!

There is no point of order. I would ask the hon. -

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

The hon. the President of the Council.

MR. HODDER:

What about Mel

Woodward (inaudible) his name (inaudible)?

MR. FLIGHT:

Yes, what about

Mel Woodward?

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

Order!

MR. MARSHALL:

Mr. Chairman -

NEARY:

Smear, smear and

personal attack.

MR. MARSHALL:

Mr. Chairman -

MR. CHAIRMAN:

Order, please!

SOME HON. MEMBERS:

Oh, oh!

MR. CHAIRMAN:

Order, please!

MR. MORGAN:

Just one further point -
He was not up in the

gallery.

MR. CHAIRMAN:

Order, please!

MR. MORGAN:

(Inaudible) he was in

the gallery.

MR. CHAIRMAN(Butt): I will adjourn the
Committee until hon. members will restrain themselves.

RECESS

MR. CHAIRMAN: Order, please!
The hon. the
President of the Council(Mr. Marshall) has about five
minutes to conclude his remarks.

MR. MARSHALL: Mr. Chairman -
MR. THOMS: (Inaudible) the
rules.

MR. MARSHALL: Yes, well, the hon.
the President of the Council is not going to take that time,
Mr. Chairman, he is only going to be a minute anyway, a
minute or two, because -

MR. CHAIRMAN: You have three
minutes.

MR. MARSHALL: - the hon. the
President of the Council is dealing with piloting through
these estimates and there are really, so far, no real
substantial questions to answer. All I have - you know,
where the rent - the hon. members asked - now, the details
on the Premier's house are well known, they have been
publicized and if it titillates their fancy, the hon. the
Premier made a complete statement of it at the time. As
far as the rent - he asked where the rent was payable.
The hon. the Premier said he paid income tax on it as if it
were rent. If the hon. gentleman knew anything about the
income tax law he would know why that occurs.

What is the use of
Air Services? Air Services is used, Mr. Chairman, by the
Premier and the Premier's staff, and the government at all
times in the course and during business of the government.
All of the rest of it, Mr. Chairman, they were all insults
and I am not going to respond to them. I mean, if the

MR. MARSHALL: hon. gentlemen there opposite wish to get, as I say, in that game, there is a lot more business of the Province to get along with than to really respond to insults.

Having heard what I heard today, I wish the hon. gentlemen there opposite a very successful conference next Monday in Corner Brook and I hope that Mr. Coutts can give them instructions in policy and can well and truly instruct the hon. members of the best way and the most efficient and the fastest way to transfer the resources of this Province to Ontario and Quebec, to keep the justification - to attempt to justify to the people of this Province the barring out of our transmission of electrical power and the denying of its being transmitted in the same way as oil, gas and other things. And then maybe Mr. Coutts can raise the level, Mr. Chairman. I cannot and I shall not pretend to even attempt to.

MR. CHAIRMAN (Butt): The hon. the member for St. Mary's - The Capes has about eight minutes left at which time I will ask the Clerk to call the Heads.

MR. HANCOCK: No, I only want to ask one simple question, Mr. Chairman, I just want to ask the minister - I know he will have to agree with me that we have one of the highest unemployment rates in Canada in this Province -

MR. NEARY: The second highest.

MR. HANCOCK: The second highest,
is it?

MR. NEARY: Record, yes.

MR. HANCOCK: We have the highest cost of living, and I would like to know how can this government verify, Mr. Chairman, paying for the Premier's house? And, I might add, it is the only Premier's house in

MR. HANCOCK: Canada that is paid
for by the taxpayers of this Province.

MR. CHAIRMAN: The hon. the
President of the Council has about seven minutes.

MR. MARSHALL: Yes. We still have,
Mr. Chairman, the highest unemployment rate in Canada but
the fact of the matter is, Mr. Chairman, we also have a
rate of descension of the unemployment that is also the
highest in Canada and a large part of the reason is, Mr.
Chairman, because of our thrust in development, like our
oil and gas regulations.

Now, if the hon.
gentlemen there opposite wish to assist us in this, all they
have to do is stand up as Newfoundlanders with Newfoundlanders
and indicate that they support us in our quest to get our
rightful rights to our resources, the oil and gas resources,
our rightful rights to be treated instead of as
7/285ths Canadians as full Canadians
toward the transmission of our electrical power, the right
to be able to market our fish without there being trade-
offs with the tariff boundaries in other countries in order
to protect markets in other parts of the country and so on.
Certainly we have a high unemployment rate, certainly the
rate of unemployment, as far as this government is
concerned is unacceptable, and certainly this government is
doing everything it possibly can, as it has evidenced and
it is bearing fruit, to take

MR. MARSHALL: efforts to bring the amount of unemployment down.

As to the Premier's house, this comes up -now this is an example again of the way in which the Opposition, you know, wish to tackle this. We have not had a single question on the Executive Council, the functions of Treasury Board, that important organ of government, with all this money that is being expended, we have not had a single question as to the function of the Department of Intergovernmental Affairs.

MR. HANCOCK: I asked -

MR. MARSHALL: We have the same question asked by the member for St. Mary's-The Capes (Mr. Hancock) as was asked by the Leader of the Opposition, as was asked by the member for Grand Bank (Mr. Thoms), as was asked by the other member there opposite as well.

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: The fact of the matter is -

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN (MR. BUTT): Order, please!

MR. MARSHALL: It is quite easy, Mr. Chairman, it has been justified, it was justified in the past, if the hon. member wishes to make as a criterion of a person getting to the position of being Premier, his own personal wealth and thus deprive a person of being able to be Premier and to be able to conduct the Office of Premier, that is his- you know, if he wants to be exclusive, if he wants to reduce him to being exclusive, he can.

AN HON. MEMBER: How come the (inaudible).

DR. COLLINS: What do they want to do with the house?

MR. MARSHALL: And what do they want to do with the house anyway? You know, the house is up there. The house

MR. MARSHALL: was already a government house, it was owned by Memorial University, it had been bought by Lord Taylor, it had been built by the hon. gentlemen there opposite or renovated by them over and over again, so the house was already there and where more logical to be than up there?

Now, Mr. Chairman, again I say it is pathetic, it is really pathetic. What we have seen this afternoon, we have seen, instead of an examination of the Premier's Office, the Executive Council or what have you, all the hon. gentlemen there opposite have chosen to do is to hurl insults, cast little innuendoes, make unsubstantiated charges and what have you.

SOME HON. MEMBER: Oh, oh!

MR. MARSHALL: Now, if that is the way, Mr. Chairman, that they want to carry on in the Opposition, which is the way that they have been, and as I say, the hon. Leader of the Opposition does not wear that cloak too well, it really does not suit him too well because he is not that kind of fellow. Despite what somebody said over here, it is not his style, Mr. Chairman, and -

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: - unless the hon. Leader of the Opposition watches it, he is getting into that bath water and he is coming out, Mr. Chairman, with the same dirt covering him. It does not suit him, Mr. Chairman. I would suggest -

MR. HANCOCK: How can you justify the House being paid for by the people of the Province.

MR. MARSHALL: I have already answered, responded to the hon. gentleman. The hon. gentleman may not accept the answer, that is his prerogative, he may not agree with the answer, but the answer has been given, the answer is perfectly acceptable to all members on this side of the House, Mr. Chairman, and it is perfectly acceptable to the populace of this Province as well.

MR. MARSHALL: The hon. gentlemen there opposite, you know, all they are interested in, as I say, is their little innuendoes, Here is the Province -

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: The Province is at situation it is right now -

MR. STIRLING: On a point of order, Mr. Chairman.

MR. CHAIRMAN (MR. BUTT): Order, please!

A point of order raised by the hon. Leader of the Opposition.

MR. STIRLING: Yes, the President of the Council (Mr. Marshall) made a comment about acting in my style and he was concerned that I was getting away from the style. I would like to say something now in keeping with the style and something very positive, that we are very pleased to announce the effectiveness of an Opposition member by announcing \$500,000 of road work for Southwest Arm -

SOME HON. MEMBERS: Hear, hear!

MR. STIRLING: - \$100,000 for Bellevue.

MR. CHAIRMAN: Order, please!

MR. STIRLING: - and \$50,000 for Northwest Brook.

SOME HON. MEMBERS: Hear, hear!

MR. CHAIRMAN: Order, please!

MR. STIRLING: And that is more in the style.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN: Order, please!

That is not a point of order.

The hon. President of the Council has about one minute left to conclude his remarks.

MR. MARSHALL: Well, I am so glad, Mr. Chairman. All I will say in response to the point of order, which was a speech, is that it puts the lie to the position taken by the hon. gentlemen there opposite

MR. MARSHALL: that you have to be an elected Tory member in order to be able to get any public money.

SOME HON. MEMBERS: Hear, hear!

MR. MARSHALL: The fact of the matter is that Bellevue - they made a great deal about the Premier's letter - Bellevue is now getting all these roads, Channel-Port aux Basques with its hospital.

SOME HON. MEMBERS: Oh, oh!

MR. MARSHALL: Mr. Chairman, are the hon. gentlemen there opposite now -

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN (MR. BUTT): Order, please!

MR. MARSHALL: Are the hon. gentlemen there opposite now going to withdraw their non-confidence motion, or are they going to vote for their non-confidence motion and thereby deprive the hon. member for Bellevue (Mr. Callan) of his roads, the people in Port aux Basques with their hospital, the people in Labrador with the benefits that they have enjoyed, I do not include in that, of course, the two hon. members from Coastal Labrador, but they have enjoyed, you know, a lot of financial benefit from this budget.

MR. HISCOCK: (Inaudible) Ottawa. Thanks to Ottawa.

MR. MARSHALL: So if the hon. gentlemen

MR. MARSHALL: gentlemen there opposite wish to be sincere about the matter, they will withdraw their non-confidence motion and stop voting against the interests of their constituents.

SOME HON. MEMBERS: Oh, oh!

MR. CHAIRMAN (Butt): Order, please! The time for the estimates has expired.

On motion, subheads 302-01 through 307-07-01, carried.

On motion, Head III, Executive Council, carried.

Motion, that the Committee report having passed Head III, Executive Council, without amendment, carried.

On motion, that the Committee rise and report having passed Heads II, Legislative, and Head III, Executive Council, and ask leave to sit again, Mr. Speaker, returned to the Chair.

MR. SPEAKER (Simms): Order, please!
The hon. the member for
Conception Bay South.

MR. BUTT: Mr. Speaker, the Committee of Supply have considered the matters to them referred, report having passed Head II, Legislative and Head III, Executive Council, and ask leave to sit again.

On motion, report received and adopted, committee ordered to sit again on tomorrow.

MR. SPEAKER: Order, please!
Motion, second reading of a bill,
"An Act To Amend The Landlord And Tenant (Residential Tenancies) Act, 1973," (Bill No. 59).

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

MR. OTTENHEIMER: I will endeavour, and I think that I can in five minutes explain the purpose of the bill.

MR. OTTENHEIMER: The bill is important, but I do not think it will need a long period of time to explain it. What the bill attempts to do is establish an appropriate balance between the legitimate interests of tenants and landlords. Hon. members are probably aware that some instances have arisen in the recent past whereby a number of tenants have received eviction notices presumably for economic reasons and our members will recall, as well, that some time ago I made a statement to the effect that we would introduce legislation to cover that situation.

So let me endeavour to explain what the bill does. It establishes the principle of security of tenure for tenants. Now, there are obviously some exceptions there. It does not cover a resident with no more than two units and the landlord lives there himself. That would be a house with a basement apartment or a house with

MR. OTTENHEIMER: an upstairs rented out.

It does not cover that. I should point out as well that this applies to a tenant who is in possession of residential premises on May 30, 1981, notwithstanding that a Notice to Quit may have already been served. Now, when the Residential Tenancies Board determines that a landlord in good faith requires the residential premises for his or her own residence or that of his spouse, parents or children, then he may take possession of it. Similarly, when there is an agreement to sell and the purchaser - you know, vacancy is required - and the purchaser is going to use the premises to live in himself or his spouse or children or parents, then, obviously, they may get vacant possession. There the term of notice is three months but there is a provision, there is a provision whereby the Residential Tenancies Board may extend that period, if there is undue hardship, may extend that period up to six months. I think I have already pointed out that a basement apartment is not covered or an upstairs apartment in a unit where there are no more than two residential units. The legislation does one additional thing and that is it gives a statutory reference to certain criteria which have in the past been used and are almost self-evident, I suppose, but it gives them a statutory reference to certain criteria which the Residential Tenancies Board should take into account in determining a fair rent. Those are, those factors are, those criteria are and they are without limitation, without limiting the generality of the foregoing. It also says, 'In such other matters as may be appropriate in the circumstances of the case', but the four ones specifically mentioned are - 'The Board shall take into account the following factors' - a fair and equitable return on investment. I think these things, obviously, are

MR. OTTENHEIMER: necessary if we are to have, you know, apartments available, and one could do tenants a great disservice by not allowing landlords a fair and equitable return on investment because, naturally, everybody would either get out of it or would not construct any further apartments. And the closer to a zero vacancy rate you have, then I think the more difficult it is, obviously, because then it becomes a seller's market. So the factors are a fair and equitable return on investment, current market value, reasonable operating expenses, the quality of life and shelter. So, basically, in summary what it does is establish a principle of security of tenure, and the exceptions there are a two-unit house - obviously it would be a house - where the landlord lives himself, also where the residential premise is required to be lived in by the landlord or there is a sale and the purchaser wishes to live there and, also, where it is established that, number one, there must be demolition, there have to be renovations of such a nature as to require vacancy or, three, where the purpose of the structure is to be changed - in other words, the building will be used for something other than residential tenancies. In these instances there is a three-months notice but the Board may grant up to six months.

MR. SPEAKER (Simms): The hon. member for Grand Bank.

MR. ROBERTS: Well, why should we be rushed by them?

MR. THOMS: We are not being rushed, they are getting rushed by us.

Mr. Speaker, I would like to - this was, I think, distributed - was it? - yesterday by the Minister of Justice (Mr. Ottenheimer). I have read the bill, I know what it is all about, but a good many on this side of the House have not had an

MR. THOMS:

opportunity to look at the bill. So I do not believe there would be any great hardship if we put this over until tomorrow. So with that in mind, Mr. Chairman, I would adjourn the debate on this particular bill.

MR. ROBERTS:

Well said.

MR. SPEAKER (SIMMS):

The hon. member for Grand Bank (Mr. Thoms) adjourns the debate. Is it agreed to call it six o'clock?

SOME HON. MEMBERS:

Agreed.

MR. SPEAKER:

Agreed.

The hon. President of the Council.

MR. MARSHALL:

Mr. Speaker, I move the House at its rising do adjourn until tomorrow, Wednesday, at 3:00 p.m. and that this House do now adjourn.

On motion, the House at its rising adjourned until tomorrow, Wednesday, at 3:00 p.m.